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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 10, 2001.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Ralph Hoyt Davis, Bethel United Baptist Church, Muncie, Indiana, offered the following prayer:

Our Heavenly Father, as we approach the throne of grace, I thank You today for the great privilege You have given me in standing here today before this 107th Congress. I thank You for Your mercy and grace, that You loved each one of us so much that You provided the plan of salvation for all who call upon You.

Our Father, You have been so good to this great Nation. You truly indeed have done for us what we cannot do for ourselves. In the mighty name of Jesus, I ask that You lead the Members of this House of Representatives as they do the Nation's business.

Father, I thank You in the name of Jesus for my Congressman, the gentleman from Indiana (Mr. PENCE). May he be protected by Your power. Bless his family, bless him and all of his staff, and not only him, but all of our Congressmen. May they feel Your leadership as they make decisions that may lead us in the paths of righteousness.

I thank You for saving my soul, that You loved me when I was unlovable. You truly indeed have been a friend that sticketh closer than a brother. In the difficult days ahead, we ask that You lead and guide us by Your precious Holy Spirit. May this great body of men and women seek Your face as they make the great decisions that fall to their lot.

In the precious name of Jesus Christ, I ask these blessings and these requests. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RYUN of Kansas 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.

PASTOR RALPH HOYT DAVIS

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

Mr. PENCE. Mr. Speaker, I come to the well of the House to welcome Pastor Ralph Hoyt Davis of the Bethel United Baptist Church located in Muncie, Indiana.

Pastor Davis, at 73 years young, has tirelessly served his Lord since 1960. Throughout his career, the residents of Muncie and east central Indiana have come to know Pastor Davis as a man of compassion, conviction and action. In his ministry, Pastor Davis reaches out to the downtrodden with true interest and concern for their welfare. His service to the Lord is evident in the thousands of baptisms, weddings, funerals at which he has officiated, the hours of hospital visits, nursing home calls and counseling sections he has provided to his congregation.

Pastor Davis has served in churches in Indiana and Ohio, and has been involved in the South Concord Association of United Baptist Churches, acting as a moderator for 19 years.

I would also like to thank Pastor Davis' wife of 53 years, Christine, for her service alongside her husband as a worthy helpmate and companion. I am certain little of his success would have been possible without her constant support.

On behalf of my colleagues, I welcome Pastor Davis to the United States House of Representatives with great pride and great gratitude for the prayers that I am confident reached the throne of grace today.

SUPPORTING OUR TROOPS

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

Mr. GIBBONS. Mr. Speaker, today I rise to extend my support to the men and women who bravely defend the United States and freedom.

As a former Air Force pilot myself, I understand the dedication, the commitment, the courage it takes to serve our Nation and complete one's military mission. These men and women do not do it for the glory, though. They are fighting for the freedom and liberties that we all hold so dear. They are fighting to protect our great Nation and all it stands for. And they are fighting for the children and grandchildren, to ensure that these future generations of Americans can grow up

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in a peaceful society free from the fear of atrocious terrorism.

Mr. Speaker, I commend the work of our military men and women currently serving abroad in Afghanistan and throughout the world, and I hope that they know that this Congress and this Nation supports them.

STATEHOOD FOR PALESTINE

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

Mr. TRAFICANT. Mr. Speaker, bombs alone will not stop terrorists. America must pursue a comprehensive strategy, and part of that strategy should support statehood for Palestine. Palestinian children are God's children, too; and until the issue of Palestinian homeland is resolved, there will always be terrorists. Killing bin Laden will not stop terrorists. There will be more bin Ladens.

Mr. Speaker, Congress must pursue a strategy of recognizing statehood for Palestine and working it out in the Mideast region. I yield back the fact that we should be in support of President Bush's comprehensive strategy to allow statehood and recognize statehood for Palestine and recognize the differences with Israel in the Mideast region.

CONGRATULATIONS TO Y–100

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to congratulate Footy and the rest of the team at one of south Florida's premier radio station, Y–100, on their annual fund-raising event to benefit young people with drug addictions.

Proceeds from this year's event, Footy's All-American Wing-Ding, will also go to firefighter relief efforts for the September 11 tragedies. For the past 15 years, funds raised by the annual Wing-Ding go toward Here's Help, an organization headed by Steve Safron and John Kross, which provides drug abuse treatment programs.

Footy's Wing-Ding extravaganza has enabled Here's Help to offer hope to those who suffer from drug addiction, and has assisted in building a residential drug treatment facility in south Florida. Through his perseverance and charisma, Footy has made the annual Wing-Ding a popular and successful event.

Mr. Speaker, I am proud to be part of this worthwhile benefit, and I ask my colleagues to join me in congratulating Y–100 and the participants of Footy's All-American Wing-Ding for their assistance to our youth and our country's relief efforts.

OPERATION ENDURING FREEDOM

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, like many Americans, on Sunday, October 7, I left church to find that Operation Enduring Freedom was underway; that is, America's war on terrorism. The Taliban had their chance to cooperate. Instead, they chose to protect terrorists.

The United States had no choice but to serve justice for the nearly 7,000 lives lost on September 11. But this is not just about Osama bin Laden, this is about any regime that harbors terrorists, and they will suffer the same fate as the Taliban.

Mr. Speaker, as a veteran of two wars, no one knows better than I that on Sunday America started a different kind of war with a different kind of enemy. This war is going to take a long time, perhaps years. We must, we will, be patient.

This is not a war against Islam. That is why more than 40 countries in the Middle East, Africa and across Asia have offered to help the United States. They, too, are disgusted with the horrific images of September 11.

We are fortunate to call our great Nation the land of the free and the home of the brave, but freedom is not free. This is a war, a war against terrorism. That is why we will fight. That is why we will win. God bless our America.

DRUGS AND TERRORISM

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

Mr. BALLENGER. Mr. Speaker, I rise to support President Bush's stellar leadership during these difficult times. His compassion, integrity, and sound judgment sound brightly as critical steps are taken to combat terrorism at home and abroad.

This is a different kind of a war and a different kind of enemy, but many of the problems have been with us for a long time. Drug-related income funds the Taliban regime by as much as $50 million per year. Clearly, drugs fund terrorism. I chair the Subcommittee on the Western Hemisphere, and am a member of the Speaker's Task Force for a Drug Free America. The relationship between drug traffic and terrorism is undeniable not only in the Middle East, but in South America. The war on terrorism must coincide with our efforts to end the illegal drug trade.

Mr. Speaker, drug use is not a victimless crime. It funds the murder of our own people.

RESPECT OUR MEN AND WOMEN IN THE MILITARY

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

Ms. MCKINNEY. Mr. Speaker, I was utterly speechless to read a news report from the San Diego Times dated September 29 that an unnamed Pentagon source had revealed that Secretary Rumsfeld was considering enacting an emergency provision to suspend the payment of $100 a day to U.S. servicemen and women who have been deployed for more than 400 days in 2 years, a pay provision mandated by this Congress and one which this Congress has already refused to revoke.

Once again we are sending our young men and women into combat. They fly, fuel, arm and operate ships worth billions of dollars, and they risk their lives and the lives of others daily. Yet despite all of that, our Secretary of Defense does not apparently deem it appropriate to pay them what they are worth. We can give billions of dollars to the airlines, but not to young men and women in our military.

Sadly, our Nation does not have a good record with respect to the treatment of its men and women in the military. Many have returned from Vietnam poisoned by Agent Orange, and many Vietnam veterans now live on our city streets as beggars. The thanks of a grateful Nation to our young men should also acknowledge the fact that they and their families will be taken care of by our government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to wear communicative badges while engaging in debate on the floor of the House.

NEW TRIBES MISSIONARIES

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

Mr. PITTS. Mr. Speaker, I rise today to honor the memory of three courageous, humble men, three missionaries with New Tribes Missions of Central America, who served God and the people around them in a truly heroic way: Mr. Mark Rich, Mr. David Mankins, and Mr. Richard Tenenoff worked in a small village in Panama along the Colombian border.

In January of 1993, armed guerillas from the FARC kidnapped these three men in front of their wives, young families and friends and held them hostage. Reliable reports now suggest that the men were shot a few years after being taken into captivity.

The service of Mark, Dave and Rich and their families in moving to a region of the world fraught with violence and difficulty in daily living when they could have stayed in the United States and lived a comfortable life is a great example to their children and to this Nation what it means to give of ourselves and take seriously the words ''To whom much is given, much will be required.''

This past weekend, a memorial service was held mourning the loss and

celebrating the lives of these faithful men, indeed, men for whom the world is not worthy.

□ 1015

VOICING SUPPORT FOR AIR STRIKES AGAINST TERRORISTS

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to add my voice to the chorus of support for President Bush's air strikes against those who are harboring terrorists in Afghanistan. Over the past month, the President has shown amazing leadership and moral fortitude in directing our Nation through this time of crisis. He has also shown extreme patience by gathering the necessary information and carefully setting up the framework and the foundation before launching strikes.

We have planned carefully and acted decisively. I think of the famous adage, ''Beware the fury of a patient man.''

Like President Bush, we must also exercise patience. We are in a new kind of war, both in scope and timing. We must be prepared to make sacrifices for the long haul if we hope to win the greater war on terrorism. We must be confident that action is being taken, even if we do not see it on TV. Our patience for this effort is vital. I am absolutely confident that in the end we will succeed.

THIS GENERATION'S DESTINY

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

Mr. GUTKNECHT. Mr. Speaker, freedom is not free. We are born knowing that sooner or later one day we will be called upon to fulfill our part in America's destiny. On September 11, this generation received our challenge. Throughout our Nation's history, every generation has had to ante up. Our time is now. As William Jennings Bryan said, ''Destiny is not a matter of chance, it is a matter of choice; it is not a thing to be waited for, it is a thing to be achieved.''

We must, and we will, achieve this victory for the people of the United States and for all civilized, peace-loving people around the world. The blood and treasure of our Nation will be invested. The leadership, resources and unwavering courage of the United States are critical in this struggle. We will rise to the challenge. And, in the end, we will leave to future generations a safer planet.

Let us remember those brave Americans in our Armed Forces. They take their places now in the long gray line that has never failed us. May God bless them and give them the courage to achieve a great victory and establish a lasting peace.

AMERICA WILL PREVAIL IN BATTLE AGAINST EVIL

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

Mr. KINGSTON. Mr. Speaker, America will never get used to terrorism. America will never tolerate terrorism. And neither should the world. That is why the United States of America on this Sunday made a very critical decision and action in striking out against the Taliban for harboring terrorists. This war is not the West versus Islam as suggested by Osama bin Laden. Rather, it is one of good versus evil and the West versus Osama bin Laden and his small, fanatical band of followers. It is a battle of good against evil because only evil would attack innocent people in their workplace. Yet in this job in front of us that we did not ask for, we will, in the words of the President, prevail. We will not tire, we will not falter, and we will not fail.

America is going to make the world safe again, along with all of our very many international allies. I salute the Armed Services, the President of the United States and all those who are in authority. May God bless America.

RECESS

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1055

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 10 o'clock and 55 minutes a.m.

INTERNET EQUITY AND EDUCATION ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Mink of Hawaii or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 256 is a modified, closed rule providing for 1 hour of debate on H.R. 1992, the Internet Equity and Education Act. The 1 hour of debate time will be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted and all points of order against consideration of the bill are waived also.

House Resolution 256 provides for consideration of an amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, if offered by the gentlewoman from Hawaii (Mrs. MINK) or her designee, which shall be considered as read, and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent. House Resolution 256 waives all points of order against the amendment in the nature of a substitute and provides for one motion to recommit, with or without instructions.

Mr. Speaker, the underlying legislation, H.R. 1992, which has been sponsored by the gentleman from Georgia (Mr. ISAKSON) is designed to expand Internet-based learning opportunities and higher education across the United States by allowing greater and more effective use of the Internet as an educational tool. As both students and busy professionals turn to computers to assist them in advancing their educational goals, it is becoming critically important for the Federal Government to lend a helping hand.

□ 1100

Passage of H.R. 1992 does just that. This bill is the first step in removing restrictions to furthering the educational endeavors of our citizens by the Internet.

I applaud the work of the gentleman from Georgia (Mr. ISAKSON), the gentleman from Ohio (Chairman BOEHNER), and the entire Committee

on Education and the Workforce for bringing this legislation to the floor. I encourage my colleagues to let the House move on to consideration of this important bill by adopting the rule.

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

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

Mr. Speaker, the Internet Equity and Education Act may very well be a step in the right direction. It was introduced and passed out of the House Committee on Education and the Workforce on a bipartisan basis.

I salute the original sponsor of this bill, my good friend, the gentleman from Georgia (Mr. ISAKSON), who previously served with distinction as chairman of the Georgia Board of Education and obviously has a great deal of experience in educational matters.

Mr. Speaker, it is difficult to calculate how large an impact the Internet will have on every facet of our lives. In particular, the ability of one to educate herself or himself without ever stepping foot on a college campus is undoubtedly one of the most profound, positive changes to be wrought by the proliferation of computers and web-based university instruction.

Congress, as can be our custom sometimes, is a little bit behind the curve when it comes to technological advances and their impact on our society. I am thrilled that we are slowly beginning to understand these impacts and contemplating laws which help to harness the great potential of the Internet.

Members will hear in great detail in the coming hours about the 12-hour rule, we heard it a great deal last night, and Members will hear about the 50 percent rule and other technical changes that this bill makes in order.

I will not go into the details of these changes in this particular presentation. What I would like to point out, Mr. Speaker, is that I am informed today that the House is expecting its last vote around 2 o'clock this afternoon. I say this to point out the fact that there is just no reason why, in my judgment, the Committee on Rules made in order a closed rule for this bill today.

Yesterday evening there were only four Members of the House who came before the Committee on Rules to ask that their amendments be made in order. Of those, the House will be able to contemplate only one amendment under this rule.

I think this in some respects is a bit unfair and in some respects an affront to the Members of the House, who only wish that the House be able to work its will on an issue of such salience.

We heard last night that there was some hesitation in July from the Department of Education as to whether we should be going forward. But let me give the Members just some examples from some of our national education organizations as to how they feel with reference to the 12 and 50 percent rules.

The National Education Association in one paragraph in a letter dated October 9 said, ''The NEA acknowledges and shares the concern of many Members that the 12-hour and 50 percent rules may not allow adequate expansion of distance learning. We do not, however, believe that elimination of these rules is the best way to ensure students a high-quality education and maintain the integrity of the financial aid program. Passage of H.R. 1992 will negatively impact the Federal Government's role in opening college and university doors to economically disadvantaged students who wish to attend college full-time.''

In another paragraph, ''Passing H.R. 1992 in its current form would send a message to college faculty that there is little inherent value in face-to-face instruction, classroom debate, and the social processes involved in learning.'' That was from their Director of Government Relations.

From the Department of Legislation of the American Federation of Teachers, in their third paragraph, I quote in part, ''The 5-year demonstration project is currently in its second year with 25 participants. The information gathered from this demonstration program will be available to inform Congress for the next NEA authorization,'' the education authorization, ''on the most appropriate action on distance education;'' that is, the Higher Education Act.

The American Association of University Professors says, ''I urge you to delay implementation of the initiatives contained within this bill until they can be considered as a part of the overall reauthorization of the Higher Education Act. We need more information on how best to incorporate the promise of new technology into a varied and rigorous educational program.''

Basically what I am saying, Mr. Speaker, what the education associations are saying, is, slow down. This is a difficult process, and we need time for all of us to have input.

Over the past few weeks, this Congress has been working with an unusual degree of bipartisanship. The consideration of this bill could very well have been another example of this. I am, at least as one Member, disappointed that the leadership chose instead to have this closed rule this morning and not allow Members to offer legitimate, substantive, and meaningful amendments.

Mr. Speaker, I am pleased to yield 6 minutes to my good friend, the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from Florida for yielding time to me, and express my support and gratitude for the words that he has just finished to the House regarding the reservations that many of us have about the passage of H.R. 1992.

Earlier this week this bill was scheduled for the suspension of the rules, where there would not have been any possibility whatsoever of offering any amendments, or to have a floor debate, other than the 20 minutes on each side.

So I am grateful for the subcommittee chair, the gentleman from California (Mr. MCKEON), and others who agreed to pull the bill off of the suspension calendar and to take the matter to the Committee on Rules. So I am pleased that that action was taken last night and the Committee on Rules had an opportunity to hear the opposition to the passage of H.R. 1992.

Regrettably, they issued a modified closed rule, which does not give us the full opportunity to bring out the very important issues which I feel this bill needs to have aired and for all Members to understand.

There are so many things that are crushing through our offices, concerns about the war in Afghanistan and the threats on our liberties in this country, and the other threats of terrorism that are yet to happen in this country, so it is very, very difficult for Members to take this rather small piece of legislation and focus on the importance of it.

Therefore, I am pleased that at least I will have that opportunity to do so during general debate and during the offering of my substitute. Mr. Speaker, I regret that the other Members who had amendments are not going to have that special opportunity.

The reason H.R. 1992 raises all sorts of flags of warning, as has been expressed earlier, in letters written to all Members by the National Education Association and by the American Federation of Teachers and the American Association of University Professors, is that we do not want to eliminate, repeal, those very protections that were enacted into law in 1992 and strengthened in 1998 to safeguard the student financial aid program.

This is not a debate about distance learning, it is not a debate about how important laptop education is in terms of allowing people to participate in the higher education field at home, safe in their own homes, or in their offices.

What this debate is about is whether the Congress is going to live up to its responsibilities to protect the financial integrity of the student loan program. That is all this is about.

Members will recall in the late 1980s and in the 1990s there were these tremendous reports from the education institutions about huge, crescendoing default rates. My own institutions were up at the 23 percent default rates. Many institutions were far higher.

Congress said, this cannot be. We must do something to protect the taxpayers from having to pay out all of these loans that the students were defaulting. So the Congress wisely put into effect three very important rules: One, that the institutions first had to be accredited, and that they could offer only 50 percent of their programs off campus. There should be 50 percent on campus and 50 percent was permitted off campus.

The other rule was that there had to be 12 hours of instructional offerings in

order to be considered a full-time student.

The third was to prevent all those hoaxes that were going on where people were being paid commissions to recruit students to sign up for higher education courses, and this exacerbated the default situation, so the Congress wisely put in rules to protect the integrity of the student financial aid program; not to prevent distance learning or learning through correspondence schools or whatever, but to make sure that if a student signed up for higher education credits, not only that they were full-time students, but also that they had the capacity of being enrolled in an institution whose educational offerings could yield a better job, could yield quality higher education, and thus enable them to pay back the loans.

So we are here today with legislation which will, in essence, repeal those three very important pieces of protective legislation that were added in 1992 and strengthened in 1998.

Mr. Speaker, I ask the House not to vote for this bill in haste, because we are going to take up the higher education reauthorization bill in the next several months. That would be the appropriate time to review this entire matter.

The Inspector General from the U.S. Department of Education testified before our subcommittee against waiving the requirements against the incentive fees that were being paid. She supports the ban, which I do, also, and which my substitute will put back into law.

So also, in 1998, Congress wisely said, well, let us have a demonstration program to see how these things are working. We are only in the 2-year point since that 5-year program was instituted. We only have one single report yet having been issued to the Congress, so this is premature. Let us not act in haste.

Remember our responsibility is to the fiscal integrity of the student financial aid program. This is not a vote against distance learning, we want to encourage it, but let us not do it where we could risk high default rates and cripple our financial aid program.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time to speak on this rule.

Mr. Speaker, I rise in strong support of the rule on H.R. 1992, the Internet Equity and Education Act of 2001. This structured rule is needed to maintain the compromise that was reached with this legislation, and as the gentlewoman has just spoken or remarked, it was made to accommodate concerns that were expressed from the other side.

An open rule would allow for amendments for an intricate, detailed, sometimes complicated statute that we will address in the next Congress. Before favorably reporting this bill, the Committee on Education and the Workforce carefully reviewed the provisions within H.R. 1992 and gave thoughtful consideration to the issues surrounding the legislation.

H.R. 1992 has as its mission to open the doors of higher education to those people for which it has been and continues to be closed, and we should thank the gentleman from Georgia (Mr. ISAKSON) for the work that he did on the Web-based Commission in bringing this bill to the floor at this time.

The bill is quite simple in nature, has enjoyed bipartisan support, and was passed out of committee on a vote of 31 to 10, as well as having the support of many in the higher education community, including the American Council on Education. Stan Ikenberry spoke on this issue and encouraged us to move rapidly on this legislation. He represents 1,800 of our higher education schools across the country.

Also, we have support from many others in the higher education community. The National Association of Student Financial Aid Administrators, representing 3,100 schools, has strongly supported this bill. The goals of these and other supporters of H.R. 1992 remains constant, to provide additional access to higher education, as the ACE stated; adapt to the needs and demand of today's diverse student population.

□ 1115

Providing for a structured rule allows Members to consider a bill that had undergone careful analysis by the committee without side-stepping the process that provided for thoughtful negotiation and cooperation.

I urge my colleagues to vote yes on this rule and allow us to move forward in bringing H.R. 1992 to the floor for a vote.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida for yielding me the time, and I rise today in support of the rule which allows a substitute amendment.

In particular, this amendment offered by my colleague, the gentlewoman from Hawaii (Mrs. MINK), I think makes the bill into what we want it to be, which would be an encouragement for flexibility in this Internet Age and education.

I would like to speak for just a minute on what the bill is about. Congress established new rules to safeguard Federal financial aid loan programs, and these rules were put into effect because more than one student in five was defaulting on loans within 2 years of leaving school. This was an embarrassment to the Congress, an embarrassment to the country, and a waste of money.

These loan-default rates were much higher at some schools than others. There were cases of an auto repair shop operating out of a fruit stand and so forth and so on.

In particular, the substitute offered by the gentlewoman from Hawaii (Mrs. MINK) would correct two glaring problems with this bill that I think would only perpetuate or take us back to the time of serious misuse of the student loan program.

Simply put, H.R. 1992 eliminates the requirement in law that students enroll for at least 12 hours of time in a course and replaces that with a 1-day rule that would allow students to log on sometime during the week and as a result be declared full-time students; and the schools then would be eligible to collect student aid for those students' tuition. It also changes the regulations that would allow some schools to offer bounties on recruitment of students, some of whom never really intend to be students.

So I think this rule, by allowing a substitute, will allow us to correct the legislation and make it what we really want, something that will ensure flexibility in education today.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent to submit for the RECORD a letter from the Secretary of Education dated July 31, 2001, and a letter from the National Association of Student Financial Aid Administrators dated September 28, 2001.

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

There was no objection.

The letters referred to are as follows:

THE SECRETARY OF EDUCATION,
Washington, DC, July 31, 2001.

Hon. HOWARD ''BUCK'' MCKEON,
Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCKEON: I am writing to express the views of the Department of Education on H.R. 1992, the Internet Equity and Education Act of 2001, which the Education of the Workforce Committee intends to mark up on August 1. I am sending identical letters to Representatives Boehner, Mink, Miller, and Isakson.

The Administration supports the Isakson substitute to H.R. 1992, which would allow needy students who require federal student aid to have access to the many new educational opportunities now available to other students. H.R. 1992, as modified by the Isakson substitute, would update three provisions of the Higher Education Act of 1965, as amended, (HEA) to accommodate newer educational delivery methods and opportunities and standard business practices. The issues addressed in the bill were raised by the higher education community during the previous administration and, despite repeated urging for the Department to take action, were left unaddressed.

In response to this inaction, the bipartisan Web-based Education Commission, authorized by the Higher Education Amendments of 1998 (P.L. 105–244) and chaired by former Senator Bob Kerrey and Representative Isakson,

recommended ''a full review and, if necessary, a revision of the 12-hour rule, 50 percent rule, and incentive compensation requirements that are creating barriers to students enrolling in online and distance education courses.'' It also called upon Congress and the Department to ''remove barriers that block full learner access to online learning resources, courses, and programs while ensuring accountability of taxpayer dollars.''

As we began putting our new team at the Department in place, I was pleased to see Representative Isakson propose legislation to begin this process and to see you move forward on eliminating these barriers. The Administration has worked with the committee in refining the provisions in the Isakson substitute and joins the higher education community and Members on both sides of the aisle in supporting this legislation.

There may be some who will try to argue that this bill would increase fraud and abuse. Let me assure you that I am not about to open the door for fraud and abuse. Statutory relief from the 50 percent rule would only be extended to low-risk institutions that are currently participating in the Federal student aid programs and have default rates below 10 percent for the last three years.

Moreover, under the Isakson substitute, an institution would be required to notify the Department that it qualifies for the exemption, and the Department would be given the authority to deny the exemption to any institution that poses an unacceptable risk to Federal funds and program integrity. H.R. 1992 would also replace the problematic 12-hour rule, which has been shown to be unworkable for many nontraditional formats, with the same safeguards we have been using for the majority of institutions offering courses in a standard term-based format. However, other safeguards against course length manipulation, such as the 30-week academic year minimum and the clock-hour/credit-hour conversion requirements, would be left in place. As we noted in our recent report on the 12-hour rule, nearly all of the members of the higher education community who participated in the Department's discussions on the subject favored using this uniform standard.

Similarly, the amendments in H.R. 1992 regarding incentive payments contain a new definition of ''salary'' and a new statutory limitation against salary adjustments that are more frequent than every 6 months, which guards against using frequent salary adjustments as de facto commissions. The Isakson substitute would also revise the current provisions to reflect current business practices, including referrals from World Wide Web sites, which did not exist when the provisions were enacted in 1992. However, other safeguards against fraud and abuse would remain in place, such as student eligibility requirements and new requirements for returning Federal aid funds when students drop out. The Administration is aware that there are concerns that the changes H.R. 1992 would make to current law on incentive payments could lead to increased risk of recruiting abuses. We will continue to work with Congress to ensure that this bill includes adequate safeguards to protect students and taxpayers.

Since the day I took office, I have focused on tackling the substantial mismanagement and fraud that cast a cloud over the Department. Working closely with the Inspector General and the U.S. General Accounting Office, we have already made considerable progress in turning that around. Consistent with this new approach, we will closely monitor institutions, enforce the many safeguards that are in place, and aggressively pursue any instances of fraud and abuse in the Federal student aid programs.

The Office of Management and Budget advises that there is no objection to the submission of this report to Congress.

Sincerely,

ROD PAIGE.

NATIONAL ASSOCIATION OF STUDENT FINANCIAL AND ADMINISTRATORS,
Washington, DC, September 28, 2001.

Hon. JOHN BOEHNER,
Chairman, Committee on Education and the Workforce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association of Student Financial Aid Administrators (NASFAA), representing student financial aid administrators at nearly 3,1000 postsecondary institutions, I am writing to express our organization's strong support for H.R. 1992, the Internet Equity and Education Act of 2001.

We believe this legislation is a reasonable first step in encouraging the delivery of alternative and distance education services to our nation's students. The bill makes necessary changes to encourage the use of federal student aid for those individuals who seek to better their individual or family circumstances by seeking a postsecondary education.

Some who have challenged the need for H.R. 1992 are concerned that the bill may encourage fraud and abuse of the student aid system by postsecondary institutions. NASFAA emphatically rejects that contention. We note that when the restrictions on distance education were placed on postsecondary institutions by the Higher Education Amendments of 1992, they were necessary because the Department of Education did not have adequate internal controls on schools. However, other statutory provisions provided in the Higher Education Amendments of 1992 have allowed the Department of Education to use these monitoring and gatekeeping tools effectively.

The concerns expressed by opponents to H.R. 1992 are not founded on current realities. Since the 1992 Amendments, ED has rooted out problem schools and eliminated over 1,300 from eligibility for Federal grants, loans, and work-study funding. Next, the postsecondary community has substantially increased its self-goverance, accreditation, and internal consumer protection activities and schools have increased their consumer information disclosure efforts. In fact, the legislation contains safeguards that should put to rest any concerns about misuse. For example, the legislation has strict eligibility limits on a school's participation, it gives the Secretary discretionary power to deny a school's participation in the program, and it mandates the Department of Education monitor and issue a report to the Congress on the program. Finally, should any problems arise from the testing of these provisions in the bill, they can be quickly addressed when the Congress reauthorizes the Higher Education Act that expires on September 30, 2003.

The combination of increased oversight and gatekeeping activities by the Department since 1992, of increased internal higher education community self-governance and consumer protection activities, as well as, H.R. 1992's school participation limits and ED oversight and monitoring activities are more than adequate safeguards to allay any concerns over abuse of the changes permitted by the legislation.

Again, NASFAA strongly supports and urges quick House passage of H.R. 1992.

Sincerely,

DALLAS MARTIN,
President.

Mr. ISAKSON. Mr. Speaker, comments have been made by my dear friend, the gentleman from Florida (Mr. HASTINGS), and my dear friend, the gentlewoman from Hawaii (Mrs. MINK), with regard to this legislation that I would like to just clarify for the record.

The letter mentioned before, dated July 31, 2001, is the letter from Secretary Paige to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness, which endorses House Bill 1992 and all of its provisions as they were written then and substantially remain the same today.

Secondly, there have been some comments that we are moving too fast. First of all, I suspect that Thomas Jefferson was told that when Lewis and Clark were authorized to see if there was anything west of the Mississippi River. I am sure President Kennedy was told that and advised against moving too fast in sending men to the Moon, and I am sure President Bush has been given a lot of information or advice recently about not moving too fast.

History has proven that all those greater leaders, by moving expeditiously in times of opportunity, have moved our country forward. The truth of the matter is we are not moving too fast. We are way behind.

The Web-based Education Committee, funded by this Congress to the tune of $625,000, did a 1-year comprehensive study which I was pleased to be the vice-chairman of while Senator Bob Kerrey was the chairman. We produced a bipartisan report which precisely recommended changes in the 50 percent rule, the 12-hour rule, and the incentive-compensation rule. That was done over a year ago.

The committee, at the request of the gentlewoman from Hawaii (Mrs. MINK), has held hearings. We held a full and open debate in the committee, considered many amendments, and the bill was passed with a bipartisan vote in the committee.

I would submit the time is now, and the most pressing evidence of all that the time is now is the fact that the United States Army, after the completion of our report, created a worldwide digital school system for the post-secondary and advanced education of our men and women in the military and all of their dependents, totally delivered over the Web.

Mr. Speaker, I would submit that this rule is fair. I respect the consideration of this substitute from the gentlewoman from Hawaii (Mrs. MINK), but I urge my fellow Members of Congress to support this rule and in turn to support the bill in its final passage.

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to include in the RECORD at the appropriate place the letters earlier mentioned from the National Education Association, the American Federation of Teachers and the American Association of University Professors.

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

There was no objection.

The letters referred to are as follows:

AAUP,
October 5, 2001.

HOUSE OF REPRESENTATIVES.

DEAR REPRESENTATIVE: On behalf of the American Association of University Professors, I am writing to urge you to vote against H.R. 1992, ''The Internet Equity and Education Act of 2001.'' This bill would dismantle some of the minimal quality assurance provisions that maintain the integrity of the instructional programs being offered to students receiving financial aid. It is at the very least premature to make these changes at this time.

Specifically the bill would eliminate the ''50% rule'' and the ''12 hour rule.'' The ''50% rule'' was adopted by Congress in 1992, when the Higher Education Act amendments excluded schools that offer more than half of their courses by correspondence (which includes distance education) and schools in which more than half of the students are enrolled in correspondence courses from eligibility for student financial assistance. During the last reauthorization of the HEA in 1998, the AAUP encouraged the continuation of the ''50% rule'' with respect to distance education courses, to ensure that, as these courses develop, they would continue to be associated with traditional colleges and universities offering campus-based programs. Congress continued the ''50% rule'', but gave the Secretary of Education broad authority to waive the rule for any of the institutions participating in a demonstration program.

The ''12 hour rule'' was the result of a difficult compromise process to carry out the minimum amount of instructional time mandate of the 1992 reauthorization. There is general agreement among educators that twelve hours per week of ''seat time'' is not the only, and not even the best, way to quantify full-time pursuit of higher education. Even aside from new delivery modes offered by new technologies, there are many ways of engaging fully in education that do not involve sitting in a classroom. But as yet, no one has come up with an acceptable way to measure equivalency of effort and accomplishments, across a variety of institutions, disciplines, regions, and educational methodologies.

Proponents of the legislation complain that, under current rules, many non-traditional students who take courses via the World Wide Web receive less aid than those who travel to a campus. If, however, the student is not required to pay full tuition and fees, is not paying for room and board away from a family home, and/or is not travelling to and from a campus, the student's expenses may be lower than those of a full time student. The way the legislation is written, rent and food subsidies should be available to any person who signs up for even a single on-line course, with instruction occurring at least once a week. We need an answer to keep up with the times, but a complete waiver of the ''12 hour rule'' does not provide that answer.

AAUP Recommendations:

1. Accrediting agencies need to do a better, more specific job defining the elements of higher education. What do we mean by a ''college degree?'' How much learning goes into that? How universal are educators' expectations, for level and breadth of course work, across institutional and regional boundaries? Transfers among institutions and transfers among modes of education make these questions inescapable.

2. Faculty need to define measures of course work. What is a ''course''? How much learning is going on when a student is engaged in full time education? What's half of that? What's a quarter of that? Since faculty have not articulated this definition so far, others are filling in with their attempts. The Department of Education's 12-hour rule was one such attempt. Congress is now considering doing away with all measures, except those offered by the lowest common denominator of education providers.

3. The Institution for Higher Education Policy is engaged in a major study of the student credit hour, its uses and effects. By the time the Higher Education Act is due to be re-authorized, this study should yield some thoughtful results. Instead of creating chaos now by simply lifting all limitations, it seems reasonable to allow the study to proceed and to build legislation on its conclusions.

I urge you to delay implementation of the initiatives contained within this bill until they can be considered as a part of the overall reauthorization of the Higher Education Act. To eliminate these rules would remove Congress's only protection against a return to the situation during the late 1980s where a few disreputable institutions abused the federal student aid programs. We need more information on how best to incorporate the promise of new technology into a varied and rigorous educational program.

Sincerely yours,

MARY BURGAN,
General Secretary.

NEA,
October 9, 2001.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Education Association's (NEA) 2.6 million members, we urge you to oppose the Internet Equity and Education Act of 2001 (H.R. 1992). This legislation would eliminate or modify important policies that were carefully crafted during the 1998 reauthorization of the Higher Education Act, including the requirement that students enroll in 12 hours of coursework in order to receive financial aid and the so-called ''50 percent rule.''

NEA acknowledges and shares the concern of many Members that the 12-hour and 50 percent rules may not allow adequate expansion of distance learning. We do not, however, believe that elimination of these rules is the best way to ensure students a high quality education and maintain the integrity of the financial aid program. Passage of H.R. 1992 will negatively impact the federal government's role both in opening college and university doors to economically disadvantaged students who wish to attend college full-time, and in supporting life-long learning and non-traditional students.

Elimination or modification of the 12-hour and 50 percent rule would be premature at this time. Congress enacted the Learning Anywhere Anytime Partnerships (LAAP) demonstration program in 1998 to study the effects of distance learning on student aid program integrity. The program is in the second of its five-year authorization and has awarded grants to 25 participants. To date, Congress has had no opportunity for full evaluation of these partnerships, while the Department of Education has not compiled any meaningful information or data about the LAAP program.

Passing H.R. 1992 in its current form would send a message to college faculty that there is little inherent value to face-to-face instruction, classroom debate, and the social processes involved in learning. While we recognize that some educators and institutions have placed strong quality controls on their distance learning courses, not all distance courses include such protections.

We urge you to oppose H.R. 1992 until appropriate data about the LAAP program are available and a suitable alternative to the 12-hour and 50 percent rules can be developed. We look forward to working with Congress in this regard.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations

AMERICAN FEDERATION
OF TEACHERS,
October 9, 2001.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than one million members of the American Federation of Teachers (AFT), including over 120,000 in higher education, I urge you to oppose H.R. 1992, The Internet Equity and Education Act of 2001. It is our understanding this legislation will be considered by the House today. H.R. 1992 eliminates the requirement that students enroll in at least 12 hours of coursework to receive full student aid and modifies the so-called ''50 percent rule'' under which institutions must offer no more than half their coursework by distance education in order for their students to be able to receive federal student aid. These changes to existing provisions of law and regulation fail to take into consideration issues of quality and standards in distance education programs and preempt demonstration programs and studies that are currently underway to gauge the effects of distance learning on student aid program integrity.

Both the 12-hour and 50 percent rules, while not perfect, have been tools to ensure integrity in federal student financial aid programs within our institutions of higher education and promote some ''same-time same-place'' interaction as part of a student's academic program. Moving forward with H.R. 1992 at this time, without consideration to quality control safeguards and higher standards, would be premature and irresponsible, particularly when other approaches are available.

The AFT believes that we need more data and information on the effects of lifting the 12-hour and 50 percent rule. We, along with other organizations, anxiously await the information from the U.S. Department of Education on the Distance Education Demonstration program authorized by the Higher Education Act (HEA). The 5-year demonstration program is currently in its second year with 25 participants. The information gathered from this demonstration program will be available to inform Congress for the next HEA reauthorization on the most appropriate action on distance education policy.

The AFT is eager to work to develop possible alternatives that would both facilitate the intentions of the supporters of H.R. 1992 as well as respond to the concerns we have discussed. Technology has paved the way for significant developments in education. Ensuring that these developments enhance the quality of education in our colleges and universities is our primary goal and concern.

We urge you to vote against H.R. 1992 and wait until the appropriate data and information on the Demonstration project are available to assure quality safeguards for distance education.

Sincerely,

CHARLOTTE J. FRAAS,
Director, Depatment of Legislation.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank my colleague for yielding me the time.

I really rise in support of the rule and also to praise the author of this bipartisan legislation, the gentleman from Georgia (Mr. ISAKSON). He is right, this legislation is a modest step forward to provide needed flexibility with proper controls to enable our education system to take greater advantage of new technology.

This is not going to be the final answer. This is going to be subject to reauthorization in a couple of years. But why we should wait and why we should not, with controls, allow the education institutions of America to adapt to incorporated distance learning to other greater extent is beyond me.

The fact of the matter is that no institution would be enabled to go forward under this legislation if it were enacted unless it had a student default rate of less than 10 percent for the 3 most recent years. So really that door is closed. Furthermore, they could not automatically go ahead and get rid of some of the automated rules about in-class hours. They would have to submit their plan, and the Secretary could disapprove it if he felt it was inappropriate.

This legislation will help people who are working parents who cannot otherwise upgrade their knowledge easily because they are working and they have got to take care of their family. They can do that through distance learning at home on their computers. It will help people in rural areas, economically disadvantaged people. It will help people who have disabilities who cannot get around as easily. They can use the computer instead of the 12-hour rule, under appropriate circumstances.

I think the gentleman from Georgia (Mr. ISAKSON) hit it exactly right. This is not radical. We are already behind the curve. New technology is enabling things to move forward in many, many areas; and this bipartisan legislation will simply enable the education institutions of the United States to adapt to the changing technology faster than they would otherwise.

Mr. HASTINGS of Florida. Mr. Speaker, on July 24, 2001, the Secretary of Education passed on a letter to the gentlewoman from Hawaii (Mrs. MINK), and I ask unanimous consent to include it in the RECORD.

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

There was no objection.

The letter referred to is as follows:

SECRETARY OF EDUCATION,
Washington, DC., July 24, 2001.

Hon. PATSY T. MINK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MINK: Thank you for your letter regarding the Department of Education's report on the 12-hour rule and future policy guidance clarifying the Incentive Compensation provision. You also requested that we answer two questions raised at the 21st Century Competitiveness Subcommittee's hearing on June 20, 2001. The Administration is completing its review of H.R. 1992 and is currently developing a position on the bill.

In summary, I am pleased to inform you that we: have completed the report on the 12-hour rule; are finalizing the Administration's policy on incentive compensation; and with this letter, are responding to the questions raised in the hearing.

I agree with the statement that Dr. Stan Ikenberry of the American Council on Education made at your hearing that ''distance education will only continue to expand and we would be foolish to not look for ways to let learners, especially those for whom a traditional classroom setting is impracticable or unavailable, benefit from this powerful tool. If we fail to address this issue, we will be creating an access issue for students who must rely in part on federal aid to achieve their education goals.'' I am committed to moving forward to expand new educational opportunities and address the recommendations of the Web-based Education Commission while protecting students, taxpayers, and the integrity of the student financial aid programs. We would like to continue working with you during this process to ensure that we find a cost-neutral solution.

REPORT ON THE 12-HOUR RULE

We have completed our report to Congress on the Department's discussions with the higher education community. This report was requested in the conference report on the Department of Education Appropriations Act, 2001 (P.L. 106–554). The enclosed report contains details on the background and history of the 12-hour rule, information from two meetings with the higher education community that were held in October 2000 and January 2001, and information from three focus groups that were held in November and December 2000, and also summarizes the many interesting ideas that were generated during these meetings and focus groups. The enclosed report will be provided to all members of the Committee on Education and the Workforce.

The conference report also requested that the Department make recommendations to Congress by October 1, 2001, regarding the most appropriate means to maintain the integrity of the Federal student financial assistance programs without creating unnecessary paperwork for institutions of higher education. As the Department's Inspector General, Lorraine Lewis, mentioned in her testimony at the hearing, ''The key issue is harnessing the growth of the Internet and the advances in educational technology to expand educational opportunities is how to make changes that encourage innovative educational program delivery while ensuring accountability and integrity.'' We will continue to monitor the issue closely and may propose additional changes if necessary during the reauthorization process.

INCENTIVE COMPENSATION GUIDANCE

The Department is not yet prepared to issue a document on incentive compensation. We want any new guidance on this topic to be clear and not overly prescriptive for institutions of higher education.

Our first priority is to provide clear guidance to schools on the activities that are permissible under the law and regulations on incentive compensation. I agree with the statement made by Chairman McKeon at the hearing that many schools ''truly don't know if they are in violation of the law or not.'' We need to change this situation, because it is clear that the Department needs to provide better guidance in this area.

I am also mindful of the advice given by our Inspector General who said that ''the key issue is how to make changes that encourage innovative educational program delivery while ensuring accountability of taxpayer dollars and preserving the integrity of the SFA programs.'' For this reason, we plan to have new discussions with the higher education community on the safeguards that must be in place to ensure accountability and integrity. We need to strive for a consensus on boundaries that allow our institutions of higher education to operate in a reasonable and predictable environment and that also protect the public from the types of abuses we saw in the past.

Since the day I took office I have focused on tackling the substantial mismanagement and fraud that have cast a cloud over the Department's finances and reputation over the past few years. Faced with 661 audit recommendations, the Management Improvement Team I put in place in April has been working full-time. I reported last week that more than 300 of those recommendations have been addressed. In Student Financial Assistance, I have pledged that we will remove SFA from the General Accounting Office's list of ''high risk'' programs before the next reauthorization.

I am not about to open the door for fraud and abuse. I will never allow us to go back to the days when commissioned salespersons were paid to bring in unqualified applicants and I don't believe that the higher education community wants that either. I want to listen to the views of the higher education community before providing any new guidance on prohibited activities.

ANSWERS TO QUESTIONS

1. Should the criteria for recognition of accrediting agencies require that they have specific standards for evaluating the quantity and quality of distance education programs?

The Department recognizes accrediting agencies to ensure that these agencies are reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit, for purposes of the Higher Education Act.

Educational quality and quantity for such postsecondary programs are already addressed in the current standards. We plan to discuss the findings in the Inspector General's report, ''Management Controls for Distance Education at State Agencies and Accrediting Agencies,'' released in September 2000 with the state and accrediting agencies and we will continue to work with them in this area. Until accrediting agencies have been given the opportunity to address these concerns, the Department does not believe that new specific Federally-mandated standards for recognition related to distance education are necessary at this time.

Each agency recognized by the Department must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits.

The Department considers whether the agency's accreditation standards effectively address the quality of the institution or programs in the following areas:

Success with respect to student achievement in relation to the institution's mission, including, as appropriate, consideration of course completion, State licensing examination, and job placement rates.

Curricula.

Faculty.

Facilities, equipment, and supplies.

Fiscal and administrative capacity as appropriate, to the specified scale of operations.

Student support services.

Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.

Measures of program length and the objectives of the degrees or credentials offered.

Record of student complaints received by, or available to, the agency.

Record of compliance with the institution's program responsibilities under Title IV of the Higher Education Act, based on the most recent student loan default rate data provided by the Department, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency.

Recognized agencies may establish additional accreditation standards that they deem appropriate beyond what is required by the Department's recognition criteria, and many in fact do. These additional standards could include standards specific to distance education.

2. What is the definition of ''instruction'' as it relates to the 12-hour rule? Should study groups be included as instruction?

In an effort to provide great flexibility to institutions that serve nontraditional students, the final regulations published on November 29, 1994, considered instruction to include regularly scheduled instruction, examination, or preparation for examination. This instructional time also includes internships, cooperative education programs, independent study and other forms of regularly scheduled instruction. Instructional time does not include periods of orientation, counseling, or vacation. The final regulations published November 1, 2000, clarified that homework does not count as instructional time and that, in terms of ''preparation for examinations,'' only study for final examinations that occurs after the last scheduled day of classes for a payment period would count as instructional time. A study group that did not conform to these regulatory criteria would not be considered as instruction.

Thank you for the opportunity to respond to these issues. I look forward to continuing to work with you, Chairman McKeon, Chairman Boehner, and Representative Miller over the coming years to expand educational opportunities for all Americans.

Sincerely,

ROD PAIGE.

Mr. HASTINGS of Florida. Mr. Speaker, I have no additional speakers.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule; and I would like to begin by congratulating my friend from Georgia (Mr. ISAKSON), who, having talked about his work on the commission, has, I believe, done a superb job in realizing that we have the ability to take 21st-century technology and link that up with the very important opportunity for educational choice. It seems to me that as we look at the challenges of the new millennium, it is obvious that education is at the top of the list and we know very much that technology is changing our lives in so many, many ways. I believe that this legislation is a very important step in the direction of doing just that.

We have got a very fair and balanced rule that will allow us to move ahead to enhance the quality of education in this country. I believe that we should enjoy strong bipartisan support. The gentleman from Georgia (Mr. ISAKSON) has just informed me that we will see strong support from both sides of the aisle for this measure. And so I think it is important that we have the debate. It is important that we allow for these different options to be considered. But at the end of the day, I believe that this measure is deserving of all Members' votes because we do face a lot of challenges. And we obviously today are focused on the war against terrorism.

We know that if we look at the campaign of last year, President Bush and Vice President Gore talked about the need to improve education. And so improving the quality of education in this country is not a partisan issue. And this measure which the gentleman from Georgia (Mr. ISAKSON) and his colleagues on the Committee on Education and the Workforce have fashioned is one which I believe will go a long way toward improving that quality and then recognizing where we are. So I hope very much that we will pass this rule, and I hope that we will pass the bill; and I congratulate all of those involved in it.

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

Mr. LINDER. Mr. Speaker, at this time I urge my colleagues to support this fair rule and move on with the debate of the bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 256, I call up the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 256, the bill is considered read for amendment.

The text of H.R. 1992 is as follows:

H.R. 1992

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 '' Internet Equity and Education Act of 2001''.

SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR TITLE IV PURPOSES.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION TO LIMITATION BASED ON COURSE OF STUDY.—Courses offered via telecommunications (as defined in section 484(*l*)(4)) shall not be considered to be correspondence courses for purposes of paragraph (3)(A) for any institution that—

''(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001; and

''(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent.''.

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(*l*)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(*l*)(1)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION TO 50 PERCENT LIMITATION.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—

''(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001; and

''(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent.''.

SEC. 3. DEFINITION OF ACADEMIC YEAR.

Section 481(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(2)) is amended by inserting after the first sentence the following new sentence: ''For the purposes of any program under this title (whether a standard or nonstandard term program), a week of instruction is defined as a week in which at least one day of instruction, examination, or preparation for examination occurs.''.

SEC. 4. INCENTIVE COMPENSATION.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

''SEC. 484C. INCENTIVE COMPENSATION PROHIBITED.

''No institution of higher education participating in a program under this title shall make any payment of a commission, bonus, or other incentive, non-salary payment, based directly on success in securing enrollments or financial aid, to any person or entity directly engaged in student recruiting or admission activities, or making decisions regarding the award of student financial assistance, except that this section shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.''.

(b) CONFORMING AMENDMENT.—Paragraph (20) of section 487(a) (20 U.S.C. 1094(a)(20)) is repealed.

(c) TECHNICAL AMENDMENT.—Section 487(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)(1)) is amended by striking ''paragraph (2)(B)'' each place it appears in subparagraphs (F) and (H) and inserting ''paragraph (3)(B)''.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 1992, as amended, is as follows:

H.R. 1992

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 ''Internet Equity and Education Act of 2001''.

SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR TITLE IV PURPOSES.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION TO LIMITATION BASED ON COURSE OF STUDY.—Courses offered via telecommunications (as defined in section 484(l)(4)) shall not be considered to be correspondence courses for purposes of subparagraph (A) or (B) of paragraph (3) for any institution that—

''(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

''(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

''(C)(i) has notified the Secretary, in a form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of clause (ii)), of the election by such institution to qualify as an institution of higher education by means of the provisions of this paragraph; and

''(ii) the Secretary has not, within 90 days after such notice, and the receipt of any information required under clause (i), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.''.

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(l)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(l)(1)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION TO 50 PERCENT LIMITATION.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—

''(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

''(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

''(iii)(I) has notified the Secretary, in form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of subclause (II)), of the election by such institution to qualify its students as eligible students by means of the provisions of this subparagraph; and

''(II) the Secretary has not, within 90 days after such notice, and the receipt of any information required under subclause (I), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.''.

SEC. 3. DEFINITION OF ACADEMIC YEAR.

Section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)) is amended by adding at the end the following new paragraph:

''(3) For the purposes of any eligible program, a week of instruction is defined as a week in which at least one day of regularly scheduled instruction or examinations occurs, or at least one day of study for final examinations occurs after the last scheduled day of classes. For an educational program using credit hours, but not using a semester, trimester, or quarter system, an institution of higher education shall notify the Secretary, in the form and manner prescribed by the Secretary, if the institution plans to offer an eligible program of instruction of less than 12 hours of regularly scheduled instruction, examinations, or preparation for examinations for a week of instructional time.''.

SEC. 4. INCENTIVE COMPENSATION.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

''SEC. 484C. INCENTIVE COMPENSATION PROHIBITED.

''(a) PROHIBITION.—No institution of higher education participating in a program under this title shall make any payment of a commission, bonus, or other incentive payment, based directly on success in securing enrollments or financial aid, to any person or entity directly engaged in student recruiting or admission activities, or making decisions regarding the award of student financial assistance, except that this section shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

''(b) EXCEPTIONS.—Subsection (a) does not apply to payment of a commission, bonus, or other incentive payment—

''(1) pursuant to any contract with any third-party service provider that has no control over eligibility for admission or enrollment or the awarding of financial aid at the institution of higher education, provided that no employee of the third-party service provider is paid a commission, bonus, or other incentive payment based directly on success in securing enrollments or financial aid; or

''(2) to persons or entities for success in securing agreements, contracts, or commitments from employers to provide financial support for enrollment by their employees in an institution of higher education or for activities that may lead to such agreements, contracts, or commitments.

''(c) EXCEPTION FOR FIXED COMPENSATION.—For purposes of subsection (a), a person shall not be treated as receiving incentive compensation when such person receives a fixed compensation that is paid regularly for services and that is adjusted no more frequently than every six months.''.

(b) CONFORMING AMENDMENT.—Paragraph (20) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is repealed.

(c) TECHNICAL AMENDMENT.—Section 487(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)(1)) is amended by striking ''paragraph (2)(B)'' each place it appears in subparagraphs (F) and (H) and inserting ''paragraph (3)(B)''.

SEC. 5. EVALUATION AND REPORT.

(a) INFORMATION FROM INSTITUTIONS.—

(1) INSTITUTIONS COVERED BY REQUIREMENT.—The requirements of paragraph (2) apply to any institution of higher education that—

(A) has notified the Secretary of Education of an election to qualify for the exception to limitation based on course of study in section 102(a)(7) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(7)) or the exception to the 50 percent limitation in section 484(l)(1)(C) of such Act (20 U.S.C. 1091(l)(1)(C));

(B) has notified the Secretary under section 481(a)(3) of such Act (20 U.S.C. 1088(a)(3)); or

(C) contracts with outside parties for—

(i) the delivery of distance education programs;

(ii) the delivery of programs offered in nontraditional formats; or

(iii) the purpose of securing the enrollment of students.

(2) REQUIREMENTS.—Any institution of higher education to which this paragraph applies shall comply, on a timely basis, with the Secretary of Education's reasonable requests for information on changes in—

(A) the amount or method of instruction offered;

(B) the types of programs or courses offered;

(C) enrollment by type of program or course;

(D) the amount and types of grant, loan, or work assistance provided under title IV of the Higher Education Act of 1965 that is received by students enrolled in programs conducted in nontraditional formats; and

(E) outcomes for students enrolled in such courses or programs.

(b) REPORT BY SECRETARY REQUIRED.—The Secretary of Education shall conduct by grant or contract a study of, and by March 31, 2003, submit to the Congress, a report on—

(1) the effect that the amendments made by this Act have had on—

(A) the ability of institutions of higher education to provide distance learning opportunities to students; and

(B) program integrity;

(2) with respect to distance education or correspondence education courses at institutions of higher education to which the information requirements of subsection (a)(2) apply, changes from year-to-year in—

(A) the amount or method of instruction offered and the types of programs or courses offered;

(B) the number and type of students enrolled in distance education or correspondence education courses;

(C) the amount of student aid provided to such students, in total and as a percentage of the institution's revenue; and

(D) outcomes for students enrolled in distance education or correspondence education courses, including graduation rates, job placement rates, and loan delinquencies and defaults;

(3) any reported and verified claim of inducement to participate in the student financial aid programs and any violation of the Higher Education Act of 1965, including any actions taken by the Department of Education against the violator; and

(4) any further improvements that should be made to the provisions amended by this Act (and related provisions), in order to accommodate nontraditional educational opportunities in the Federal student assistance programs while ensuring the integrity of those programs.

SEC. 6. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Section 420J of the Higher Education Act of 1965 (20 U.S.C. 1070f–6) is amended by adding at the end the following new sentence: ''If for any fiscal year funds are not appropriated pursuant to this section, funds available under part B of title VII, relating to the Fund for the Improvement of Postsecondary Education, may be made available for continuation grants for any grant recipient under this subpart.''.

SEC. 7. IMPLEMENTATION.

(a) NO DELAY IN EFFECTIVE DATE.—Section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)) shall not apply to the amendments made by this Act.

(b) IMPLEMENTING REGULATIONS.—Section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) shall not apply to the amendments made by sections 2 and 3 of this Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 107–232 if offered by the gentlewoman from Hawaii (Mrs. MINK), or her designee, which shall be debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous information on H.R. 1992.

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

There was no objection.

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

First, I want to thank the gentleman from Georgia (Mr. ISAKSON) for introducing this timely and important legislation, H.R. 1992, the Internet Equity and Education Act of 2001. As a co-chair of the Web-based Education Commission, the gentleman took the lead in discovering regulatory and statutory impediments to expanding accesses to higher education programs through the Internet, especially more nontraditional students.

I want to thank the gentleman from California (Mr. MCKEON) for his efforts in moving the bill through the committee and getting it here on the floor for a vote.

The legislation we are considering today makes minor but meaningful changes to the Higher Education Act to expand access to higher education while maintaining the integrity of our financial assistance programs.

This legislation does three things. It will remove the burden of the so-called 12-hour rule. Under this rule, institutions are required to keep literally hundreds of thousands of additional attendance records each year just to show that their students attended certain types of study or learning sessions.

□ 1130

Second, H.R. 1992 changes current law to allow a limited number of institutions to offer more than 50 percent of their courses by telecommunications or to serve more than 50 percent of their students through telecommunication courses.

Thirdly, H.R. 1992 helps to address some of the confusion regarding the incentive compensation provisions enacted in 1998.

It is important that we move forward with this legislation to ensure that students have access to the best educational opportunities. If changes are not made now, we are going to have to wait until the next reauthorization of the Higher Education Act in 2003, and most likely until after the rulemaking process that follows a reauthorization. This could easily mean an additional 4 or 5 years. By passing this legislation now, Congress will have 2 years to monitor the impact that these amendments will make and could easily make the necessary mid-course corrections as part of the coming reauthorization.

Distance education provides a tremendous opportunity to expand access to postsecondary education to those who may otherwise be unable to participate. We recognize there are concerns associated with new technologies and new methods of providing education. However, there are also tremendous possibilities for students who otherwise may not be able to get an education. We are indeed mindful of those concerns, and I believe that this legislation contains the necessary safeguards to ensure that title IV student assistance funds are spent the way they are intended, to benefit students, and to serve the public interest. This legislation contains a thoughtful balance between prudence and innovation.

H.R. 1992 is a needed first step to ensure that a postsecondary education is available to all who want to pursue it. At the same time, it does not diminish nor undo needed integrity provisions in the law. All of my colleagues should vote today to expand educational opportunities for all of our citizens. It is the right thing to do, and it is the right time to do it. I would urge all my colleagues today to support our bill.

Madam Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to H.R. 1992. I believe that it endangers the stability and integrity of the Federal student financial aid programs and could lead us back to a time of high double-digit default rates. That is the singular purpose which prompts me to rise in opposition to this legislation. I believe that Congress has no greater responsibility to the taxpayers than to make certain that what happened in the 1980s and early 1990s, which created this huge student default rates, should never ever happen again in this country.

Congress took action in 1992 and established some very tight protections to govern the operation of the student aid program, not to limit education for the disadvantaged, or for those that are homebound or those in rural areas or people who are working for a living in the daytime and can only afford nighttime or weekend classes. Certainly we want to encourage that. But we do not want to encourage it with the idea that the protections that were enacted in 1992 are going to be cast aside, and this is what H.R. 1992 does today. It, in effect, repeals three very basic protections, and I feel that it is not only premature but that the Congress ought to consider the efficacy of such repeal when we consider the reauthorization of the Higher Education Act in the next several months.

Distance education is here. We certainly want to foster it. We want to do everything we can to encourage people to utilize the Internet, laptops, and so forth in order to advance themselves, to obtain a quality education, better jobs and better opportunities for their families. But in doing so, we do not want to sacrifice the financial integrity of the student financial aid programs, and that is all that we are questioning today and that is what this debate is all about.

We had an opportunity to discuss this in committee. There was a division, a sharp division on my side. Ten members on our side voted against the bill and nine voted for it. So there is a division and a substantial question which has been echoed not only by Members of Congress with respect to this legislation, but by the American Federation of Teachers, that has distributed a letter to all Members of the Congress raising very strong concerns they have about eliminating these protections. The National Education Association has sent out letters to all of us asking us to oppose enactment of this bill at this time.

The American Association of University Professors, comprising those individuals who are right there at the front line of higher education, who should know something about it, is asking us not to vote for this bill at this time.

The Web-based Commission that is cited many times as being the ones that originated this discussion made no recommendation in their commission findings. They said we should study it and we should decide whether there should be changes.

Congress in 1998 said, well, these are the issues that ought to be discussed. They established a demonstration grant program administered by the Department. The grants have been in effect for 2 years. We have only one report. It is a 5-year demonstration program. We certainly ought to give that demonstration project its life so that we can decide from actual experiences in the field whether lifting the 50–50 rule and the 2-hour rule and the incentive prohibitions can, in a way, jeopardize the stability of the student financial aid program.

So we rise today with great trepidation that if we move too hastily, we will jeopardize the program that has meant so much to the future of our people in the country trying to better themselves through higher education. We have reports which have come in recently, a news release today, as a matter of fact, by the U.S. Department of Education, the Inspector General's Office, which has charged Indiana Wesleyan University with violating the very rules that were put into effect to safeguard the student financial aid program. They found this university as wanting in terms of the 12-hour rule and in terms of the ban that was placed from going out to solicit students and getting a kickback of the tuitions for that particular type of illegal recruiting.

And this is not the first time. The Office of Inspector General has issued a number of other citations against other universities. So this is a real problem. We are not trying to raise flags of concern regarding nonexistent difficulties in the higher educational field. So today's press release is a stern warning that we ought to be very careful.

In the first place, it is the Inspector General of the U.S. Department of Education that came to the committee and testified about the importance of this protective legislation that was put into effect in 1992, and she did not support repealing them at this time. So I take great heed of the words from the Inspector General, who has the enforcement responsibility; and she told us in committee that these protective provisions in the law today are important. They are important to safeguard the

integrity of the student financial aid program, and they ought not to be dismissed without intense discussion and consideration and, also, possible recommendations for alternate measures that might be substituted if this indeed is too severe.

So I think we ought to take heed of the inspector general's words and also note the fact that just days before the subcommittee met to mark up the bill the Secretary of the Department of Education said he was not sure that any of these changes were needed or timely, and that the Department asked for further time to study these matters. So this is a matter, I think, of great interest to those who are following the distance learning. We want to do everything we can to encourage it, but we do have a unique responsibility as Members of Congress to make sure that no jeopardy comes to the stability and financial integrity of the student financial aid program.

I believe that that is what is at the heart of our disagreement today, and I would hope that Members of Congress will listen to the debate and vote against H.R. 1992.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the distinguished chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Madam Speaker, I rise in strong support of H.R. 1992, and I want to commend our chairman, the gentleman from Ohio (Mr. BOEHNER), for the leadership that he has rendered to the committee this year and for helping us get this bill to the floor.

We are here to consider a bill, H.R. 1992, the Internet Equity and Education Act of 2001, that will open the doors of higher education to those who may not otherwise have an opportunity to walk through that door. I know we have heard some friendly opposition from the other side, but we have bent over backwards on this bill. We held a hearing that was attended by members of the community that expressed broad support for the measures in this bill. We scheduled a subcommittee hearing, which we postponed due to some concerns that the other side have to give sufficient time to move forward. We finally held that and moved the bill out of subcommittee. Then we moved to full committee. It was passed out of full committee after giving everyone a chance to have full discussion and amendments, and it was voted on in a bipartisan way, 31 to 10.

I am reminded of the story of the gentleman that said I want to travel to California from Washington, and I am not going to leave until every light is green between here and California. Sometimes we have to start and move forward and take action, and I think now is the time.

I am grateful to the gentleman from Georgia (Mr. ISAKSON) for introducing H.R. 1992, the Internet Equity and Education Act of 2001. The service of the gentleman from Georgia as cochairman of the Web-based Education Commission provided valuable insight into the development of this legislation. He also serves as vice chairman of our higher education subcommittee, the Subcommittee on 21st Century Competitiveness, and is a great leader on that committee.

H.R. 1992 is a wonderful first step in implementing some of the recommendations put forward by the Web-based Education Commission as it expands the use of the Internet to increase access to educational opportunities. This legislation makes minor changes to the Higher Education Act, minor changes that will result in major opportunities for the Nation's students.

In calling the changes minor, I am in no way diminishing their potential impact. In making these changes, we took great care to ensure that the integrity and stability of the student aid programs within the Higher Education Act are preserved and protected. The concerns that the gentlewoman from Hawaii (Mrs. MINK) had of problems in the past are well recognized. And we understand those concerns, and we have taken adequate steps to make sure that those are preserved.

Through reporting requirements imposed on institutions, as well as a report to Congress required of the Secretary, we will be kept informed of the outcome of this legislation in a timely manner. This will serve us well as we head into reauthorization of the Higher Education Act, which will take place in 2003.

The provisions within this bill and the innovation it will allow us has the support of many in the higher education community. As many of my colleagues know, my subcommittee has been working on the Fed. Up initiative. This project identifies needless or overly burdensome regulations within the Higher Education Act and will try to bring some sense to the regulations that the schools must deal with on a daily basis.

□ 1145

Of the more than 3,000 Fed. Up responses we have received and catalogued, and we are not completely finished. More than 40 commenters have requested that the 12-hour rule be eliminated, and H.R. 1992 does that in response to their request.

Madam Speaker, 16 commenters requested that the 50 percent rule be eliminated or modified; and H.R. 1992, in response to their request, does that. Nineteen commenters have requested that the incentive compensation rules be clarified, and H.R. 1992 does that. We are simply being responsive to our constituents.

I have also received many letters in support of H.R. 1992. Those letters include the National Association of Student Financial Aid Administrators, a group of 3,100 schools; the American Council on Education that represents 1,900 schools; the California Association of Student Financial Aid Administrators; the California Student Aid Commission; EdFund; Stevens Institute of Technology; the California Postsecondary Education Commission; the University of Wisconsin Extension; and many others offering their endorsement of this fine bill.

One letter that was very timely came from St. Leo University, and I would like to enter this letter as part of the RECORD. St. Leo University is the sixth largest provider of higher education to military-related personnel in the United States. It is also the first college or university to grant a bachelor's degree on an Air Force base. Its President, Arthur Kirk, wrote to support immediate passage of H.R. 1992. Sixty percent of St. Leo's second-term enrollments for their military students are for online courses, and it is not too much to say that the events of the past several weeks will only accelerate that trend.

We need to make sure those men and women whose lives are being disrupted to defend the freedoms of this great country and the families left at home have as many options as possible to continue their education.

The Internet Equity and Education Act of 2001 provides a way to accomplish that goal. I urge my colleagues to vote yes on H.R. 1992, vote yes on the future of educational opportunities, vote yes on the future of our Nation's students, and vote yes on the future of this country.

The material previously referred to is as follows:

SAINT LEO UNIVERSITY,
OFFICE OF THE PRESIDENT,
St. Leo, FL, September 25, 2001.

Hon. JOHN A. BOEHNER,
Chairman, House Education and Workforce Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHNER: I write to support the immediate passage of H.R. 1992, the ''Internet Equity and Education Act of 2001.'' H.R. 1992 will help to solve an urgent problem related to the education of the United States Armed Services enlisted personnel.

For several years, our military branches have wisely encouraged and supported distance learning, particularly, Internet courses intended to provide greater access and flexibility in higher education for their personnel. You are probably very familiar with E-Army University, perhaps the highest profile initiative.

As the sixth largest provider of higher education to the military and the first college or university in the United States to grant the bachelors degree on an Air Force base, Saint Leo University responded to the military's encouragement with Internet courses. As we developed these courses, our military students (and others) flocked to them. As a member of E-Army University, we enroll the largest numbers pursuing a bachelor's degree and are third largest in E-Army University of the 29 Army accredited schools. Twenty-five (25%) of our military center credits are taken on-line compared to seven percent (7%) last fall, and these members do not include our E-Army University students. Every soldier or sailor who moves from a

classroom to an on-line course moves us closer to the 50% limit by a function of two (one-less in class, one more on line).

The attacks of September 11 and subsequent mobilization of our military forces accelerates this trend rapidly. Indeed, sixty percent of our preliminary enrollments for our second fall term for the military are currently on-line! Saint Leo University, one of the first and one of the largest in higher education service to the United States military, will soon hit the 50% limit.

Please implore your colleagues in both the House and Senate to eliminate this artificial barrier for the sake of our men and women serving in our Armed Forces.

Thank you,

Sincerely,

ARTHUR F. KIRK, Jr.,
President.

Mrs. MINK of Hawaii. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I rise today to talk about what the gentleman from Ohio (Mr. BOEHNER) spoke of, the need to take advantage of the tremendous possibilities of modern educational technology in this Internet age, particularly for nontraditional students. We want that, but we must be careful how we go about it.

I urge my colleagues to support the substitute amendment that will be offered by the gentlewoman from Hawaii (Mrs. MINK). As my colleagues know, the gentlewoman from Hawaii (Mrs. MINK) has played a part in every significant higher education law passed in Congress since 1965. She is our expert on this subject. Her substitute amendment makes good sense. We should listen and heed her experience. Let me speak for a minute about this bill, especially for Members who may not have had an opportunity to attend the hearings on H.R. 1992.

Back in the year 1992, Congress established new rules to safeguard Federal student financial loan programs; and these rules were put into effect because more than one student in five was defaulting on loans within 2 years after leaving school. And these loan default rates were much higher at some schools than others. It was a national disgrace, as well as a waste of money. Cases of fraud and abuse were widespread and were the subject of hearings here in Congress.

As a result, working together, Democrats and Republicans put in safeguards that have protected students, the schools, and taxpayers and brought student loan default rates down tremendously.

The legislation before us today, while attempting to update our policies dealing with distance learning, alters or eliminates several of these important protections. It makes these changes in an environment where few Members have a clear understanding of what the changes will mean.

That is part of the reason why H.R. 1992 is opposed by education groups like the American Federation of Teachers, the National Education Association, and the American Association of University Professors. It is important to remember that next year Congress will begin reauthorization of the Higher Education Act. Why these important changes cannot wait for the full examination at that time, I do not know.

Madam Speaker, I would like to talk for a moment about the so-called 12-hour rule, what it is and what it means to students and taxpayers. I offered an amendment in committee that would have stricken the provisions in this bill to eliminate the 12-hour rule, and I am pleased that those provisions will be in the amendment to be offered by the gentlewoman from Hawaii (Mrs. MINK).

Simply put, H.R. 1992 eliminates the requirement in law that students enroll in at least 12 hours of face-to-face course work to receive full student financial aid. In 1992, the Higher Education Act did not define what a full-time student was. The Department of Education, for nonstandard students, defined a week of instruction as any week in which at least 12 hours of instruction, examination, or preparation was offered.

Well, there is general agreement among educators that the 12-hour requirement of seat-time is not the only, probably not even the best way to qualify for full-time pursuit of higher education.

Consider for a moment, would any reasonable person out in America say that a student who logs on one day a week, not all day but some time, one day a week, is a full-time student? That is not the way most people in my district would define a full-time student. That would allow, I am afraid, real abuse in the awarding of student loans to schools.

The Department of Education, in its recently released report, ''Student Financial Assistance and Nontraditional Educational Programs,'' concluded there is a need for a policy change in this area but that there is no consensus yet about what that change should be.

Further, last year two items related to nontraditional programs were included in the Department's proposed agenda for negotiated rulemaking, including application of a 12-hour rule.

We have heard about the Web-based Commission as the so-called reason for this legislation before us today. The Web-based Commission did not recommend any specific changes, such as changing the 12-hour rule to a 1-day rule. The commission merely encouraged the Federal Government to review and, if necessary, revise. Those are the commission's words, to revise these provisions.

The substitute amendment by the gentlewoman from Hawaii (Mrs. MINK) would allow us to review these provisions before we revise them. We certainly should do that. Abruptly changing the 12-hour rule to a 1-day rule opens the door to fraud and abuse.

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

(Mr. ISAKSON asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. ISAKSON. Madam Speaker, I thank the gentleman for yielding me this time, and I include for the RECORD pages 90 through 94 of the Web-based Education Commission.

Madam Speaker, it has been referenced that the Web-based Education Commission was the genesis for the review of these rules and regulations, and that is exactly correct. It has been alleged that the commission made no recommendations, and that is incorrect. On those pages, the 50 percent, the 12-hour rule, and the incentive compensation are discussed.

The gentleman from New Jersey is correct, the recommendation was for the Congress to review and recommend the changes in those regulations to facilitate distance learning; and that is what the subcommittee, the gentleman from California (Mr. MCKEON) and the gentleman from Ohio (Mr. BOEHNER), did which became the genesis of this act which has been renewed significantly.

Let me get away from the technical 50 percent, 12-hour, and incentive compensation debate and talk in real terms. In real terms, the 1992 restrictions, many of which these three rules came out of, dealt more with correspondence courses and less with telecommunications. In the 10 years since that time, universities all over this country have dramatically expanded the delivery of educational content over the Internet. The gentleman from New Jersey (Mr. HOLT) asked what our citizens might think if we said only logging on 1 day a week would constitute a full-time education.

I ask what would our constituents think if we told them that Georgia Tech, MIT, and Stanford offer master's degrees in electrical engineering totally over the Web without visiting the campus. The fact of the matter is, education is far ahead of us, and who is left behind are those who are economically disadvantaged, yet academically qualified to attend higher institutions all over the country.

Students, who because of distance or economics, cannot visit these distinguished campuses and study are prohibited from getting student loans. Therefore, those who have the wealth to do it can get an education; but those who do not have the wealth but have the ability are barred by the use of the Internet and the Web.

This is a very narrowly drawn bill. It only allows approved courses to be offered from institutions that qualify under title IV. It restricts any student loan being made to a student institution that has a default rate of higher than 10 percent, and it authorizes the Department to monitor it.

My last point deals with incentive compensation. The gentlewoman from Hawaii (Mrs. MINK) is exactly correct.

There were abuses of incentive compensation. The Department of Education did exactly what it should do to restrict incentive compensation, and it did so in an environment where the delivery of knowledge and availability of course work was not the same as it is today. The unintended consequence of that rule as it exists prohibits information from getting to students via the Internet and Web sites based on interpretations of the compensation of those individuals. This repeal of incentive compensation only says that an employee of an organization who does not themselves directly make the loan may receive a raise as long as it is not tied to the offering of any student loan because the department head construed the previous prohibition against incentive compensation to prohibit even a salary increase.

Madam Speaker, I urge my colleagues to read the four pages that I have submitted, to follow the leadership of the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON) and Senator KERRY, who was the chairman of this commission, and let us move education forward so those who have the least available to them may enjoy the benefits of those who otherwise can economically afford it.

The referenced material is as follows:

Some state requirements are mutually exclusive, making it potentially impossible or impractical to create and adjust web-based programs that meet varying state requirements.

A program may be forced to meet the lowest common denominator to achieve homogeneity requirements.

Institutions in one state may refuse to accept credentials awarded by institutions in other states.

Student aid eligibility may be limited for some students involved in technology-mediated learning.

These issues were raised many times by witnesses testifying at our hearings and through e-Testimony submissions to the Commission. For instance, some states require no approval process for establishing online programs; others require a simple letter explaining their program. Yet another was reported to require an institution to provide an all-expense paid visit to its main location and honoraria to its staff. Fees, reporting requirements, and time required for approval also varied from immediate permission, to a two-year backlog of applications followed by a two-year waiting period.

Beyond these intitutional concerns, there are additional barriers for learners. The Internet now makes it possible for a student to purchase a course from his or her local university around the corner, or an institution half a world away. But the same course can be priced very differently. ''In-state versus out-of-state tuition rates, non-profit designation, non-profits spinning out for-profits, and for-profit companies create a web of cost structures and tuition regulations that prevent students from choosing the curriculum and price that best meet their needs.'' This same maze makes it difficult for students to transfer credits from one institution to another and to create the personalized programs that also best meet their needs.

The Internet allows for a learner-centered environment, but our legal and regulatory framework has not adjusted to these changes. ''Law is by its nature a slow and deliberative process,, and the closer its orbit comes to the development and use of technologies that are changing rapidly, the more likely its impact will be unintended.''

FEDERAL STATUTORY AND REGULATORY BARRIERS

The federal government has struggled to establish within statute and regulations a framework that accommodates the promise of the Internet for postsecondary education while promoting access and ensuring accountability.

The effort has had mixed results.

Three specific federal issues were brought to the Commission's attention: the ''12-hour rule,'' the ''50 percent rule,'' and the federal prohibition on providing incentive compensation in college admissions.

THE 12-HOUR RULE

When Congress amended the Higher Education Act in 1992, it added a specific definition of an academic year that prescribed at least 30 weeks of instructional time. Full-time undergraduate students in traditional academic programs are expected to complete at least 24 semester hours or trimester hours (or 36 quarter hours, or 900 clock hours) in that time period to be eligible for the maximum amount of financial aid under the Title IV program.

However, the law was silent on establishing an academic workload requirement for students enrolled in Title IV eligible programs offered in a nontraditional time segment.

To deal with this, the U.S. Department of Education developed regulations to implement the statutory definition of an academic year, including establishing full-time workload requirements for students enrolled in programs offered in nontraditional time segments. In 1994, the Department issued formal regulations defining a week of instructional time to mean 12 hours of ''regularly scheduled instructions, examinations, or preparation for examination'' for programs that are not offered in standard terms.

THE 50 PERCENT RULE

Likewise, the ''50 percent rule'' requires Title IV-eligible institutions to offer at least 50 percent of their instruction in a classroom-based environment. The basis of this rule is to assure that a student is physically participating in an academic course of study for which he or she is receiving federal student financial assistance. In enacting this provision in the 1992 Higher Education Amendments, Congress sought to address concerns about fraud and abuse within the correspondence school industry.

While understanding that physical seat time may not be an appropriate measure of quality for the increasing proliferation of online distance learning programs, the Department views these two rules as important measures of accountability that should not be eliminated or replaced unless there is a viable alternative.

In recent months, public, independent, and proprietary colleges and universities have called for the elimination of the 12-hour rule and the 50 percent rule or, at minimum, a moratorium on their enforcement.

These institutions argue that the rules simply don't make sense in light of online distance education and the growing use of the Internet for instructional delivery. As one witness put it: ''If we are to be required to assess educational quality and learning by virtue of how long a student sits in a seat, we have focused on the wrong end of the student.

Far from creating incentives for students and institutions to experiment with new distance education methodologies offered anytime, anyplace, and at any pace, the current student financial aid regulations discourage innovation. If a student cannot travel to an institution and participate in face-to-face instruction, that student may only qualify for reduced financial aid. The practical impact is a system of federal student financial assistance that gives substantial preference to the mainstream educational experience.

In seeking correctly to halt abuse in the student financial aid program, these rules may, in fact, have the unintended effect of curtailing educational opportunity among thousands who seek financial aid for college, but who do not otherwise fit into the mainstream definition of a college student. Consider these statistics:

The span from 1970 to 1993 saw a 235 percent growth in students over age 40.

Over the same time period, the traditional college student cohort (age 18–24) increased by 35 percent.

Forty percent of these students received financial aid, as opposed to only 17 percent of undergraduates over the age of 40.

The U.S. Department of Education is beginning to identify potential alternatives to providing student aid to those enrolled in online programs. In October 2000, it convened dozens of representatives of traditional and nontraditional postsecondary institutions, higher education associations, and the student financial aid sector to address alternatives to the 12-hour rule. The Department's position has been that a wholesale elimination of these rules would leave the door wide open for abuse—and the history of the Title IV program has been marked with such episodes. Instead, the Department is seeking to identify alternatives to current regulation, and assess whether or not they may be more appropriate than current seat-time measures. The Department holds strongly to the belief, however, that rules of some kind are necessary under any circumstance.

Institutions take a different position. Many question the need for the Department to be involved on the regulatory side at all since these institutions already are subject to two sets of quality controls: approval for participation in the Title IV program and accreditation and licensure. They argue that if the problem is with accrediting agencies that are not organized to assess quality effectively in an online learning setting, the answer is to reform the accreditation process, not add another enforcement layer upon postsecondary institutions.

The University of Phoenix, among the nation's oldest distance learning proprietary institutions, offered the following recommendations in support of this view:

Rely on the accrediting bodies to make determinations about the quality of online distance learning programs and encourage that they hold such programs and providers to the same set of standards that are expected of face-to-face instruction. No less should be expected from these programs, but indeed no more should be expected. If there are flaws in the system of accreditation, then the Department should be directed to review those entities, rather than duplicate the efforts of accreditation.

Re-evaluate the criteria for accreditation. By statute, accrediting bodies are required to evaluate certain elements of an institution in making accreditation decisions. Most of these factors are input-based and have little demonstrated relationship to student learning. Accrediting bodies should be required to focus on outcomes and it is only in this way that any meaningful evaluation of web-based education can be made.

The Department is hosting several working groups with the higher education community

to focus on student aid funding for online programs, alternative input and output measures of online quality, and the role of accreditation in assuring academic integrity in the Title IV program. A result could be a statement of the problem and potential alternatives to be considered by Congress and/or Department regulators.

Additionally, the Department will analyze the results of the Distance Education Demonstration Program authorized by the Higher Education Act Amendments of 1998. This program exempts 15 institutions and consortia of institutions from the different rules and regulations limiting student financial aid for online postsecondary learners. The goal is to encourage distance education providers to experiment with alternative measurements of online quality and gather data on the success of these alternatives. The results will be presented to Congress along with any proposed changes the Department recommends in this area.

BAN ON INCENTIVE COMPENSATION PLANS

In 1992, Congress prohibited colleges and universities that participate in the federal student financial aid program from paying any commission, bonus, or other incentive payments to third party entities based directly or indirectly on their success in helping to secure enrollment of students.

The provision was enacted to protect students against abusive recruiting tactics, although the law is now being interpreted to apply to the enrollment of students via ''Web portals.'' These online ''Yellow Pages'' are commonly financed through the use of referral fees and tuition-sharing agreements. Although not the original intent, the language of this restriction effectively bars higher education institutions that participate in Title IV from using third-party Web portals to provide prospective students with access to information about many institutions or provide the same services as institutions offer on their own Web sites—that is, information and application processing.

Current federal regulations permit an institution to use its own Web site to recruit students. However, if the institution pays a Web portal to provide the same passive, asynchronous service, and that payment is based on the number of prospective students visiting the site who ultimately apply or enroll, the institution is at risk of losing its Title IV eligibility. Higher education groups have asked the Department to consider changing regulatory language, reflecting the growing reliance of higher education consumers on Web portals. However, the Department has concluded that this provision could only be changed through new legislation.

COPYRIGHT PROTECTION: HORSE AND BUGGIES ON THE INFORMATION SUPERHIGHWAY

''The primary objective of copyright is not to reward the labour of authors, but [t]o promote the Progress of Science and useful Arts. To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work. This result is neither unfair nor unfortunate. It is the means by which copyright advances the progress of science and art.''

''In a digital age, the organization of data and editorial function of summarizing, hyperlinking, and relating diverse sources of data to meet specific ad hoc needs adds value to content, and represents an emerging class of intellectual capital that goes beyond the concept of 'derivative works' or similar earlier classifications . . . The Internet turns 'consumption' of electronic media into a Breeder Reactor scenario for knowledge building. Effective use of these materials results in additional fuel to power learning in the classroom.''

Mr. BOEHNER. Madam Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. MCKEON) to control the time.

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

There was no objection.

Mrs. MINK of Hawaii. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I rise in support of this bill because I believe it properly reconciles two forces in our new world that need to be reconciled. The first is that people are very busy living their lives, working their full-time jobs, dealing with the needs of their children, dealing with their household needs. We are all stressed and pressured and do not have a lot of time.

The second reality is almost everyone in almost every job needs to continuously upgrade his or her skills and keep learning. So how does one keep learning? How does one go back to school if one has responsibility for children and work and household stresses.

Madam Speaker, one of the ways that more and more people are doing this is by learning online, by taking advantage of this virtual university that is being created around America and around the world. Unfortunately, the financial aid rules that confront people today unduly restrict many people from participating in this virtual university. The purpose of this bill is to open the door of the virtual university for those who must depend upon financial aid.

I have listened very intently to the concerns of the gentlewoman from Hawaii (Mrs. MINK), and I must say no Member of this House is more responsible for the success that we have had in greatly reducing defaults than the gentlewoman from Hawaii (Mrs. MINK). When I arrived in this House 11 years ago, we were spending $5.3 billion a year on unpaid defaulted student loans.

□ 1200

The gentlewoman from Hawaii was one of the leaders in 1992 and then again in 1998 in enacting some major changes in the law, and the result of those changes has been that the cost of student defaults is now below $1 billion per year. I applaud her for her leadership in that area.

I come to a different conclusion about the impact of these changes, however. I think that the changes that are made are inconsequential to dealing with the default problem. I think the remaining provisions that the gentleman from Georgia (Mr. ISAKSON) made reference to will continue us on the track of minimizing or even eliminating defaults. And I think the value of opening the doors to America's virtual university makes it worthwhile to support this bill.

Mr. MCKEON. Madam Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a distinguished member of the Committee on Education and the Workforce.

Mrs. BIGGERT. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of H.R. 1992, the Internet Equity and Education Act of 2001. The adult student, or the nontraditional student, is the fastest growing population of students in higher education. These students have different needs and different pressures than the traditional student. Many have families and jobs that require much of their time and attention. American universities and colleges have been working diligently to meet these unique needs of this student population by using technology and advanced telecommunications, including the Internet, to make it easier to attend and participate in classes while ensuring program integrity. Their successes have been acknowledged by recognized accreditation bodies. That is great. America needs an educated populace. America needs an educated workforce. American colleges and universities should be rewarded for developing new and innovative ways to remove the barriers that prevent people from obtaining an education.

Unfortunately, accredited American colleges and universities have been punished by outdated and outmoded Federal regulations. These regulations limit the number of distant learning courses a college or university can offer. They define the academic year and academic week in ways that never contemplated advancements in technology and distance learning. As a result, one college located in the district I represent may have to return a significant portion of its title IV funds because it offers distant learning courses that do meet the needs of many students but do not meet outdated Federal regulations.

This bill corrects the inadequacies of current regulations. It gives American colleges and universities the flexibility to provide educational opportunities to students who would not otherwise be able to pursue higher education, and it does so while maintaining fiscal and program integrity in Federal financial aid programs.

In 2 years, Congress will reauthorize the Higher Education Act. By making these improvements now, Congress will have an opportunity to review their success and effectiveness in just 2 short years. With technology and the Internet changing the landscape of higher education so quickly and so often, Congress needs to act now. The Internet Education and Equity Act is a step in the right direction. I urge my colleagues to support this legislation.

Mrs. MINK of Hawaii. Madam Speaker, I am happy to yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank my colleague and ranking member of the subcommittee for yielding me this time.

Madam Speaker, this is not an argument about whether we will move forward or not. This is an argument of just how we will move forward. Everybody seems to understand what the purpose of the two rules, the 12-hour rule and the 50 percent provision, are. The question is how are we going to deal with those issues as we move forward. How are we going to assure that there are standards adequate to ensure our students a good quality education and protect the financial aid money over which we are the stewards.

Nobody really disagrees with the fact that the 12-hour rule and the 50 percent provision need to be addressed. Some time ago, in 1998, when the Higher Education Act was being reauthorized, the now chairman of our subcommittee showed his leadership by saying we should have a demonstration program. Now he has changed that and his leadership is taking us in a different direction, but some of us would like to stay the course. As the stewards of this financial aid money, it made sense that 25 institutions would start on a demonstration program and gather the data and the information we would need to determine what would replace the 12-hour rule, what would replace the 50 percent provision, what is it that we would have there as a standard that our students would always feel comfortable they were getting a quality education, and just how is it that we would know as a Congress that we were wisely spending this money going forward.

It is one thing to say that the protection is that these moneys are only going to accredited schools, that would be great, because some schools truly do set strong quality controls in distant learning courses. But unfortunately not all of them do. And, in fact, most accreditation bodies have not addressed this issue, have not determined and laid out quality and standards for what would constitute a good distance learning course over the Internet. So as Congress, that is not our job. We generally look at those accrediting agencies and look at their guidance. They have not set it yet. I would suggest that they are waiting for the demonstration program results of the Department of Education's program that was supposed to gather this data and gather the information so that we could protect that money and protect the students.

Distance learning is not standing still while we debate this issue and while we wait for that demonstration to give us results and information. It is continuing on at many colleges and universities, some in my own district and in the State for sure, but the fact of the matter is having learned once in our history of what can happen when you have correspondence courses that get out of control and find out too late that money that is very scarce, money that students who do not have the resources of other wealthy students need in order to get their education, if that is gone by the time we correct this problem, we will have wished that we stayed and got the results of those demonstration programs and moved forward only on that basis.

Is no face time, face-to-face interaction with instructors or with other learners the best idea? Does the age and life experiences of the type of materials being taught have any impact on whether or not some class time is needed traditionally, or whether it can all go over the Internet? Is there no role for visual and verbal interactions in a social setting as part of the learning environment? Those are questions that have yet to be addressed and need to be addressed at many of the institutions that want to offer these types of courses.

We have these demonstration programs out there. We have a reauthorization coming up in just a couple of years. It was originally the intent of this Congress that we allow those 25 institutions to provide that demonstration, to give us the information and data upon which we could make sound and reasoned judgments. While the commission has attempted to point us in the direction saying these issues need attention, we know that. And while the gentleman from Georgia (Mr. ISAKSON) and others, I think, are doing a noble thing in trying to move forward, speed is not always the best process. I say nothing is stopping people from offering these courses, but what is happening is we are being stopped from basing our decisions on what the quality of those courses will be and what the protection for scarce resources and financial aid will be if we move forward precipitously.

Madam Speaker, we need to know that we are doing the right thing. Let us wait for the results of those demonstration programs and let us move forward on the substitute amendment that the gentlewoman from Hawaii is putting forward.

Mr. MCKEON. Madam Speaker, I yield myself 30 seconds to respond to my good friend from Massachusetts on his point on waiting for the demonstration project.

The Department of Education, who is administering the project, has the first year's report and they support the bill. They found no problem in moving forward at this time with the bill.

Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), a distinguished member of the Committee on Education and the Workforce, a new member of the committee who comes with great expertise. We called him, for many years, Coach.

Mr. OSBORNE. Madam Speaker, I rise in strong support of H.R. 1992, the Internet Equity and Education Act. I would like to thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON) and the gentleman from Georgia (Mr. ISAKSON) for their efforts in crafting this bill.

Madam Speaker, I represent a very large district that is roughly 350 miles by 250 miles. It is relatively sparsely populated. I think the largest community is about 35,000 and it goes down very quickly from that point on. And so many of the people in my district, as a matter of fact probably the majority, live some distance from the nearest institution of higher learning. Many of them live 100, 150 miles from the nearest college or junior college and so distance learning has become critical for them.

Many nontraditional students, as my colleagues know, work full-time jobs. We also find that students in many small rural schools are able to get some specialized education that they cannot otherwise get through distance learning. So if you want to take advanced physics, French, German, or English as a second language, it is almost impossible for these students to get this type of education and instruction unless they do it through distance learning. We find that that has been very critical.

Another thing that is very important in rural areas has been the issue of rural health care. We have a tremendous shortage of nurses. Everybody in the country has a shortage of nurses, but it is particularly critical in rural areas. And so we have found that nurses who are employed full time are able to take courses, upgrade their status, sometimes get their degrees, advanced degrees through distance learning, and that has been very, very important to us.

Finally, let me just point this out. We have one university in the State of Nebraska that offers an accredited degree in pharmacy. And so if you are living out in Scottsbluff, Nebraska, 450 miles away, and you want to get a degree in pharmacy and you have to drive to Omaha, that is about a 10-hour drive. That means every time you go sit in that classroom, you are taking 2 days off from work, one day to go down there, one day to come back, maybe sit there at night. Therefore, we find that this has been onerous. In this sense I think waiving the 12-hour rule is very important for people who have to drive long distances and particularly to get specialized degrees.

Mrs. MINK of Hawaii. Madam Speaker, I am privileged to yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time.

Madam Speaker, I rise in support of this legislation. As has been pointed out by my colleagues, this legislation would repeal the 50 percent cap. It would eliminate the 12-hour rule. And it would clarify the restrictions on commissions paid for student recruiters.

The concerns that many of my colleagues have raised, I think, are valid. I think we are all aware of them. We have tried to address them in this legislation and also with expressing our

concerns to the Department. It was not that long ago, and obviously many of my colleagues will remember this, the fraud that plagued the student aid programs, where we saw people organizing themselves in a manner to get young people to apply for student aid and had no intention of delivering them an education. We spent a long time changing that program and the gentlewoman from Hawaii was one of the leaders in that effort to do that. But I think this is a different kettle of fish in the sense that I believe that what we are trying to do is recognize the reality of what has taken place in the area of distance learning and recognizing that, in fact, the rules that we are waiving here really have very little to do with increasing the risk to the aid programs.

We have also made it very clear that those programs, if the Secretary thinks they need to, can require the 50 percent rule if he finds there is a significant risk of fraud or abuse. Schools have to notify us if they are going to not meet the 12-hour rule.

We have also accepted in the committee the amendment of the gentleman from Oregon (Mr. WU) to provide for the assessment of this program as we go forward.

But I think, in fact, what this will allow us to do is to go forward in real time to allow the maximum amount of flexibility and utilization of this program that really offers great promise to students in so many different settings, whether they are working full time or part time or whether they are just beginning their education, or even, in a number of instances, young people in high school who want to try to get some of their lower division units out of the way can do it by distance learning and have no opportunity to go to that university because they live in rural areas or isolated areas. I think we ought to make sure that we give them that opportunity.

Colleges still must be certified as nonprofit accrediting associations recognized by the Secretary and still have to be State approved and licensed. The default rates have been addressed. So I think we have put together a pretty good bill.

I think, also, it is pretty clear that the current rules and regulations really did not contemplate the vast use and opportunity of the Internet as we now know it. I think the members of this committee have also understood and we have made it clear to the Department of Education, to schools and to States and others that we are taking some risk here.

□ 1215

We are going to be paying attention and we are going to be watching to see what happens here. Many Members have spoken about the reauthorization coming up in 2003.

I think this legislation will give us an opportunity to see exactly what is taking place on the ground. If there are abuses, we will have the opportunity in a timely fashion to address those abuses; but we cannot deny the importance that distance learning is playing every day in all of our universities. From the great private universities, to the public universities, to community colleges, to trade schools and to others, this is an opportunity for so many people to have access to an education, where before they simply would not be able to get there or they would have to give up income to their families to participate in it.

I would hope that we would pass this legislation. I would say, however, that I think the concerns that are being raised by Members on my side of the aisle are valid concerns, and we have got to pay attention to them. If people are going to take advantage of this, we ought to make sure that that not be allowed to continue and that we correct those, if that should happen.

Mr. MCKEON. Madam Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the distinguished chairman of the Subcommittee on Education Reform.

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

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

Madam Speaker, I rise in very strong support of this legislation. I believe that Senator KERRY and the gentleman from Georgia (Mr. ISAKSON) did a wonderful job with the study of this. I would just point out, I will not submit this for the RECORD, but I would submit to Members in the present edition of U.S. News & World Report of October 15, about a third of that magazine is filled with eight articles about Internet education, warts and all, about what we are doing. It just confirms what the gentleman from Georgia (Mr. ISAKSON) said, and that is that we are probably a little bit behind in doing what we are doing in this legislation.

I think when they put together their group which studied this program last year and what we had to do and then came up with the Internet Equity and Education Act with all the aspects of this, we are merely playing catch-up, and perhaps that is what we should be doing, as opposed to what is in the marketplace.

A lot of people are being educated by the use of these programs. A lot of very good educational institutions, including the best colleges and universities in this country, as well as some high schools, are now putting out course activities over the Internet. This gives everybody the opportunity to be able to take full advantage of this. The Web-based Education Commission I think has done an exceptional job in doing that.

I think it levels the playing field between some regular education and this. Frankly, I for one as one who was never exposed to this education, when I was in school there was not an Internet, I believe very strongly after all my reading and talking to other people, some of these courses are every bit as demanding as the courses that you would take in person. They can be just as instructional.

For all these reasons, I think this is a fine piece of legislation and something that should be hopefully supported by virtually all Members of this Congress. I would encourage support of the legislation by all of us. If one has any doubts about it, read about it; and I think after they have done that, they, too, will support this legislation.

Madam Speaker, I am pleased to rise in strong support of H.R. 1992, the Internet Equity and Education Act.

I would like to commend the gentleman from Georgia (JOHNNY ISAKSON) both for his leadership in seeking new ways to expand and improve learning opportunities and for the legislation before us today.

In November 1999, the Web-Based Education Commission was established to develop policy recommendations designed to maximize the educational promise of the Internet.

Chairman Bob Kerrey, former Senator from Nebraska, and Vice Chair JOHNNY ISAKSON met with hundreds of education, business, and technology experts and, based on these meetings, produced the most comprehensive report ever written on the impact of web-based learning on education.

Most significant, the report focused on how to move the Internet ''from promise to practice'' and it identified laws and regulations that blocked access to online learning resources, courses, and programs.

Today, we take the first step in removing those obstacles and supporting ''anytime, anywhere'' learning with H.R. 1992.

Among other things, the bill:

Expands access to higher education by modifying the rule to allow colleges and universities to offer more than 50 percent of their classes through telecommunications if they participate in good standing in the federal loan program.

Levels the playing field by applying the same requirement—that students attend one day of instruction a week—on nontraditional students as on traditional students.

The bill also provides important protections to maintain the integrity of the instructional programs being offered to students receiving financial aid. And, by acting now, we will have an opportunity to review the impact of the legislation when we reauthorize the Higher Education Act in 2003.

I believe this legislation will do much to enhance learning and I am pleased to support its passage.

Mrs. MINK of Hawaii. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Madam Speaker, I rise today to voice my concern regarding H.R. 1992, the Internet Equity and Education Act of 2001. With life's demands and responsibilities, those who seek to improve their skills and advance their education are seeking alternatives to traditional colleges and universities. As we move into the 21st century, the Internet has proven to be a useful and

powerful tool in providing distance learning courses across the Net.

While I do strongly support nontraditional schools and the use of the Internet in education, H.R. 1992 eliminates the protections implemented several years ago to protect against abuse and fraud and unadvisedly impacts on the expansion of distance learning.

During congressional hearings before my committee several years ago, case after case revealed fraud and abuse, especially from for-profit and correspondence schools. Students were subject to aggressive and deceptive recruiting tactics. They were enrolled in classes they did not want and need. They had instructors that were not even there and that many times were inept and did not show up.

To add salt to the wound, the same students who took out loans to pay for useless education were harassed and ultimately sued because of defaults on loans. Some proprietary schools in my district encouraged students to apply to their schools for loans far beyond their needs were recommended. Equipment and tuition costs were taken out first. In many instances, students stayed there for several years, gaining no real education or skills, but then were asked to repay these loans and harassed.

The committee recognized in 1998 a need to enact a 12-hour rule to ensure that nontraditional programs offered the same amount of instruction as traditional schools. Right now, H.R. 1992 offers no guarantee to make certain the amount of educational instruction is comparable and sufficient.

We must not move in haste to change provisions that have contributed to the reversal of high-default loans of the 1990s. These safeguards have contributed in ending deception and fraud and created a standard that has ensured a quality education for all students.

The substitute offered by the gentlewoman from Hawaii (Mrs. MINK) will help distance education grow, but to grow in a proper sense; to grow so that it is not fraught with fraud. We need to protect against abuse; and if we have the abuse, we need to be careful that aggressive recruiting tactics as we saw in the past are not included.

Therefore, I strongly urge support for the Mink substitute to this premature bill.

Mr. MCKEON. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE), a new member of our committee, not a new Member of Congress, a member of the Committee on Education and the Workforce.

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

Madam Speaker, I rise today in strong support of H.R. 1992, the Internet Equity and Education Act offered by my friend, the gentleman from Georgia (Mr. ISAKSON). I commend the gentleman and the gentleman from California (Chairman MCKEON) and the gentleman from Ohio (Chairman BOEHNER) for their work in moving this important legislation through the subcommittee and the full committee. They have the far-sighted appreciation for what Web-based education promises people all across this country, especially people in a district like mine, which comprises a vast rural area and smaller cities, and especially people in innercities. This is a tremendous opportunity to bring educational opportunities to the people.

As many of us know, the gentleman from Georgia (Mr. ISAKSON) dutifully chaired the Web-based Education Commission that was authorized by Congress in 1998. This commission was charged with discovering how the Internet was being used to enhance learning opportunities for all, no small duty, considering the rapidly changing environment of the Internet and different learning experiences for students of all ages.

As elementary and secondary schools experience growing enrollments, shortages of teachers and higher demands, college campuses also face obstacles. Many colleges in my district face ever-increasing growth in student enrollment. All of these institutions seek to provide access to the Internet and tools for the information age. Unfortunately, the Federal Government has struggled to establish a framework that accommodates the future of the Internet for post-secondary institutions.

Madam Speaker, today Congress has the ability to knock down barriers that limit access to higher education. This bill will expand opportunities for nontraditional students and give other students greater access to the availability of post-secondary education programs.

H.R. 1992 will allow institutions to offer more than 50 percent of their classes by telecommunications. While opponents fear abuse of the system or fraud by negligent institutions, the Committee on Education and the Workforce came up with a good solution to this concern. This 50 percent rule will only apply to programs whose student loan-default rate is less than 10 percent for the 3 most recent years.

H.R. 1992 also allows institutions to notify the Secretary of Education if they intend to offer an eligible program with less than 12 scheduled hours of instruction per week. This provision will eliminate a Department rule that established a Federal standard for classroom instruction. This change only seems necessary due to the changing landscape of distance learning and post-secondary education.

Madam Speaker, when the regulatory process fails to address the needs of a changing environment, it is Congress' duty to step in and make necessary changes. H.R. 1992 addresses these needs and does so in a way to ensure accountability.

I ask my colleagues to support this legislation and to oppose the substitute.

Mrs. MINK of Hawaii. Madam Speaker, I am privileged to yield 3 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise in support of the Mink amendment. I am a strong supporter of extending educational opportunities for nontraditional students through distance learning. Academic institutions that meet current requirements are dramatically extending their options, and that is a good thing, and I strongly support that.

So why am I rising on this amendment? Well, it is really a question of consumer protection. We need to make sure that the students who are paying tuition are getting a quality academic program, because when they do not, when they do not get that quality academic program, they default on their education loans; and we have a responsibility to guarantee academic integrity so that we limit those defaults.

We must avoid fraud, and it has been mentioned here there are some ways that the bill is dealing with that. But we need to avoid that fraud. Right now we do not really have any definition of what that is. We need to avoid abuse by reducing the requirement to one log-on a week, and we have to develop a consensus on how we change this standard. I would suggest that that standard is really not in play today.

The whole issue of whether or not the military and the extension programs provided for the military are in jeopardy here, I would submit to you they are not. The Army and Navy have long had academic programs under the present distance learning rules with quality programs and institutions; and I just am delighted to see the way in which those programs have developed. I know many, many individuals from San Diego serving on ships take advantage of those programs today.

Extension of these programs is not jeopardized by this amendment. We should be more concerned about assuring the quality of education for our military and continue to support quality programs such as they have today. They will not be jeopardized by this amendment.

The 50 percent rule has served as a filter to developing businesses that are primarily profit-centered rather than extensions of opportunity for valid economic experience. We do not want to allow marketing with bounties.

The pilot project that we have been talking about should be honored in the next 2 years, so we can really consider its results when the reauthorization of higher education occurs. That is what they were instituted for, and that is how we need to look at them.

Congress has the responsibility to assure high-quality education and the expansion of distance learning programs. That is what we are all about today. I appreciate all the hard work that has been put into this bill. Programs that are academically reviewed by their accredited institutions assure comparable quality to on-campus programs. They provide the standards that

students expect when they pay federally funded tuition.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to thank all of my colleagues who came to the floor to debate this very important bill. I will take the opportunity to offer my substitute next, where we will have a larger opportunity to expand on it.

Again, I hope that the bill will be defeated, and for good reasons. As the trustees of the Student Financial Aid Program, we have a special responsibility. I look upon this legislation as threatening the stability that we have earned and gained as a result of the protections that we instituted in 1992.

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

Madam Speaker, I would like to take some time to respond to the concerns that have been raised by my good friend and ranking member on the Subcommittee on 21st Century Competitiveness, the gentlewoman from Hawaii (Mrs. MINK), about the need to make these changes now, just 2 years before we start to reauthorize the Higher Education Act.

□ 1230

In a hearing before the Subcommittee on 21st Century Competitiveness, Dr. Stanley Ikenberry, then president of the American Council on Education, now a professor of political science at the University of Illinois, testified that Congress should quickly consider H.R. 1992, as the Department has been unable or unwilling to make changes as part of the regulatory process. By making the changes now, Congress will have 2 years to monitor the impact of the amendments and can easily make any necessary mid-course corrections as part of the coming reauthorization.

More importantly, Mr. Ikenberry stated, ''We need to make the changes now, because distance education is changing the postsecondary education landscape so quickly. If changes are not made now, we will have to wait until after the higher education reauthorization and, most likely, until after the rulemaking process that follows a reauthorization. This could easily mean a delay of 4 or 5 years.''

Mr. Speaker, 4 or 5 years to a 17- or 18-year-old, they could lose their whole education process during this period of time; and I think it is very important that we are expeditious. Mr. Ikenberry's most compelling case to enact legislation now is the fact that we have the opportunity to gather needed information to address this issue for the next reauthorization. It will help us in that process.

At the same time, we have an opportunity to expand access to higher education to those with the most need and to those who cannot afford to take classes on a traditional quarter or semester basis. I encourage my colleagues to strongly support and vote for H.R. 1992.

Mr. WU. Mr. Speaker, we are witnessing the birth of a new technological era.

Today, our lives are connected to computers more than ever before. We have them in our homes and offices. We even have them in our cars. Today, our cars have more computing power than the Apollo spacecraft.

Tomorrow, we will be even more reliant on these powerful machines.

As our lives become more intertwined in technology, so does our education.

Technology is transforming our colleges and universities and changing the way we teach and learn subjects. In just three years, the number of distance education courses offered by two and four years institutions increased from 24,703 in 1995 to 52,270 in 1998.

The Internet has provided us with an alternative way to take and receive classroom instruction.

The power of distance education is exciting. Now, people who did not have access to a college or university can earn a degree by turning on their computer.

I agree that we need to help our colleges and universities offer more distance education courses. One of the ways to do this is to ensure that students who study through distance learning have the same access to student aid programs.

However, it is important that we also maintain the protections that are built into the law to prevent fraud and abuse.

I applaud Representative ISAKSON for taking the lead on such an important initiative, and I am grateful for his willingness to work with me to address some of my concerns.

Accordingly, by working with my colleagues, I was able to get language in this bill requiring the Secretary of Education to issue a report on the impact of this bill in March 2003.

Specifically, the Secretary must report on the effect this legislation has had on education program integrity. If abuse happens, we will know about it and will be able to address it.

The Secretary must also report on the outcomes for students enrolled in distance education or correspondence education courses. Specifically, the Secretary must report on the graduation rates, job placement rates, loan delinquencies and default rates of the students involved in distance education.

This is not an empty promise. It will help us ensure that students enrolled in distance education courses are receiving a quality education. It will help ensure that the schools offering these courses are not abusing their privileges. And most importantly, it will help expand distance learning opportunities and open a door to a brighter future for countless students.

It is imperative that we preserve the quality of education being offered our students. These changes guarantee such quality.

I support this bill. I support distance education.

As our society becomes more technologically advanced, so should our classrooms, courses, and teaching methods.

Mr. HINOJOSA. Mr. Speaker, I rise in support of H.R. 1992, the Internet Equity and Education Act of 2001. First I want to thank Chairman BOEHNER and Subcommittee Chairman MCKEON for supporting and guiding our Committee efforts on this bill. I certainly want to recognize and congratulate my friend and colleague who authored the bill, JOHNNY ISAKSON.

This bill will help to expand access to higher education for many Americans who may or may not be able to attend a postsecondary institution for a variety of reasons. By supporting this effort we will encourage non-traditional students to use technology, and give potential students greater access to information on the availability of postsecondary education programs.

I have listened carefully to the comments on both sides of the aisle regarding the issues on the potential risks to the quality of instruction and to maintaining a certain level of fiscal integrity for student financial aid. There were some incisive issues raised on incentive compensation as well as in the accreditation arena.

My own criticisms included the lack of minority participation in the on-going Department of Education study on distance education. In this regard, the Committee leadership has agreed with my request for a study by the General Accounting Office to focus on aspects of the bill and the status of distance education among Minority Serving Institutions.

We want the results of the study to supplement the findings of the Department of Education study on these issues.

I have a deep respect for Mr. MILLER and the members of our Committee who offered strong views on the pertinent issues in the bill. While not all amendments were accepted, a certain number were included in order to strengthen the bill.

These issues should be revisited during the pending higher education reauthorization. We can also reasonably argue that if we monitor the provisions in this bill, we will have much better information to guide us during the reauthorization.

I know that the author of the legislation wants to increase distance learning opportunities for many who have been overlooked and I join him in his effort. I urge all my colleagues in the House to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of the Internet Equity and Education Act, H.R. 1992. There is vast potential for distance learning to transform higher education. Used properly it could improve the quality and affordability of higher education and life-long learning programs. Further, online education could expand access, particularly to individuals with disabilities and those isolated in rural communities.

H.R. 1992 would lift financial aid limits for students enrolled in courses through telecommunications, reduce funding limitations for correspondence courses, and repeal the ''12 hour rule,'' a regulation that governs the amount of time students must spend in class per week. By updating these regulations, Congress acknowledges the increased role of technology in our education system. It is important for Congress to work with institutions of higher education to expand opportunities to all students through the emerging field of distance learning.

While distance education opens new doors, it also creates new challenges to ensure the integrity of the student financial aid programs. We don't want to return to the days of fly-by-night schools that took student financial aid dollars money but failed to provide the students an education. I appreciate Mr. ISAKSON's

and the majority's willingness to include safeguards in H.R. 1992 to curtail the potential for fraud and abuse in the student aid programs.

Mr. Speaker, higher education is a key tool of success in our society. Distance learning provides increased opportunities for those who face barriers in the pursuit of higher education. We must not let obsolete rules and regulations deny individuals access to higher education and life-long learning programs. I urge my colleagues to support H.R. 1992.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 1992, the Internet Equity and Education Act of 2001. This is a bad bill because it is a failed attempt to implement the recommendations of the Web-based Education Commission. H.R. 1992 suggests that face to face interaction with an instructor does not matter in education.

Mr. Speaker, distance learning can be a great asset as long as academic decision making is placed in the hands of teaching professionals rather than corporate marketing professionals.

I believe that students benefit more when there is considerable face to face interaction with instructors. Creating situations in which students and teachers work together in the same physical location over a period of time is a critical component of a successful higher education environment. H.R. 1992 minimizes this principle by eliminating the requirement that students enroll in at least 12 hours of face to face coursework to receive full federal student aid.

Also, Mr. Speaker, H.R. 1992 ends the 50% rule under which institutions must offer no more than half of their coursework by distance education in order for their students to receive federal student aid.

These rules were put in place for a number of reasons, which protect the integrity federal student aid program. First, these rules were put in place as protections against fraud and abuse in the federal aid program. Cases of fraud and abuse were widespread and were the subject of congressional hearings. Those who benefited included for-profit schools and correspondence schools. While not perfect, these rules have protected the federal student aid program as well as promoted ''same-time, same-place'' interaction as part of a student's academic program.

I urge my colleagues to vote against this bill.

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

The SPEAKER pro tempore (Mrs. EMERSON). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. MINK of Hawaii:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Equity and Education Act of 2001''.

SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR TITLE IV PURPOSES.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION TO LIMITATION BASED ON COURSE OF STUDY.—Courses offered via telecommunications (as defined in section 484(*l*)(4)) shall not be considered to be correspondence courses for purposes of subparagraph (A) or (B) of paragraph (3) for any institution that—

''(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

''(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

''(C)(i) has notified the Secretary, in a form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of clause (ii)), of the election by such institution to qualify as an institution of higher education by means of the provisions of this paragraph; and

''(ii) the Secretary has not, within 90 days after such notice, and the receipt of any information required under clause (i), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.''.

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(*l*)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(*l*)(1)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION TO 50 PERCENT LIMITATION.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—

''(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

''(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

''(iii)(I) has notified the Secretary, in form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of subclause (II)), of the election by such institution to qualify its students as eligible students by means of the provisions of this subparagraph; and

''(II) the Secretary has not, within 90 days after such notice, and the receipt of any information required under subclause (I), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.''.

SEC. 3. EVALUATION AND REPORT.

(a) INFORMATION FROM INSTITUTIONS.—

(1) INSTITUTIONS COVERED BY REQUIREMENT.—The requirements of paragraph (2) apply to any institution of higher education that—

(A) has notified the Secretary of Education of an election to qualify for the exception to limitation based on course of study in section 102(a)(7) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(7)) or the exception to the 50 percent limitation in section 484(*l*)(1)(C) of such Act (20 U.S.C. 1091(*l*)(1)(C));

(B) has notified the Secretary under section 481(a)(3) of such Act (20 U.S.C. 1088(a)(3)); or

(C) contracts with outside parties for—

(i) the delivery of distance education programs;

(ii) the delivery of programs offered in nontraditional formats; or

(iii) the purpose of securing the enrollment of students.

(2) REQUIREMENTS.—Any institution of higher education to which this paragraph applies shall comply, on a timely basis, with the Secretary of Education's reasonable requests for information on changes in—

(A) the amount or method of instruction offered;

(B) the types of programs or courses offered;

(C) enrollment by type of program or course;

(D) the amount and types of grant, loan, or work assistance provided under title IV of the Higher Education Act of 1965 that is received by students enrolled in programs conducted in nontraditional formats; and

(E) outcomes for students enrolled in such courses or programs.

(b) REPORT BY SECRETARY REQUIRED.—The Secretary of Education shall conduct by grant or contract a study of, and by March 31, 2003, submit to the Congress, a report on—

(1) the effect that the amendments made by this Act have had on—

(A) the ability of institutions of higher education to provide distance learning opportunities to students; and

(B) program integrity;

(2) with respect to distance education or correspondence education courses at institutions of higher education to which the information requirements of subsection (a)(2) apply, changes from year-to-year in—

(A) the amount or method of instruction offered and the types of programs or courses offered;

(B) the number and type of students enrolled in distance education or correspondence education courses;

(C) the amount of student aid provided to such students, in total and as a percentage of the institution's revenue; and

(D) outcomes for students enrolled in distance education or correspondence education courses, including graduation rates, job placement rates, and loan delinquencies and defaults;

(3) any reported and verified claim of inducement to participate in the student financial aid programs and any violation of the Higher Education Act of 1965, including any actions taken by the Department of Education against the violator; and

(4) any further improvements that should be made to the provisions amended by this Act (and related provisions), in order to accommodate nontraditional educational opportunities in the Federal student assistance programs while ensuring the integrity of those programs.

SEC. 4. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Section 420J of the Higher Education Act of 1965 (20 U.S.C. 1070f–6) is amended by adding at the end the following new sentence: ''If for any fiscal year funds are not appropriated pursuant to this section, funds available under part B of title VII, relating to the Fund for the Improvement of Postsecondary Education, may be made available for continuation grants for any grant recipient under this subpart.''.

SEC. 5. IMPLEMENTATION.

(a) NO DELAY IN EFFECTIVE DATE.—Section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)) shall not apply to the amendments made by this Act.

(b) IMPLEMENTING REGULATIONS.—Section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) shall not apply to the amendments made by section 2 of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 256, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 30 minutes.

Is the gentleman from California (Mr. MCKEON) opposed to the amendment in the nature of a substitute?

Mr. MCKEON. Madam Speaker, I am opposed to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) will be recognized for 30 minutes in opposition.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to offer this amendment, which responds to the critical statements that have been made by my colleagues offered in general objection to the enactment of H.R. 1992.

What I have done in my substitute amendment is to restore two of the three protections that I spoke about earlier, the two having to do with the 12-hour rule and having to do with the ban on paying incentive fees and commissions to recruiters for signing up with a student financial aid program. I believe that these two provisions currently in existence are absolutely critical to protect the integrity of the student financial aid program. Therefore, what my substitute amendment does is to restore those to current language by knocking it out of H.R. 1992. It is very simple. I hope that my colleagues are listening to the debate and will come to the floor in support of the Mink substitute to H.R. 1992.

The one provision which I have let stand has to do with the 50–50 rule. What it does there is to say, if the default rate rises above 10 percent that the institutions are no longer eligible for the waiver of the 50–50. So there is recognition that the default rate is critical, and they have imposed that limit in the elimination of the 50–50 rule. I wanted, as I offered in committee, the bar, the cap at 10 percent for all of the provisions, which was refused and defeated in committee. So today I rise to restore those two provisions which are being knocked out by H.R. 1992.

Let me say that this debate is not limited to distance learning. What H.R. 1992 does is eliminate this ban for all higher education; not just for those that are logging in on a program, but everything. We cannot establish this elimination of the 12-hour rule and the ban on incentives for fees and commissions to recruiters unless we affect the entire student financial aid program; and that is what H.R. 1992 does, which I find unnecessary, unreasonable, and not substantiated. So I restore those two provisions.

The 12-hour rule is especially critical because it then establishes the sense of protecting the quality of higher education that a student is to receive. I support the idea that we ought to encourage distance learning. There must be a way in which we could establish the program and the mechanism to count in the number of times that a student logs in to the Web or logs into the Internet for higher education. Certainly that can be done very easily. And, the 12-hour rule can be then certified that the students had interaction with their instructors, that there was a classroom environment in which there was Q and A over subject matter, that there was log-in time for participation between student and professor.

To banish the idea of an instructor kind of environment for higher education, I think, is very destructive to the quality of that education. It is for that reason that the National Educational Association, the American Federation of Teachers, and the American Association of University Professors have roundly denounced the passage of H.R. 1992, because they are interested in quality education, they want to make sure that the students are getting something for the money that they are investing. We are concerned because the money that is being invested in Web-based education on the Internet or laptops or whatever eventually may become a cost factor to the taxpayers of this country under a guaranteed student loan.

So the restrictions that are put in place are not to restrict education; that is the business of the universities and the institutions that are offering it. But, when they want to pay for that education through a student financial aid program that is guaranteed by the Federal Government, then I believe we are entitled to set the ground rules to make sure that quality education is being disseminated and that the student has a chance to repay back that loan without diminishing the Treasury of the United States.

So it is for those two basic reasons that I stand to offer my substitute which deletes these two programs. It is essential that we not interpret this bill as only affecting distance learning. The two provisions that are being repealed from current law affect all of higher education. There will be no more 12-hour rule for every institution of higher learning offering learning to students, either on campus, on a laptop, in whatever setting; and I think that that is a dangerous precedent to set and certainly invites great jeopardy to the student financial aid program.

The 50–50 rule as a limit of any institution going over the 10 percent default cannot take advantage of that repeal. Surely we should have been wise enough to put that kind of limit on the elimination of the 12-hour rule. The incentive ban was the one thing that the inquiry pointed out when they investigated high default rates as singularly contributing to the defaults by students, because they were being gathered to sign up for student aid here, there, or wherever, without reasonable expectation that they would complete their education or that the education being offered was valuable. So what happened? There was an increase in the default rate, it went up over 20 percent nationwide, and we had to come in and take steps necessary to protect the Treasury of the United States. So the incentive ban is absolutely critical. The inspector general of the Department of Education says it is critical, and she spoke against its repeal. So my substitute restores the ban.

Certainly the institutions can find ways in which to enhance the advertising and communication of what they are offering. They should not have to pay commissions and fees to people that are counting the number of log-ins to their advertisements on the Web and luring in students in that way and collecting money from the institution out of our Federal student financial aid programs. I think that that is absolutely the wrong way to go, and I hope that my substitute will be supported for those two reasons.

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I rise in opposition; and I yield myself such time as I may consume.

Madam Speaker, I agree with much of what the gentlewoman from Hawaii (Mrs. MINK), my good friend, has said. There were some real problems in the past. I think we all agree on that. In fact, I have a little chart here that says, although I do not know if my colleagues can see it over there, but it shows the amount of loans that were made annually in 1990 up through 1999. They went from about $12 billion a year in 1990 up until last year, or 1999, $30 billion. So there was a big increase. A lot more people are taking advantage; a lot more people are needing to participate in the student process.

There were comments made earlier about default rate and how many people were not repaying their loans; and a lot of corrections, a lot of changes were made. This red line shows that the default rate in 1990 was 22.4 percent. We can see how it has dropped each year, this last year, down to 5.6 percent. There have been tremendous improvements made and none of us want to lose sight of that, and none of us want to go back to where we had those kinds of problems again, and that is why we have taken some very good care in preparing this legislation.

At the same time, we do not want to pass up people's opportunities to take advantage of the distance learning that is available. I remember probably over 20 years ago when I served on a local school board, I went to a national conference on education, and the thing that they were saying at that time is that the most futuristic thing, the thing that was really going to happen was distance learning. Well, now it is here; and it is happening. We have to take advantage of it.

Let me read a letter from David Sheridan who is Dean of Enrollment

Services, Chairman of the Federal Relations Committee from the Eastern Association of Student Financial Aid Administrators at Stevens Institute of Technology. I think he has some very cogent remarks on this.

''Dear Chairman MCKEON, I am writing in enthusiastic support of H.R. 1992, the Internet Equity and Education Act of 2001. The '50 percent rule' changes are necessary to take down barriers that would become more of a problem in the future. A few years ago, none of us could envision the way technology would shape education by now, and we lack the same foresight to forecast what will be commonplace by the time today's freshmen graduate,'' 4 years from now. ''The volume of courses delivered via the Web, not to mention the academic acceptance and legitimacy thereof, is only going to grow, and not modifying the law now will lead to roadblocks later. The 12-hour rule is similar in that removing it clears the way for commonsense options for the changing face of higher education today. If the Department of Education's job is to put America through school, Congress needs to change the law so that schools and the students can decide what type of instruction and schedule works best for them. The compensation incentive aspect of the Higher Education Act requires further clarification, so the schools and their employees are not punished beyond what I believe were the intentions of Congress when they wrote this segment of the law.

''As always, I thank you, the committee,'' all of us, ''and your staff members for your tireless efforts on behalf of college students everywhere in America. It is my sincere hope that H.R. 1992 will be passed by the current Congress.''

Madam Speaker, I will insert the above-referenced letter and chart into the RECORD at this time.

STEVENS INSTITUTE OF TECHNOLOGY,
Hoboken, NJ, August 29, 2001.

Hon. HOWARD ''BUCK'' MCKEON,
Chairman, House Subcommittee on 21st Century Competitiveness, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing in enthusiastic support of H.R. 1992, The Internet Equity and Education Act of 2001. The ''50 percent rule'' changes are necessary to take down barriers that would become more of a problem in the future. A few years ago, none of us could envision the way technology would shape education by now, and we lack the same foresight to forecast what will be commonplace by the time today's freshmen graduate. The volume of courses delivered via the Web (not to mention the academic acceptance and legitimacy thereof) is only going to grow, and not modifying the law now will lead to roadblocks later. The 12-hour rule is similar in that removing it clears the way for common sense options for the changing face of higher education today. If the Department of Education's job is to Put America Through School, Congress needs to change the law so that schools and the students can decide what type of instruction and schedule works best for them. The compensation incentive aspect of the Higher Education Act requires further clarification so that schools and their employees are not punished beyond what I believe were the intentions of Congress when they wrote this segment of the law.

As always, I thank you, the Committee and your staff members for your tireless efforts on behalf of college students everywhere in America. It is my sincere hope that H.R. 1992 will be passed by the current Congress.

Sincerely,

DAVID SHERIDAN,
Dean of Enrollment Services, Chair, Federal Relations Committee, Eastern Association of Student Financial Aid Administrators.

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

□ 1245

Mrs. MINK of Hawaii. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Madam Speaker, I strongly support restoring the current language, and I think it is important, but I am in opposition to H.R. 1992.

Madam Speaker, all of us strongly support distance learning, but I am very much concerned about the monies it will take away from our colleges, our universities, and our students who attend them.

I think, as the individual just talked about right now, many individuals are taking advantage of the loans and the opportunities. Why are they taking advantage of them? They have an opportunity to take 12 hours or more, and the equivalencies are there, so students are going to do that.

As we see the increase of our student population, we do not see the increase in funding of the pie. It is important that the funding in that pie be the equivalency. We have not increased it.

We have seen the crises that are here today that are affecting us right now. Education is a high priority for all of us. But are we putting the additional dollars to assure that every student has access to it? No, we are not. I want to make sure that our colleges, our universities, and the individuals who are attending them have an opportunity to receive the funding that is there.

I am also concerned about the digital divide between those who have computers and those who do not. Many individuals do not have access to our computers. I believe that every student should have the ability to be able to have computers and access. When they do, then we are at the same level playing field to assure that everybody has access to high technology.

Until everyone has access, I say, how can we have certain students, individuals who are taking 12 units or less, receive the assistance while the other students are not going to? What effect does it have on the institution? Now when we talk about AFDA, there will be monies that will not go to our institutions that were taken away because instead of having students go there 12 hours or more, they will be taking a few classes to receive the kind of assistance they need, and our institutions then will be penalized.

That is why I am supporting an appropriations request for KVCR district from my area in instructional television. But I am saying, increase the funding. Without the funding it becomes very difficult. All of us are not against distance learning. We believe distance learning is important to all of us. We want to make sure that everyone has the same opportunities.

Our colleges and universities have always been the gateway of opportunity. We should not take funding away from them and hurt lower-income students. That is who it is going to affect, lower-income students at these institutions of learning, and the loan programs that will affect them have always been there. We have to make sure they are there now and in the future as we see the growth in our State colleges and universities.

That is why I stand against H.R. 1992, because I want to make sure that every student has the ability to go. I know that I had that opportunity when I went to a community college and a State college and a university, that the loans were there. I am afraid that those monies will not be available for individuals as we see the increase.

I would have loved to have seen this if we would have had the additional funding tied into that. I would have been one of the strongest supporters, because I believe in distance learning. But the funding is not appropriated toward this bill, and we are going to hurt our State colleges and universities. We want to make sure that everybody has access to our State colleges and universities, and has an opportunity to receive those loans. Many individuals of low income will be hurt because the monies will not be there for them to assure that they have an opportunity to fulfill their dreams and their goals in obtaining their education.

Until we do, I urge a no vote.

Mr. MCKEON. Madam Speaker, I yield myself 10 seconds to respond to my good friend, the gentleman from California (Mr. BACA).

Madam Speaker, the student loan is a mandatory program, and the money will be there.

Madam Speaker, I yield such time as he may consume to my good friend, the distinguished gentleman from Georgia (Mr. ISAKSON).

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

Madam Speaker, I would like to put into a simple context both this 12-hour rule and the incentive compensation, which are the main focus points of the substitute offered by the gentlewoman from Hawaii (Mrs. MINK).

First of all, on the incentive compensation, the bill, which I have before me, and the provisions of incentive

compensation still prohibit, as it did before, paying commissions or inducements tied to a student loan being procured. That is still not allowed, but three exceptions are created. I would like to point out what those exceptions are.

Exception number one is that the prohibition cannot be construed to apply to an institution contracting with a third-party vendor to disseminate information upon which they receive payment, as long as that payment is not tied to the application or the approval of any student loan.

When a layman reads that language, it sounds kind of funny, but it is there specifically because under the current rules application, a university cannot contract with a third-party website provider to disseminate information on available curriculum for distance learning and pay them without being in violation of incentive compensation, because website managers are compensated basically on hits, which is construed by the current interpretation to be a commission. That is a very technical and narrow change which in no way brings about any type of fraud.

Secondly and most importantly, it ensures that the unintended consequence of denying an employee in the student aid office of a university from getting a normal salary raise, that that does not happen.

As many members of the committee are aware, the Department of Education, as it should have, in its aggressive attack against institutions that appeared to be violating the spirit of the laws passed by the gentlewoman in 1992 and by others, aggressively construed the application of incentive compensation in a case to where it actually applied to the raise of an employee in the office who had no responsibility for approval or application or anything else. That was an unintended consequence.

Certainly if one is approving and recruiting and wanting distance learning to be part of our process, as everyone has said, the last thing we want to do is penalize universities from being able to use websites to disseminate information on their courses.

Now, with regard to the 12-hour rule, I used to get real confused by the term ''seat time.'' The distinguished gentleman from New Jersey, being a distinguished professor, knows all about that.

When I took over the Georgia Board of Education, I started dealing with all these 50 minutes for that and 40 minutes for that, and block schedulings, 90 minutes for this, alternate block schedulings for that, and 12-hour rules. I got confused.

Then I all of a sudden realized that those rules were all passed in a time where all of us thought it was important that the student be in the class and there participating in the activity as some barometer of a responsible educational environment.

However, today in the digital world to apply that absolutely inhibits many students, nontraditional, who would never have access to education otherwise, from getting it, because it disallows distance learning. Seat time was just the only way of measurement in the old days.

I used to suggest that we ought to have professor seat time. Most university professors use graduate assistants, and I would like to see us have some rules for how many hours the real professor is in the real class. But we do not, because we trust the institution for the quality of their education. So why should we not trust those same institutions for the delivery of distance learning?

My last point on this, Madam Speaker, the IG has been mentioned two or three times. Some of the specific references, directly or indirectly, were to one particular investigation which ended up vindicating an institution that was alleged to have violated the 12-hour rule. To satisfy the investigation, they produced reams of paperwork that said a student was in a classroom environment, and it was basically attendance rolls.

We must understand the IG's job is now much easier under distance learning than it ever was under correspondence or alternative type of courses, because distance learning allows those inspectors the access to the same course the students take, so the quality of instruction and the amount of use that student engaged in that instruction gets is monitored by the very Internet upon which it is delivered.

So while I respect the gentlewoman's concern, I want to point out to all Members that we are not opening the door for fraud in commissions, we are just making sure that the unintended consequences of past actions are corrected so the Internet itself can be used.

In terms of the 12-hour rule, we are saying we are not going to confuse time with accomplishment. Instead, we are going to monitor education best on what a student achieves, not just how much time they might have sat in a seat.

Mrs. MINK of Hawaii. Madam Speaker, I am happy to yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my distinguished colleague for yielding time to me.

Madam Speaker, the gentleman from Georgia (Mr. ISAKSON), the gentleman from Delaware (Mr. CASTLE), and the gentleman from California (Mr. MCKEON) and others have talked about distinguished schools like Stanford, Georgia Tech, that offer Internet-only courses. I think that is wonderful.

When we talk about the 12-hour rule, we are not talking against Internet-only education. We want nontraditional possibilities.

I am a fan of this. I grew up around this. My father did what was the equivalent in his day. He got his law degree by correspondence school. In fact, I understand the correspondence school spoke with great admiration of the quality of his work in this correspondence school.

Today, it would be by the Internet. The Web-based Commission we have spoken about today as the reason for this bill before us says, ''The question is no longer if the Internet can be used to transform learning in new and powerful ways. The commission has found that it can.''

None of us doubt that. We are not speaking against the virtual university, but we want to make sure that we do not return to the ''anything goes'' kind of regulations.

The great educator, Agassiz, said in the 19th century that a pencil is the best chart. Well, if he were speaking today, it might very well be the computer or the Internet.

But let us not use the name of high technology to discard standards and common sense. I once again ask Members to apply the ''reasonable person'' rule to determine what is common sense: Would a person in our districts say that logging on sometime during the week makes one a full-time student?

Would we be comfortable leaving the door open for any fly-by-night school operator, and believe me, we have seen them, fruit stands that are offering auto repair courses, a school that offered language courses only in one language to students who spoke only another language, or a Texas truck-driving school that lost its eligibility and formed a new partnership with a Kansas liberal arts college. We have seen fly-by-night operators.

Would the reasonable person feel comfortable with potential fly-by-night operators out there being able to offer courses like this and say, we have this many hundred full-time students who are collecting Federal student money and passing it on to this school? It would appear, I think, to open the door for them to take advantage to grab Federal dollars.

And I would argue that even reputable schools would benefit from a definition of a full-time student that brings respect of Americans to this use of Federal funds for student aid, so there is general agreement among educators that 12 hours of seat time is not the only or not even the best measure or criteria for full-time study. I understand that this rule needs to be revised to address the rise in distance education.

The Web-based Commission said it should be revised, but did not recommend any specific change, such as changing the 12-hour rule to a very vague one-day rule. The commission merely encouraged ''. . . the Federal Government to review and, if necessary, revise'' these provisions.

Abruptly changing the 12-hour rule to a one-day rule opens the door for fraud and abuse and a real loss of standards in appropriate use of Federal funds for higher education.

□ 1300

I appreciate the efforts to protect against fraud by requiring notification if a school dips below the 12-hour rule, but this notification will not protect the quality of these programs. That is why I so strongly support the substitute amendment of my colleague, the gentlewoman from Hawaii (Mrs. MINK).

Mr. BOEHNER. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Madam Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding the time.

Just to make a couple of points, the Mink substitute would eliminate the needed reforms that we have been talking about for the 12-hour rule. It would eliminate the needed reforms on the incentive compensation provisions. It would gut this important legislation and continue to hinder the ability of institutions of higher education to offer information and instruction to all Americans through the Internet and nontraditional courses.

I urge my colleagues on both sides of the aisle to join with us in defeating the Mink substitute and vote to provide relief to colleges and universities who are working to offer educational opportunities to all students.

Mrs. MINK of Hawaii. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Speaker, I again thank the ranking member of our subcommittee, the gentlewoman from Hawaii (Mrs. MINK), for yielding me the time.

I just wanted to briefly address this 12-hour rule situation. I think it is interesting to note, I do not think anybody disagrees that that rule needs to be looked at; that it needs to be revised; that 12 hours is not necessarily the measure of the value of quality of an education.

However, I am a bit disturbed, as I think we all should be, that the suggested replacement for that is a sort of vague or incomplete standard of 1 day which, in essence, could be read and could, in fact, be the simple logging on in some part of some day on to a computer Internet program and then qualifying as a full-time student for purposes of financial aid. It fails to address the standard, fails to address what is the quality of a program for which that student would be receiving financial aid and ostensibly working toward a degree.

One of the real criteria here we ought to be looking at is whether or not we are going to be adequate stewards for the way we distribute a very limited amount of money; and while financial aid, as the gentleman from California (Mr. MCKEON) said, will be available, there is only so much available. As more and more people may sign up for these courses, that money is going to be spread across a larger universe.

That is fine if the gentleman from California (Mr. MCKEON) wanted an original 5-year demonstration program and is now satisfied with one and satisfied with the preliminary results, when I suggest that many of us may not be satisfied with the preliminary results. We want answers to questions like what specifically makes this rule of 1 day, which could be construed as logging in for part of 1 day, an adequate standard.

There was no testimony at the committee hearings that we were at that addressed just what would be the proper replacement for the 12-hour rule. I agree we heard people say that it ought to be changed and that we needed a new standard so that distance learning could be encouraged; but I did not hear any testimony, have not seen any reports that have addressed what, in fact, is the adequate amount. Accreditation agencies have not caught up with this concept.

As I mentioned earlier, while some schools may have set good, rigorous standards for a good-quality education, many have not; and many accrediting institutions have not caught up with where this concept ought to be and how it ought to be measured that, in fact, there is a right amount of time of contact with a faculty member or contact with their peers in the classroom.

It would not really address, as we heard evidence on, and got a good and convincing idea of whether or not there should be no visual experience, whether there should be no contact with classmates. Are we saying in essence that we are stepping ahead of those accrediting agencies and deciding that there is no value to interchange and exchange in a classroom with other people in their life experiences and no value to having an exchange with a faculty member and all of their valuable experiences and what they bring to the table?

I think that we can wait for those demonstration programs to be completed as we reauthorize the Higher Education Act. I think we can look at the data and the information that comes forward and that we can then replace this 12-hour rule with a clearer concept of what should be in place.

Must we have face time in order for it to be a good-quality education program? If not, why not? If, in fact, we should have some, how much would be the adequate amount?

I think again that we need not be precipitous here; that we have distance learning programs going on in institutions all over this country, whether they be State schools or whether they be private institutions; and nobody wants to interfere with that, and everybody that I know in this Congress supports that concept.

I would hope that everybody in this Congress also supports the establishment of sound standards to make sure that if we give the right to people to use this financial aid, which is limited in the truest sense, that we do it only toward programs where there are standards set that are sufficient so that those students will know that they have been ensured a quality education; and so that Americans, whose taxpayers' money go for those financial aid obligations, know that they are going for people who are going to get a quality educational experience that they can use to enhance their ability to support themselves and their families and their communities.

Mr. BOEHNER. Madam Speaker, can the Chair notify each side how much time we have remaining.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio (Mr. BOEHNER) has 19 minutes remaining. The gentlewoman from Hawaii (Mrs. MINK) has 9½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has the right to close.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of our committee.

Mrs. BIGGERT. Madam Speaker, I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, for yielding me this time.

I stand in opposition to the amendment. I think that the Mink substitute would eliminate needed reforms to the 12-hour rule and incentive compensation prohibitions within the Higher Education Act. The substitute would really gut this important legislation.

H.R. 1992 eliminates the burdensome requirement that programs offered on the nontraditional basis must account for at least 12 hours per week of seat time for each student. Instead, the bill requires that programs offered on a nontraditional basis be held to the same accountability standards as those offered on a traditional semester-quarter basis.

It further requires schools offering such programs to notify the Secretary to ensure that they are adequately monitored. This is very important, that of requiring institutions that offer such programs to maintain attendance records for every student is overly burdensome and may prevent schools from offering programs to serve working adults or others that cannot attend the traditional campuses on a traditional basis.

At one institution, the 12-hour rule requires an additional 370,000 attendance records per year to be kept just to prove compliance.

It is doubtful that these records would ever even be reviewed. But even with the elimination of the 12-hour rule, institutions offering nontraditional programs will still be held to high standards. They must provide at least 30 weeks of instruction to qualify under the Higher Education Act. Course quality and quantity of instruction are also ensured by accreditors that must be recognized by the Secretary of Education. The law requires these accreditors to review all eligible programs for quality and to ensure

that the amount of instruction is adequate to fulfill the goals of this program.

So I think we have taken certain steps to address the concerns that have been raised on the other side of the aisle. Specifically, we have defined third-party service relationships and specified that they are subject to incentive compensation provisions unless they have no control over eligibility for admission or enrollment or the awarding of financial aid and provided they do not pay any employee solely on the basis of student recruitment. This allows common business practices while preventing schools from hiring bounty hunters.

We have also clarified that a salary payment can only be considered such if it is made on a regular basis and it is not adjusted more than once every 6 months. This will prevent institutions from disguising incentive compensation payments as salary.

Madam Speaker, I think these provisions really provide the quality of education to nontraditional students, and I urge defeat of this amendment.

Mr. BOEHNER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), the author of the bill before us.

Mr. ISAKSON. Madam Speaker, as we close the debate I want to first of all acknowledge my thanks for the work of the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON), the subcommittee chairman, the tremendous work by the members of the staffs in this legislation and acknowledge the hard work before the Web-based Education Commission.

In addition, I want to pay particular thanks to the gentleman from California (Mr. GEORGE MILLER), the ranking member, and to the gentleman from New Jersey (Mr. ANDREWS). Their thoughtful consideration of the work that went into the effort behind this bill and the parameters narrowly drawn that we have placed into this legislation allow us to move forward in a digital world and deliver education to those who in the past might not ever have gotten it, while still assuring the taxpayer and those in the educational world that we will not accept fraud. We will not accept abuse. We will merely accept an expansion of opportunity for children and young adults all over America.

Madam Speaker, I thank the Members for the spirited debate. I thank the chairman for the time he has allowed me. I urge my colleagues to reject the substitute and vote for final passage of H.R. 1992.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to read from portions of the letter that all of us received from the American Association of University Professors urging that we not enact H.R. 1992.

In the second page of their letter it says the AAUP recommends, one, accrediting agencies need to do a better, more specific job defining the elements of higher education. What do we mean by a college degree? How much learning goes into that? How universal are educators' expectations for level and breadth of course work across institutional and regional boundaries? Transfers among institutions and transfers among modes of education make these questions inescapable.

Two, faculty need to define measures of course work. What is a course? How much learning is going on when an student is engaged in full-time education? What is half of that? What is a quarter of that? Since faculty have not articulated this definition so far, others are filling in with their attempts. The Department has a 12-hour rule. Congress is now considering doing away with all measures except those offered by the lowest common denominator of education providers.

Three, the institution of higher education policies engaged in a major study of student credit hours, its uses and effects. By the time the Higher Education Act is due to be reauthorized, this study should yield some thoughtful results. Instead of creating chaos now by lifting all limitations, it seems reasonable to allow study to proceed and to build legislation on its conclusions.

This letter is signed by Mary Burgan, the general secretary of the AAUP. And I think it really tells it all for those of us who have joined together in support of my substitute and who oppose enactment of H.R. 1992.

We certainly believe that the time is here for distance education. Students ought to have ample opportunity to gain higher education credits and courses by signing up on distance learning mechanisms. But at the same time I do not believe that the way to do it is to lift the protections which were enacted into law in 1992 during the higher education reauthorization at that time. We put those protections in because there were skyrocketing escalations of student defaults. And it was determined that some way standards were to be implemented in order to assure stability of the program and adequate quality higher education to the students that were signing up.

The first rule we had was the 50/50, that universities that were accredited could have 50 percent traditional education on campus, instruction on campus, and 50 percent off campus. That rule I believe is fair and should be retained. The bill that we are considering waives this requirement. But at least it has a limitation which says if an institution exceeds a 10 percent default rate, they have cannot use the waiver and they must go back and adhere to the 50/50.

In the case of the 12-hour rule, it is a complete elimination because there is no point in saying a 1-day login constitutes a full-time student. Nobody will accept those definitions. So we think the 12-hour rule gives some substantial assurance that the student is going to get quality education. This does not mean that everybody has to drive to a campus. They can get their learning in the kitchen seated at a table with their laptop, login. There can be requirements on the number of times they log in during the week. There can be a faculty-students interchange. There can be questions that are put on the program to assure that there is a continuum of feedback from the student and from the professor.

And certainly, the programs can be developed which will enable the universities to carefully monitor that there is this so-called seat-time; and 12 hours is the very barest minimum to require of a full-time student to get the full student financial aid program.

□ 1315

The prohibition against incentives, recruitment commissions, and fees, to me, is the most egregious part of this bill, which I strike in my amendment. I want to restore the ban. We should not allow anyone to promote student financial aid and get a kickback fee from the university from the number of loans that are initiated, whether or not the student ever goes.

So it seems to me the ban is a solid protection. I believe it has been primarily responsible for the lowering of student default rates, because there has been careful monitoring of the incentive prohibition. And the inspector general at the Department has been very, very attentive to the requirements of that law. In fact, the inspector general came to the committee and urged that the incentive ban not be eliminated. So that is also part of my substitute.

We restore the 12-hour rule, restore the ban on incentive commissions, and leave the 50–50 rule as presently incorporated in H.R. 1992. I urge my colleagues to come to the floor and vote for the Mink substitute. I believe it is consistent with our responsibility to safeguard the student financial aid program, its financial integrity, and to protect the quality of higher education at the same time.

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

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

Let me thank my colleague, the gentleman from California (Mr. MCKEON), the chairman of the subcommittee for his fine work in moving this bill, this bipartisan bill, through the committee, and thank our sponsor of the bill, the gentleman from Georgia (Mr. ISAKSON), not only for his work in bringing the bill to the floor today but for his service on the Web-based Education Commission, the recommendations from which are the basis of the bill we have before us.

As I said, this is a bipartisan bill. We have worked on it through the committee process. Members on both sides of the aisle supported it coming through the committee, and today, I

believe, we will have broad bipartisan support in defeat of the amendment that we have before us and in passage of this bill.

Now, we have heard an awful lot today about the 12-hour rule, the 50-percent requirement, and the issue of incentive pay for those who are involved in offering these programs. But for a moment, let us step back and consider what it is we are trying to accomplish. We all in this Chamber know the need today for every American to receive some type of postsecondary education. To take a high school diploma into the current job market today is not a ticket for success. Frankly, it is a ticket to go almost nowhere. If every American really wants a shot at the American dream that we have all hoped for, and we hope all our kids and all our constituents will shoot for, some type of postsecondary education and training is absolutely required. Whether it is an apprentice program, whether it is a training program somewhere, a university, or maybe a distance-learning opportunity, we ought to do all we can to encourage students to get postsecondary training or education, and we ought to do everything we can to assist them in getting that type of training or education.

One of the two biggest barriers to getting training or education are simply the cost and the time to do it. Both of those issues are addressed here. We all know of the tremendous cost of a university education. Most of us, and most of our constituents, worked our way through college trying to find a way to afford the cost of a college education. We know today that all types of training programs out there are very expensive. We also know that distance-learning opportunities, in fact, bring down the cost of this education and/or training. So if there is a more reasonable way to provide this education or training, why would we not want to look at it?

The second biggest issue is time. We all know how busy we are. We all know the need for a continuing education, and we all know the demands on our schedule, from our professions to our families to our needs in our own communities. Again, distance-learning opportunities will, in fact, make it easier for people to get their education or their training or, in fact, to continue the opportunity for lifelong learning.

The bill that we have before us today meets all of the things that we are trying to do to help our constituents get the kind of training and education that they want, deserve, and, more importantly, that they need, because the bill before us will make it easier for distance-learning programs to go out and recruit students. The bill will make it easier for them to do this training or education at home or from some separate site via the Internet. And, frankly, the programs they will get and the training they will get will be of much better quality than what we have seen in correspondence classes or programs from in the past, because many universities today are engaging themselves in very serious outreach efforts to make sure that quality programs are out there.

Now, as the gentlewoman from Hawaii mentions, there are risks associated with this. There are. There is no question about it. These programs have been abused in the past. These issues were addressed in 1992 and again in 1996. But I think what has happened is we went too far. Secondly, the technology has far out-paced our ability to legislate. What we have done in this bill is try to balance those risks, to make sure that we are opening these programs up for our students without taking undo risk. I think there is a bipartisan consensus on both sides of the aisle that we have struck the right balance in this bill.

I think there was one more safeguard that we ought to note, and that other safeguard is this: in 2 years, we will be reauthorizing the Higher Education Act. When we get there in 2 years, we will have an opportunity to step back and look at what happened during this 2-year period. If, in fact, things are on the right track or slightly off the right track, we will have an opportunity to adjust it at that time.

So for all of those reasons I think that the bill we have before us is a good bill. I appreciate the work of the gentlewoman from Hawaii, but I ask my colleagues to reject the substitute that we have before us and to support the bipartisan bill that we have on the floor in final passage.

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

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

Pursuant to House Resolution 256, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentlewoman from Hawaii (Mrs. MINK).

The question is on the amendment in the nature of a substitute offered by the gentlewoman from Hawaii (Mrs. MINK).

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

Mrs. MINK of Hawaii. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 99, nays 327, not voting 4, as follows:

[Roll No. 374]

YEAS—99

Abercrombie
Ackerman
Baca
Baldwin
Barrett
Berkley
Blagojevich
Borski
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clement
Condit
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Edwards
Engel
Etheridge
Evans
Farr
Filner
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Holt
Honda
Hoyer
Jefferson
Kind (WI)
Kleczka
LaFalce
Levin
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCollum
McGovern
McIntyre
McNulty
Meehan
Mink
Moore
Moran (VA)
Morella
Neal
Oberstar
Obey
Olver
Pallone
Payne
Phelps
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Stark
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson (CA)
Weiner
Wexler
Woolsey

NAYS—327

Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George

Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sawyer
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Cubin
Hastings (WA)
Issa
Miller (FL)

□ 1351

Mr. HOLDEN, Ms. SOLIS, Ms. LEE, Ms. KAPTUR, Mr. HILLIARD, Mr. THOMPSON of Mississippi, Ms. MCKINNEY, Messrs. RADANOVICH, ORTIZ, NEY, RANGEL, SHOWS, MOLLOHAN, Mrs. JONES of Ohio, Messrs. JACKSON of Illinois, SPRATT, WYNN, BONIOR, SMITH of Michigan, BROWN of Ohio, NADLER, CLAY and Mrs. MEEK of Florida changed their vote from ''yea'' to ''nay.''

Messrs. DEFAZIO, HONDA, ETHERIDGE, PRICE of North Carolina and MCINTYRE changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the engrossment and third reading of the bill.

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

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

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

RECORDED VOTE

Mr. BOEHNER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 354, noes 70, not voting 6, as follows:

[Roll No. 375]

AYES—354

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meeks (NY)
Menendez
Mica
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—70

Baca
Baldwin
Barrett
Bishop
Blagojevich
Borski
Brady (PA)
Brown (FL)
Capuano
Conyers
Costello
Coyne
Davis (CA)
DeFazio
Edwards
Engel
Evans
Filner
Frank
Gutierrez
Hastings (FL)
Hill
Hinchey
Holt
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kleczka
Lee
Maloney (NY)
Markey
McDermott
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Mink
Moore
Morella
Nadler
Neal
Oberstar
Obey
Olver
Pallone
Payne
Phelps
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sandlin
Schakowsky
Scott
Skelton
Slaughter
Spratt
Stark
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Woolsey

NOT VOTING—6

Cubin
Davis, Tom
Hastings (WA)
Issa
Manzullo
Miller (FL)

□ 1410

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FOLEY. Madam Speaker, I offer a resolution (H. Res. 257) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 257

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Standards of Official Conduct: Mr. LATOURETTE.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereinafter in the Extensions of Remarks.)

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

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

COMMENTS REGARDING ANTHRAX

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

Mr. FOLEY. Mr. Speaker, I know how proud the people of Jacksonville are to see you in the Chair today, and I am delighted to address the Congress and particularly to the people in my district, the 16th Congressional District of Florida.

Once again, our county, Palm Beach County, is in the news; and the news is not good. It is relative to a scare that is occurring in my community relative to anthrax.

What I do want to express to my constituents and to this community is the professionalism with which this issue is being dealt with on the ground. We have a phenomenal Public Health Unit, led by Dr. Jean Malecki, who is the head of the Palm Beach County Health Department. I want to give you a little story, if I can, because obviously this has caught a lot of people off guard and has caused a degree of panic in our community.

Dr. Larry Bush at JFK Medical Center in Atlanta was the first to treat the patient who presented himself, Mr. Robert Stevens, from Lantana. He noticed in examining the spinal fluids of Mr. Stevens that there was a very, very odd behavior to the spinal fluid, and what he was detecting was of quite serious concern. He sent the material to the lab for further investigation because it was unlike anything he had seen in recent time, and immediately called Dr. Malecki at the Palm Beach County Health Unit.

This is where the professional response team came in and played a pivotal and important role in determining the disease that he was suffering from, the bacteria that had infected him. Then, of course, Dr. Malecki immediately alerted CDC and the FBI. They moved expeditiously to our community and secured the premises, looked back at where Mr. Stevens had been the last several weeks, investigated thoroughly all the various ways he may have been contaminated, tested all of the individuals working at the company, American Media, and did so in a relatively short period of time.

□ 1415

Let me underscore the reason why I want to speak today and it is to applaud not only the Palm Beach County Health Unit, applaud Dr. Larry Bush for immediately investigating the pathogen that he discovered and alerting the authorities rather than maybe choosing otherwise and not to bring this to a heightened sense of awareness, and for John F. Kennedy Memorial Hospital that has been in existence since 1960, ably represented by Mr. Phil Robinson who is the administrator for immediately doing the right thing, and that is public disclosure, that is notifying authorities, that is bringing in experts, that is conducting a total surveillance of a situation.

Let me read to you from the Palm Beach Post, our local newspaper. The editorial today is ''Keep Confidence High During Anthrax Hunt.'' ''To reassure the public as the anthrax investigation continues in Palm Beach County, the public health system must be at its best. Since last week, the community has seen the benefit of that system's strengths and the need for officials to face questions, not avoid them.''

It goes on to say, Dr. Malecki, a specialist in epidemiology, the branch of medicine that investigates the causes and control of disease, began investigating Wednesday. A day later, CDC tests confirmed anthrax bacteria, and CDC officials immediately dispatched a team to our community as well as the FBI. Since the anthrax strain was not naturally occurring, goes the report, it is reasonable to conclude that someone introduced it to into the American Media building. Thus, the system will be tested further as the questioning increases. Conflicting messages and attempts to limit what information public receives will cause public anxiety.

That is where I want to stop and urge all people involved with this, and I have no reason to doubt that they are forthcoming. But we need to reassure the public every step of this investigation what we are learning. Every likely contaminant that he may have come in contact with to bring into perspective what may be at stake here. Yes, this is a scary time for many; but it is no reason for panic because the professionals, the health teams, the FBI and others are down on the ground working.

What I would like to finish with in conclusion is the last paragraph. In fact, the system is working with a proper combination of urgency and responsibility. Some of the best medical minds at all levels of government are working around the clock to find out what happened and who did it. Let me repeat, some of the best medical minds at all levels of government are working around the clock to find out what happened and who did it.

Given the stakes and the jittery public mood, this is the public health system the public should see. I salute Dr. Malecki. I salute the team of professionals who are on the ground. I thank Secretary Thompson and his agencies at HHS for keeping me briefed on this urgent matter. I thank the FBI and others for their detailed and thorough investigation of this scene to reassure our community that we are on top of this situation and we will determine who caused this and when and how it was delivered.

Mr. Speaker, I thank my colleagues as well for their support during the past several weeks for all of the victims of terror, for their support of the President and particularly his recent directive urging a little bit of secrecy, if you will, in the plans as he is outlining them so we do not have a rush to judgment nor a release of information that could harm some of our personnel as they enter into engagement in these battles.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

(Ms. SANCHEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CELEBRATING TAIWAN'S NATIONAL DAY

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to commend and applaud the 23 million people of Taiwan for their support of the United States in the aftermath of the September 11 terrorist attack on our country.

From the beginning, Taiwan's message for United States and the world has been clear. Taiwan condemned terrorism and especially those perpetrators who killed thousands of innocent people and disrupted the lives of million of people worldwide.

Taiwan has stood with the United States in its love for democracy and freedom. The strength of our nations to overcome disasters and terror has never been clearer.

The terrorists on September 11 hoped to destabilize our economy and strike fear in those countries that believe in the Democratic principals of freedom and peace. They did not succeed and will not succeed because of friends like

Taiwan. On this day, I strongly believe that Taiwan needs a greater international presence. I support Taiwan's aspirations to be an active member in the international community. It has all the qualifications: a sound political system, a much admired economy, and a genuine desire to maintain peace and stability in East Asia and the world.

With a United Nations membership, Taiwan will become a very useful player, contributing its finances and ideas to combat nuclear proliferation, environmental abuses, human rights violations, and worldwide terrorism. I urge my colleagues to give all their support to Taiwan's bid to become a member of the United Nations and other key international organizations. Taiwan is worthy and a faithful friend of the United States of America.

So, again, I urge all my colleagues to join with me in commending and recognizing Taiwan for their friendship and the strong relationship that exists between our two countries.

POTENTIAL CONSTITUTIONAL CRISIS

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

Mr. BAIRD. Mr. Speaker, colleagues, on September 11 our Nation was forced to begin to think of the unthinkable. As we watched the World Trade Center collapse and the attack on the Pentagon, our world was changed. It is not a pleasant thing to begin to ponder such consequences and situations, but ponder them I am afraid we must.

Had the fourth airplane succeeded in striking this great building while we were in session or were a terrorist organization to detonate a nuclear weapon during a joint session of the Congress, I am concerned that we could precipitate not only great loss of life but a constitutional crisis.

Under the United States Constitution which we are all sworn to uphold and defend, House Members can only be replaced by direct election. In the event of a national crisis, we would be faced with a situation where our government would lack the counsel and wisdom of this, of this very body until we could be replaced by direct and special elections which could take weeks and possibly even months. Mr. Speaker, this is not a condition we want to exist under.

Though it is difficult to contemplate that scenario, we must contemplate it, which is why I am proposing and will introduce this week an amendment, an amendment to the Constitution which provides for the following scenario: in the event that one quarter or more of the Members of this body should be unable to fulfill their duties due to death or disability or disappearance and presumed death, under that circumstance the Governors of the States from which the Members were absent would be empowered to appoint replacements within 7 days of the loss of the initial Member and to serve until such time as a special election within 90 days will provide for replacement under direct election conducted by the States.

It is important that we do this. It is important that we do this so our own citizenry has confidence that even if we were to perish as individuals and even if this building were to be lost, our government and our Constitution would be preserved.

It is important that we do this so our adversaries know that even if they succeed in taking all our lives, the torch of liberty that we hold so dear, the Constitution that we are sworn to defend and uphold will persevere.

This is not a mere thing to contemplate, but I consider it comparable to an unlocked door on the cabinet of the Constitution. We cannot continue to leave that door unlocked. I urge this body, difficult though it may be, complex though it may be, to act with the greatest prudence and expedition in this regard.

Every day that we go without closing this potential gap is a day of vulnerability to our Constitution and to our form of government. I encourage this body to consider my amendment, to join together in reviewing the issues it raises, and to pass as expeditiously as possible some form, be it my amendment or some alternative, that will correct this problem.

Further, I urge this body to address potential ambiguities in the 25th amendment which addresses the line of succession for the line of Presidency and, furthermore, to address questions relating to where the Congress would convene and how it would convene in the events that catastrophic circumstances were to take the lives of our membership.

Finally, I hope State legislatures will contemplate a similar potential scenario within their own structures and implement measures to rapidly replace the governors should that be necessary and to reconstruct their own State legislatures.

I will vigorously pursue this as I think frankly it is one of the single most important things this body can occupy itself with in the coming weeks. I want to thank the Office of the Parliamentarian of the House of Representatives who have provided outstanding counsel on this issue, along with representatives from the Congressional Research Service, from the Committee on the Judiciary, and my own staff member, Ryan Hedgepath.

MISSILE DEFENSE

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

Mr. MCINNIS. Mr. Speaker, first of all in regards to my colleague before he leaves the House floor, the gentleman from Washington (Mr. BAIRD) I want to tell the gentleman he is exactly on point.

As the gentleman from Washington knows, we probably came within 30 minutes of a plane hitting this facility or the following day we had an evacuation notice of the Capitol. There is an interesting article that I just read about an hour ago in regards to executive replacement and how every corporation is being derelict in its duty to its shareholders if they do not have some type of transition plan for the chief executive. It talked about how many chief executives died unexpectedly last year and what it did to the corporations, including Atlas Corporation whose president died in a plane crash in the State of Colorado.

Mr. Speaker, I do not think many of us, including myself, were aware that there was no provision in place in light of a tragedy like this. Now because of this tragedy I think the gentleman has very competently brought up the issue that we better fill in that gap. I hope it never happens, but the fact is it might and we need to have something so that the beat goes on, as our friend, Sonny Bono, used to say. The beat can go on and that is what we need.

I compliment the gentleman for his remarks.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) and I look forward to working with him on this.

Mr. MCINNIS. Mr. Speaker, colleagues, I am back here again. I know in the news recently the horrible, horrible tragedy that our Nation suffered and there are a couple of things I want to visit about today.

First of all, I just returned from NATO meetings in Ottawa, Canada. I found those meetings very interesting. I want to go into some depth about the NATO meetings, our allies, the commitment from our allies and so on and so forth. I then want to talk about missile defense.

It is time we got serious about missile defense in this country. I want to point out, although it has been buried in the news, about a week ago there was an accidental launch of a missile. It came somewhere from the Ukrainian military. They had no intention of that missile shooting down a passenger airliner and that is exactly what happened. That missile was not intentionally launched. It was launched by accident.

That points out very clearly that if for nothing else, we should have a missile defense system in place in this country in case of an accidental launch of a nuclear weapon or a bio-weapon against this country if it were launched accidentally. We need a defense. So I intend to go into some depth of why missile defense is very applicable under today's times, why it is the responsibilities of us in our leadership roles for future generations as well as the current generations to put missile defense into place for the security of this Nation.

□ 1430

It is absolutely essential.

Let me begin, however, with my remarks on NATO. I had the privilege, I have had the privilege, under the gentleman from Nebraska (Chairman BEREUTER) of serving on the NATO Parliamentary Assembly. This week we had our meeting in Ottawa, Canada. We were there, in fact, when the United States deployed its response in Afghanistan to the terrible acts of September 11.

I can tell the Members that in the past in these types of meetings, I appreciate our allies, but I am not sure all of them have been soundly behind the United States. Whatever doubts I had were put on the back burner as a result of this meeting. As many Members know, for the first time in 50 years, the first time in the history of NATO, NATO within a few hours activated Article V. Article V simply says that an attack against one NATO country is an attack against all NATO countries.

As soon as NATO was advised of the attack that was occurring, simultaneously to the advisement in the United States of America, they began immediately to activate Article V. They had a completely unanimous approval of activating Article V.

In Canada, it was very interesting, whether it was the Canadians, who have always been good allies to our north, sure, we have some minor scraps here and there, but keep in mind that the Canadian border, and Canada, by the way, is the second largest country in the world, that the Canadian border between Canada and the United States is the longest border in the world across which an unfriendly shot has never been fired. Think about that. We have such great allies in Canada.

Even our non-NATO ally, Mexico, our neighbor to the south, many of the recruiters that I have heard from, some of the recruiters are saying that, especially in the southern part of the States, that they are getting calls from Mexicans. They are getting calls from Mexicans in Mexico who want to enlist in our Armed Forces to fight for the United States of America. Think about that. That is a good neighbor. That is a good ally.

When the going gets tough, that is when we count our friends. At this NATO conference, we could count our friends. Every member of NATO, every member of NATO, excluding none, would have to be counted as friends and allies of the United States of America. Those allies who could not assist us militarily, although all have offered to do that, those who could not assist us militarily are assisting us with intelligence information, are assisting us with disclosures of financial networks, are assisting us with hospital aid. Whatever we want, our allies in NATO have stepped up to the plate. They are willing to do it. They are willing to help the United States.

Whoever envisioned that instead of the United States sending resources to Europe to assist a NATO country in Europe, that the European countries would be sending resources to the United States, to assist the United States in a time of need?

I want Members to know that we have deployed NATO assets. Today as I speak, today as I speak we have NATO AWACS aircraft flying in U.S. airspace. What are they doing? They are replacing the United States aircraft that have been deployed to the theater of operation. They did not even hesitate for the deployment of military resources to come to that NATO member, the United States of America.

And to our good friends to the north, Canada, let me say a word or two about Canada. Canada has some problems on its border. I think in Canada its immigration laws are not tightly enforced. But lo, the United States criticized Canada, and the United States has serious problems on our border.

Take a look at how many student visas there are in this country, which means we have given the privilege to a non-American citizen from another country, including some countries that we list as terrorist countries, we have given them the privilege to study in the United States, and they have abused the privilege. They have broken the law. They are staying past the time that their student visa has expired. We have tens and tens and tens of thousands of those people in this country, so we certainly have no room to criticize Canada.

But what Canada has done is come together with the United States in a joint effort to tighten our borders. That is exactly what America has to do. That is what every nation in NATO is now looking at doing.

There is no reason whatsoever that when somebody comes across this border, that we do not have a face scan computer or face scan TV that tells us whether or not this person is wanted anywhere in the world. There is no reason at all that we should not search more of these vehicles, that we should not deploy the most technical equipment that we have to determine those people who want to provide ill will to the United States, to those criminals that want to come into the United States.

To those people of cancer, of which I refer to as terrorists, and a terrorist is simply a horrible cancer that has attached itself to our body, there is cancer that wants to come across those borders. Canada has stepped forward with the United States and we are going to tighten these borders.

Do not let people give us this garbage about privacy: ''We do not want them to invade our privacy.'' I can assure the American people that we are not about to violate the Constitution, the constitutional rights of privacy. Those will be protected. But by gosh, if they are going to come in our airports, if they are coming across our border, we will look in their luggage; and that may mean, frankly, to look in your underwear to see if you have a weapon hidden in there. Get used to it.

It is not a violation of privacy, it is an inconvenience. That is what is happening. We are not going against the constitutional rights of privacy. We are not going to touch it. What we are touching is inconvenience. A lot of people do not like to be inconvenienced, but the fact is, our national security comes first. The national security of those allies, including our NATO allies, comes first.

It is about time the United States of America woke up to the fact that not everybody loves us. There are a lot of people that hate us. Newsweek has a full-page cover about why they hate us. Do Members know why, in large regard, they hate us? It is no legitimate reason, in my point of view. Because we have been successful. It is because of the fact that in our society, we think women have equal rights; because in our society we believe, as best we can, that all people are created equal. Is that why they hate us? They hate the whole democratic process.

Does that give legitimacy to their complaints about the United States? I cannot cuss here on the floor, but I can tell the Members very abruptly, of course it gives no legitimacy to that.

But gosh, it was refreshing, it was wonderful to be in Ottawa, Canada, among our NATO allies to hear whether it was the Germans, whether it was Belgians, the French, pat us on the back and say a prayer for us.

We went to the embassy, to our ambassador, who is doing a great job in Canada, the U.S. ambassador. We went to the U.S. embassy. They had displays of the outpouring of support for the United States in our day of tragedy. These are Canadian children, Canadian citizens, Canadian elderly, Canadian corporations, Canadian nonprofits; you name it, the outpouring was unbelievable: little cards that wished us well, from little children that did not understand really what was going on except that the United States had been hurt, and that the United States had been brought to its knees.

But almost all of those letters acknowledged and admired and wanted to help a mighty country, a country that would be able to get back on that horse and ride that horse.

So I will tell the Members, I think all of us, when we see one of our NATO allies, tell them, ''Thanks.'' Because in the time of need, there was no hesitation. There was not one member of NATO, not one member of NATO that hesitated. Every member jumped up. Every member was willing to do whatever was necessary to defeat that cancer that came across our borders, and defeat it we will.

Let me say a special word not only for our Canadians in NATO, but also for the British. Many of the Members, and our constituents are probably aware, but a lot may be confused or may not understand just exactly what the British have done, the United Kingdom. They have stood with us from the

moment it happened as if they had taken down Big Ben in London. I cannot say enough good things about the British and their commitment. Their flyers, their military people, they were there, just like the other NATO members.

But what a privilege to be here and listen to our President, who by the way, has clearly exercised wonderful leadership capabilities; but what a privilege to sit in these chambers and listen to our President deliver a joint address, and see right over here to our left Tony Blair from the United Kingdom in these chambers as well. These are two very powerful leaders in this world, and we recognize our good friends from across the ocean, although it seems like they are just across the street.

Let me say one final word again to Canada. I thank Canada for hosting the NATO meetings that we had up there. Canada is a wonderful country. The first time I heard about it was in Canada, that there was some type of push to make Canada a 51st State. The United States of America has no desire to make Canada the 51st State. The United States of America recognizes Canada as a strong ally, as a strong country; a country of many, many wonderful things.

We want Canada not as a sovereignty of the United States of America, we want Canada as a good neighbor, like a brother, like a sister on our borders.

So that NATO meeting was successful. I want all of my colleagues to know just how important NATO is and how quickly they responded when the call came. When 911 went into NATO headquarters, the garage doors went up and the fire trucks came out. So my thanks to NATO, and I urge all my colleagues to thank them as well.

Mr. Speaker, now I want to talk about the plague or the cancer that we all know about that has hit the United States. Let me tell the Members why I think it is a good analogy to compare this individual and his followers to a cancer.

First of all, cancer does not pick its victims. It does not discriminate with its victims. Cancer can happen to you, it can happen to me. We all know that. I do not know anybody, or at least I have never met anybody, who has had cancer who thought that the cancer was a good neighbor, who thought there was some legitimate reason that that cancer was going to eat their body alive, who thought that they could just pray it off on prayer alone, who thought they could just hope it off on hope alone, or who thought they could just love the cancer off on love alone.

Certainly all three of those factors are critical in a victory against cancer, but the reality of it is, if we want to get rid of cancer, we have to eradicate it. We have to go in and eliminate it.

There is no difference between cancer and what this picture represents. We cannot allow this individual to legitimize his cause. We cannot accept the rumor or the falsehoods that this individual is trying to put out all over the world that somehow this is a battle against the Muslim population. That is ridiculous. It is not against the Muslims. He killed Muslims, keep that in mind. The bombing of the New York Trade Center had a lot of Muslims in there. It had a lot of people in there of the Islam faith.

Do Members think he is out there for the faith? It is like telling a Catholic, look, go in the Catholic Church and shoot everybody, in the name of being a Catholic. That is exactly what this gentleman, or this horrible cancer, excuse me, that is a misuse of the word, this horrible cancer has done. He did not care whether they were Muslims or people of the Islam religion, he did not care whether they were Irish or black. There were 80 people from 80 separate countries in this world that were in there that are now missing or dead; all presumed dead, of course.

So the fact is, we have to prepare our future for cancers like this. Now is the time. Just like cancer, we figured out that one thing we can do with cancer is preventative medicine: Start watching what we eat, start trying to avoid some things that we can avoid. The fact is, just like cancer, where we take a preventative step against it, that is exactly what this calls for. We have to anticipate that all future generations are going to face this type of cancer. We have to set the policy today that eradication of that cancer is the primary answer.

Let me say, in heavy compliment to the administration, thank goodness we have some hands like Dick Cheney, like Colin Powell, like Condoleezza Rice, like Rumsfeld, like Ashcroft. We have experienced hands down there in the White House administering the emergency response, the war response, of this Nation.

We have a President who has risen to the highest levels of leadership on the moment. When the 911 call went to the White House, this President responded as a President should. He did not go half-cocked. He did not walk out in the corral, pulling his six-shooter, shooting at anything that moved. This President took a deliberate course of response.

I find that one of my colleagues this morning criticized the President, saying that 4 weeks was not enough time for the President to put together any type of response. Give me a break. Here is somebody who has not been involved, one of my colleagues not involved in the planning process. We are not down in the White House. Do not be mistaken. Do not let Congresspeople make us people that we are down in the war room helping the Pentagon and helping the administration plot which terrorist camp to blow up on which day and with what kind of weapons, and what kind of personnel are going to be necessary.

□ 1445

The Congress can criticize the President and in my opinion had no idea of the planning that went into this. Perhaps it was just the way to take advantage of the time, get a little media or something, my colleague got some media today, but in a time like this, maybe my colleague ought to be a little careful with those kind of responses because the fact is, I think the American people are confident, I am confident and I think the majority of my colleagues are confident that this President is doing what he needs to do, a deliberate, strong, decisive response.

It is happening now even as we speak, and it will be happening a year from now as we speak; and probably it is going to be happening 5 years from now when we speak.

This battle against cancer is going to take some time. We cannot get it all at once, and it is like brain surgery. It is just like taking a brain tumor. The brain cannot be blown out of a head. Well, that cures the cancer all right; but we all know the result of that, and we have to go in with very delicate fine tools and eradicate and eliminate that cancer to the extent that we can do it, and this is exactly what this operation is going to call for.

One of the things I think we have got to look out for in the future clearly is something that we have heard, as cases in Florida have evolved in the last day or so, bioterrorism. Let me tell my colleagues that bioterrorism can be delivered in a missile.

Why do I bring up missiles? Because it is very appropriate for this Nation to deploy, as soon as we possibly can, missile defense.

I say to my colleagues, how many of your constituents out there currently think we have got a defense if somebody fired a missile against this country? Let me explain what we have. We have what is called NORAD. It is located in my good colleague's, the gentleman from Colorado (Mr. HEFLEY), district down in Colorado Springs. There is a mountain down there that is of granite, and they have taken the inside of that mountain; they have cored it out and they have put what we call NORAD in there. It is our detection system. It has other responsibilities, but detection is its primary tool, primary assignment.

When somebody launches a missile, for example, 2 weeks ago or week and a half ago when the Ukraine launched a missile, unfortunately which hit a passenger airliner, when they launched that missile we were able to detect it. The United States detected that missile on its launch. We can detect any missile launch in the world. We know within seconds if a missile has been launched, and we can tell if a missile is headed to the United States or to Canada; and we can determine what kind of missile it is. We can determine the speed of the missile. We can determine what we think the payload of the missile is going to be.

Guess what? We cannot stop it. Now, how crazy is that? What kind of shortsightedness would let us detect a missile but do nothing to stop the missile?

That missile could contain a nuclear weapon, and most people assume that the missile would contain a nuclear weapon.

What else? It could contain a weapon of bioterrorism. Think of that, a weapon of bioterrorism; and we have no defense against it as we speak today.

We have a President who wants and feels very committed to deploying for this generation and future generations a missile defense system in this country. I have heard some of my colleagues say, oh my gosh, it is going to cost too much. What do they mean cost too much? That cost is minuscule compared to the costs if somebody launches a missile against the United States.

Most of my colleagues here, most of us here, when we talk about missile defense we think about Russia launching a missile against us or China launching a missile against us. Guess what, the horizon has expanded. There are a lot of people, as I will show on a later chart, there are a lot of people who now have the capabilities to launch a missile against the United States. We have a lot of countries who have the capability to generate bioterrorism, and missile delivery is one way of doing it.

Just as important as an intentional launch is an accidental launch. Look what happened last week. The American people need to know that a week ago a missile was launched by mistake, by mistake by the Ukrainian military. They are denying it. First of all, they denied that their military practice was anywhere in the vicinity of that commercial airliner. Then they said, well, maybe they were in the vicinity; but certainly they were not firing or exercising at the time. Then they changed that and admitted, well, maybe they were in the area, and maybe they were exercising at the time; but the missile did not have the capability of hitting that commercial airliner, and I would probably guess or I would guess the next explanation they will have is, yes, they did fire the missile, but what was that airplane doing there in the first place.

The fact is the Ukrainian military 10 days ago, and the American people need to know this, accidentally launched a missile against a commercial airliner and brought the commercial airliner down, killing everybody on board.

My colleagues are going to say, well, missile defense, we are not talking about being able to defend an airliner over the Black Sea. No, but the key and the reason I bring this story up is that it happens. Missiles are launched by accident.

What would happen if somebody like Russia by accident launched a nuclear missile on the United States? If we had the capability to stop that missile, before it hit the United States, we could very easily avoid the next war. Obviously, we would avoid a horrible, horrible disaster in the United States; but what kind of response would go to Russia if that missile, God forbid, hit New York City or some other city in this country? Would the response be a retaliation of firing a nuclear missile back into Russia?

All of these conflicts are avoided if we are able to shoot that missile down because we have a missile defense system. A missile defense system does not need to be restricted just to America. We can share it with our allies. We can make missiles an ineffective weapon; and it will be a big step towards, in my opinion, the battle of bioterrorism.

Let us look at another couple of charts here. Terrorist attack confirms the growing need for missile defense. Homeland defense is insufficient without missile defense. How do we guarantee the security of this Nation? By the way, we have an inherent obligation, we as Congressmen, and I say that generically, we as Congresspeople have an inherent obligation to the people that we serve, to the Nation that we serve to provide national security for our people. That is our job. That is our obligation. If my colleagues do not want to fulfill that or stand up to the line to do that, get out of this job because out of 435 Congressmen we cannot afford to have one Congressman, we cannot afford to have one Congressman that does not consider their obligation to provide a national security blanket for the United States of America, and a key part of it is missile defense.

Look at this. We have no defense, as I mentioned earlier; and if we thought the September 11 attacks were terrible, wait till a missile hits. We know that it can happen. Terrorist groups, not States, have the means to buy ballistic missiles. One of the things that is interesting is that the Taliban in Afghanistan, they have missiles. Now, fortunately, they are older missiles; but do my colleagues think that if bin Laden or any of his cancerous followers, do they think if any of them possessed a nuclear missile that they would not have used that weapon as their weapon of choice on September 11?

Let me tell my colleagues, if those people get their hands on a missile, those of my colleagues who oppose the proposal and the commitment of this President and most of the Members of this Congress, I believe those who oppose missile defense better be ready to explain to their constituents why, when they had the opportunity, when the technology had become available, they decided that this Nation should not protect itself against people, cancerous people like bin Laden, who decide to lob a missile into this country. The only reason that bin Laden did not use a nuclear missile against the United States of America, the only reason is that he did not have it.

I have got another chart I want to show. This is ballistic missile proliferation. Take a look at it. These are countries that now possess ballistic missiles. Let us talk for a minute about missile defense in the United States and why we have no defense up to this date.

Years ago, in the seventies, the United States and Russia, some of our ivory tower thinkers got together, and I do not understand where they came up with this conclusion but they did, and they said the best way, since there are only really two nations in the world capable of delivering missiles of any kind of destructive capability, and they are the United States and Russia, since there are only two of us, the Soviet Union, let us go ahead and sign a treaty and we will call it the Anti-ballistic Missile Treaty. In that treaty, they say, we will not attack you; you will not attack us.

My point is that the treaty is obsolete. That treaty is no longer valid, and I want to show my colleagues why. It is valid by its terms, although one of the terms allows us to negate the treaty; and I intend to explain that tomorrow or next week on my further discussion of missile defense, but I want to point out something. Look at what has happened since the seventies. Look at everywhere there is purple, there is missiles; and in all of this purple area, do my colleagues not think there are not people that wish the destruction of the United States, that hate democracy, that hate rights for women, that hate capitalism? Of course it exists. It exists.

I want to point out something further. For example, a good friend of mine, the gentleman from California (Mr. CUNNINGHAM), who is an expert in the military, pointed out to me not long ago, he said, Scott, keep in mind, that countries like Pakistan, which have possession of nuclear weapons, Pakistan, turn on the TV this afternoon and take a look at what is going on in Pakistan. There are some limited riots; but let us, for the sake of an argument, speculate about what happened if those riots became much more vast in their number and what happened if those people who support bin Laden got a hold and overthrew the Pakistani Government.

All of the sudden we would have a bin Laden with nuclear capabilities, nuclear missiles; and guess what, because some of my colleagues might be stubborn about providing the United States with the security blanket of missile defense, we will not have a defense, and let me tell my colleagues, nuclear missiles are only that far away from people like bin Laden.

My point in this speech today is to lay a foundation for my comments next week about the details of the Anti-ballistic Missile Treaty, about the necessity and frankly the responsibility of my fellow colleagues sitting here on the floor and representatives in the Senate, that obligation to provide the people of this Nation the type of defense apparatus that is necessary to give us the security so that we can live lives without a life of fear.

I also wanted in my comments today, and I want to reiterate it, and that is my appreciation for countries that will assist us in this kind of defense, in putting together a missile defense system. There are countries out there like the United Kingdom and others that will help us with this defensive system; and at some point in time, they will be beneficiaries of it.

Finally, Mr. Speaker, let me conclude my remarks by again reiterating my deep appreciation and the deep appreciation of the United States of America to our NATO allies, to all of our allies including Japan, Mexico, any of the allies that are not in NATO; but specifically I want to thank our NATO allies who, as I said earlier, when the 911 call came into their office, the garage doors opened and the fire trucks came out. Every country without exception, every nation in NATO responded immediately by putting up article 5 and by coming forward with the necessary resources or whatever help the United States requested.

I want to remind everybody, today as I speak, flying over U.S. air space are NATO AWACS aircraft. Why? Because we needed the U.S. AWACS aircraft out into the theater of operations so we needed a backfill. NATO put the backfill in that fast. It is good to have friends, but it is even better to have friends when the going gets tough. By gosh, we know the going is tough, and now we can count the friends that really are friends.

RECESS

The SPEAKER pro tempore (Mr. CRENSHAW). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1752

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 5 o'clock and 52 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 169

Whereas Mike Mansfield, the son of Irish immigrants, was born in 1903 in New York City and raised in Great Falls, Montana;

Whereas Mike Mansfield was the youngest Montanan to serve in World War I, having enlisted in the United States Navy at the age of fourteen;

Whereas Mike Mansfield spent eight years working in the copper mines of Montana;

Whereas Mike Mansfield, at the urging of his wife Maureen, concentrated his efforts on education, obtaining both his high school diploma and B.A. degree in 1933, an M.A. in 1934, and became a professor of history at the University of Montana at Missoula, where he taught until 1952;

Whereas Mike Mansfield was elected to the House of Representatives in 1943 and served the State of Montana with distinction until his election to the United States Senate in 1952;

Whereas Mike Mansfield further served the State of Montana and his country in the Senate from 1952 to 1976, where he held the position of Majority Leader from 1961 to 1976, longer than any Leader before or since;

Whereas Mike Mansfield continued to serve his country under both Democratic and Republican administrations in the post of Ambassador Extraordinary and Plenipotentiary to Japan from 1977 to 1989; and

Whereas Mike Mansfield was a man of integrity, decency and honor who was loved and admired by this Nation: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 63. Concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation.

S. Con. Res. 76. Concurrent resolution honoring the law enforcement officers, firefighters, emergency rescue personnel, and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001.

SPECIAL ORDERS

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

UNITED STATES SHOULD NOT ALLOW MILLIONS TO SUFFER NEEDLESSLY IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I hope the international community is not once again going to sit back and allow another giant humanitarian disaster to unfold. U.N. agencies have warned that the humanitarian crisis in Afghanistan is fast approaching historic proportions. The situation in Afghanistan grows worse by the day.

Incredibly, the scale of the Afghanistan humanitarian crisis is now exceeding even the scale of the monumental refugee disaster which followed the 1994 Rwanda genocide. I cannot believe that just 7 years after Rwanda, we are now preparing to allow millions of innocent men, women, and children to perish in Afghanistan.

The World Food Program now estimates that 6 million Afghan men, women, and children will require food aid inside Afghanistan from October 2001 until the end of March 2002. The U.N. estimates that as a result of the military operations, a further 1.5 million Afghans will flee into Pakistan, Iran, Turkmenistan, and Tajikistan and place the aid agencies in those countries under yet more pressure.

The greatest tragedy is that the children of Afghanistan are being forced to bear the greatest burden of this war. Almost 1.5 million of the at-risk population are children under the age of 5 years; and for them, hunger, illness, and cold conditions can easily lead to death. Even before the September 11 attacks, UNICEF had estimated that one in four children born today in Afghanistan could expect to die before their fifth birthday. Save The Children Fund confirms that the lives of Afghans and especially the hundreds of thousands of Afghan children aged under 5 years are at risk of dying during the coming winter months.

The World Food Program believes that they need to deliver a total of 493,000 metric tons during the next 6 months in order to feed an estimated 6 million people. They have asked for roughly $250 million. Our Armed Forces have deployed and are using military assets including three aircraft carrier battle groups, including destroyers, escorts, submarines, and other support ships, B–1 and B–2 Stealth bombers, dozens of F–14s, F–15s, F–16s, and F/A 18s, together with helicopters, AWACS, and heavy lift transport, all worth billions of dollars. The World Food Program asked for $250 million or the cost of 15 cruise missiles. That is the amount that we fired on the first night, or maybe the cost of just two wings of one B–2 Stealth bomber.

The tragedy is that while our military celebrates its precision bombing, millions in Afghanistan suffer.

In Rwanda, up to 1 million people died in the genocide as the U.N. Security Council and member states stood by and cut U.N. troops back from 2,000 to 400. After the worst of the killings were over, international troops were deployed in neighboring Zaire to deliver aid and smile for the cameras. But once the cameras left, hundreds and thousands of Congolese and Rwandan refugees were left helpless. It is now estimated that some 3 million Congolese have died from malnutrition, disease, and other preventable diseases. That amounts to a staggering 7,000 civilian deaths each and every week for the last 3 years, and the number is still counting.

We love our children and we know that the Afghan people love theirs as well. What will they do and all the nations surrounding Afghanistan if the

United States and Britain allow so much needless suffering to unfold in the name of the war against terrorism. Millions of Afghans are going to starve and perish and yet, what we will have is another generation rising up in bitterness and hatred against us.

Mr. Speaker, the United States and Britain do not need that, and we should not allow untold millions to suffer needlessly in Afghanistan.

MUNICIPAL PREPARATION AND STRATEGIC RESPONSE ACT

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

Mr. LARSON of Connecticut. Mr. Speaker, it is a great honor for me to rise this evening and discuss very important legislation that we intend to introduce tomorrow on the floor. My colleagues should know that this is the collaboration of more than 45 Members of Congress who have gone home and listened to their leaders, listened to their local fire chiefs, police chiefs, emergency medical people, allied health professionals, and who understand the importance of having a Municipal Preparation and Strategic Response Act. That is what our bill is called: the Municipal Preparation and Strategic Response Act of 2001.

The September 11 terrorist attacks on the United States has prompted increasing debate and attention to several proposals addressing homeland security in the United States at the Federal level. The President is to be complimented for his appointment of Tom Ridge, who we believe will do an outstanding job in spearheading this effort in our Nation.

The one thing that the recent attack made clear was that for this new kind of warfare being conducted against the United States, that those truly in the frontline of defense are indeed our local firefighters, our police force, our emergency medical teams, the allied health professionals that get involved in meeting this kind of imminent emergency.

□ 1800

It has not been lost on Members of Congress as we have gone home to our districts and talked to people about what has happened at the World Trade Center, in the fields of Pennsylvania, and at the Pentagon that the first to respond was not the FBI, the CIA, the FAA, or our Armed Forces, but indeed, they were firefighters, they were police officers, they were emergency medical teams, they were our allied health professionals.

These are the individuals that are most in need, at this very critical juncture of homeland defense, of the support and money necessitated to carry out homeland defense to make sure that our people here at home are safe and secure.

To do this, they require appropriate funding, and funding that will allow them from the bottom up, starting with our local communities, to become more involved with the strategic planning, and to be able to coordinate with State and Federal agencies in such a manner that will provide commonality of communication, that will allow them to prepare themselves with the various kinds of equipment they are going to need to handle this new threat, this new era that we are living in.

I am proud to join more than 45 Members in sponsoring this very important legislation. The nuts and bolts of this legislation are as follows:

This legislation would provide a total of $1 billion in funding to towns, cities, and tribes for strategic planning needed to ensure that local emergency responders, including municipal, private, and volunteer fire departments, police departments, emergency medical technicians, EMTs, paramedics, and other health professionals are fully prepared and equipped and trained for emergency and security issues that arise from terrorist attacks.

It would also provide for the development of coordinated regional responses to terrorist attacks or other catastrophes utilizing Federal, State, and local agencies, and provide an additional $250 million to the COPS program and $250 million to the assistance to the firefighters program to establish grants specifically for counterterrorism response, training, and equipment; and most importantly, as we have heard from all of our local officials, with no local matching funds required.

It is important to emphasize how critical it is that we are proposing no local matching funds for these programs. The threat to our communities is now, and we cannot give those at war with the United States the opportunity to strike while our communities spend years saving enough money to pay the local match for Federal grants to provide the training and equipment necessary to safeguard the American people today.

In the edition of the Hartford Courant this past Sunday in my district, they talked about specific interviews they have had with local police departments who say that they are in no way prepared for the kind of terrorist threats that currently we can face here in this Nation.

With the State Department predicting it is near a 100 percent certainty that given the most recent attacks on Afghanistan that there will be a response, it becomes abundantly clear that we need to make sure that our front line defenders, that those who are the first to respond to these attacks, have the money in place, the training in place, the communication that is necessary in order for them to do their jobs.

Our bill specifically establishes a $1 billion grant program for cities, counties, towns, boroughs, tribes, and other municipal or regional authorities to develop local emergency response plans that include the following, and I think it important to enumerate on these specific goals: That develop strategic response plans that provide for a clearly defined and unified response to terrorist attacks or other catastrophes. Municipal leaders feel very strongly, in acknowledging their role as the first responders, that it is important that Congress not make decisions in a vacuum; that we reach out to our local municipalities, that we involve discussion from the bottom up, and not foist a top-down decision upon them, so that we are better prepared to coordinate the activities and procedures of various emergency response units, and that we better define the relationship, the roles, responsibilities, jurisdiction, command structures, and communication protocols of emergency response units; that we coordinate response procedures with similar emergency response units in neighboring units of local government, as well as with State and Federal agencies; that we identify potential local targets of terrorism, and include specific response procedures for each potential target, notwithstanding concerns about our local schools, about water supplies, about nuclear generating power facilities. It is important that we take this kind of forward-thinking action, and we do so now.

The bill will also allow communities to prepare and issue reports to units of local government, State legislators, and Congress that include recommendations for specific legislative action; conduct public forums or other appropriate activities to educate the public about potential threats and steps the public can take to prepare for them.

I do not think there is a community that any Member of Congress has visited since September 11 where people have not been willing to roll up their sleeves and say, what can we do to help? But in meeting with our local officials, they have also said, as much as we are willing to help, we lack the necessary resources to do so.

The best way that we can help and engage in homeland defense is to make sure that our local municipalities have the resources available to carry out this function.

To help accomplish this goal, we have asked FEMA to designate for each State a representative, not to dictate but to assist and advise units of local government with the development of a strategic response plan, act as a liaison between units of local government, and coordinate the sharing of information about Federal Government initiatives and protocol.

It is clear in talking to a number of local officials, as well, that the commonality of communication is at the heart of being able to respond successfully. It is this commonality that local municipalities seek, recognizing that

to have commonality nationwide is going to require an enormous effort with regard to coordinating all the various agencies at local, State, and Federal levels.

But it definitely needs the input of our local municipalities. It definitely needs the information that so many of them are anxious to share with us. It definitely requires the kind of coordination that will identify the gaps in our program, will identify where there are overlaps, and seek to better coordinate our response, no matter what the act of terrorism may be.

It is so critical, as we have witnessed in what happened and transpired in New York, in the fields of Pennsylvania, and at the Pentagon.

I am proud that this is a bipartisan effort, as well, and that Members like the gentleman from Pennsylvania (Mr. WELDON), the founder of the Congressional Fire Services Caucus, is a cosponsor, and the gentleman from Michigan (Mr. STUPAK), who heads up the Congressional Law Enforcement Caucus, is also a sponsor of this critical legislation that has more than 45 Members who have already signed on.

I am also pleased to announce that we have met with several groups representing first responders. They have agreed with the need to have a coordinated local approach, including the National Association of Police Organizations, the National Sheriffs Association, the International Arson Investigators, the National Volunteer Fire Council, the Congressional Fire Services Institute, and the National Association for Fire Chiefs.

In addition, we are also in the process of soliciting input from the National Council of Mayors, the National Association of Counties, the National League of Cities, the National Association of Regional Councils, and the New England Association of Regional Councils; the point being, here again, of making sure that as we put forward solutions to this problem, as we seek to work with Tom Ridge and the administration, and as Congress seeks to look at this issue in a rather broad fashion, that we not forget our local communities, that we not forget who indeed are the first responders, that we not forget who truly are our front line of defense.

One can only recall the statements of so many of us who have been to New York, and so many people who have talked about the faces of the heroes that they saw climbing up the stairs to go save those who were in need. They were valiant heroes. The best thing I believe that we can do to respect their memory is to make sure that we are providing the appropriate kind of funding, and the ability for them to respond with the kind of equipment and the kind of training and strategy necessary to defend against terrorist attacks.

I am pleased to be joined by an esteemed colleague on the Committee on Armed Services who understands this issue very well, and has always been in the forefront of supporting local firefighters and policemen, as well.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank my colleague for yielding to me. I heard the gentleman while I was watching in my office. I thought I would really like to come down and talk a little bit about what has happened.

I was in New York yesterday, and I know that many of the people who worked in the buildings in the World Trade Center came from Connecticut. My husband used to work in one of those towers, so that we are very well aware that Connecticut lost several people in that tragedy.

I ask the gentleman, was it not wonderful to see our firefighters and our police officers, and even those people who volunteered their time in our emergency, people who respond in emergencies, who went down to help during this disaster, this real disaster that happened to our country?

Somebody was asking me the other day when I was talking to some of the volunteers, the Red Cross volunteers in New York yesterday, someone said to me, did you in California, my State, really even understand what this all is about? And I looked at them, and I said, ''You are looking at volunteers who are from California who have come to spend 2 or 3 weeks here to try to help, even if it is just to serve food to these firefighters and servicemen and women who are working down at ground zero; or the fact that these planes had people headed to Los Angeles, many of them from my region. They also died in this disaster in New York.

It is not just that. As we went around, I was kind of laughing. I saw one day on the television the Oregon delegation had taken 1,000 people to New York to try to spend money, because they had heard that so many people were out of work in New York. I think of the devastation, the real devastation and the toll on a city.

We from California are also pretty based on tourism. My own district has Disneyland in it, the happiest place on Earth. Today, it does not have a lot of people there, which means the people are losing their jobs, hotels are having to shut down, restaurants are not serving food. So this devastation has gone not just to New York or to the Pentagon area, but really across the Nation.

I wanted to come down, and I know that the gentleman and I have spoken so often about all the work that is being done in New York. These people who are doing this, whether they are being paid, whether they are our firefighters, whether they are our reservists or our National Guard or just our volunteers, have their whole heart in it. Across America, we are suffering because of this attack.

Mr. LARSON of Connecticut. I thank the gentlewoman from California for sharing with us her experience and the sentiments, not only of people from her native California, but people across this great Nation of ours.

I believe the silver lining of all of this is that we are a nation that has come together. It is clear that September 11 has perhaps forever changed this Nation, but perhaps also with an eye toward our communities coming together, with neighbors caring more about one another, with specific outreach that is going on in our communities.

□ 1815

In going back to my community and talking to a number of the firefighters and emergency medical people who, in fact, went to New York City as well, the volunteer efforts across the Nation have just been outstanding.

I come back to the point, though, of our legislation, which is the one thing the municipal leaders have said to me repeatedly is let us make sure when Congress gets together that it does not forget who, in fact, are their front-line defenders, who are the first responders; and as the case is with homeland defense, any act of terrorism is more likely to have firefighters, police officers, sheriffs, emergency medical teams, allied health professionals, all being the first people to arrive on the scene. Therefore, they want to be included in the planning.

Forty-five legislatures have already signed on to the proposal, also feel very strongly about meeting with Tom Ridge and his new task force which is an enormous responsibility. And, again, we applaud the President for his selection and look forward to working with him in this endeavor but want to make sure that we get bottom-up solutions as well from those that are in the front lines.

They are all asking what they can do to help, and they are anxious to provide the Nation with their knowledge, with their expertise. We ought to highlight and spotlight these individuals who are in the field, who do understand intuitively some of the problems we are going to face, and to develop a commonality of communication to get them the strategic planning money that they are going to need, the funding for equipment that they are going to need, to deal with heretofore issues that while they may have been talked about in the press, while we may have heard about them for some time, September 11 has changed all that, and now we have got to respond and the time for us to act is now.

Ms. SANCHEZ. Madam Speaker, if the gentleman would yield, I would say to the gentleman that he and I have had many conversations, not just here on the floor but in our walks and in talking every day. And we are very concerned that the money that we are spending, and let us face it, we are spending billions of dollars since September 11 on security and on helping the airline industry; and we are very

concerned, whether it is the employees who are being laid off and their need for medical care, for health insurance, whether it is for unemployment benefits lasting longer than 26 weeks, whether it is what is happening to the people being laid off at motels as I see in my district.

It also is about the fact that when these types of attacks hit, it could happen in a city where the Federal Government cannot get to it. We just cannot get in there fast enough, and what we will need is our local firefighters and our local law enforcement officers. Our local health clinics and hospitals will take the brunt of any other type of attack like this, and we need to ensure that we are funding not only at the top but also funding within communities, funding the workers, funding the doctors, funding the hospitals, funding the ability of our communities to respond.

Mr. LARSON of Connecticut. Madam Speaker, reclaiming my time, someone who understands that and who has done an outstanding job in the 107th Congress is the gentleman from New Jersey (Mr. PASCRELL), who also is currently on a terrorist task force and has been one of our leaders, especially in the area of firefighting. And his bill last year I think has done immeasurable good and hopefully with additional funding coming forward will be able to assist again those very important front-line defenders, our firefighters, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, if the gentleman would yield, I would say to the gentlewoman from California (Ms. SANCHEZ) and the gentleman from Connecticut (Mr. LARSON) I am reminded when we discuss homeland security and the great task that is before us all some words by Walt Whitman when he was at this House, when he was at this very House during the Civil War.

He wrote, ''One is not without impression after all amid these Members of Congress of both Houses, that if the flat routine of their duties should ever be broken in upon by some great emergency involving real danger, in calling for first class personal qualities, those qualities would be found generally forthcoming and for men not now credited with them.''

I think those words are fitting and I want to commend my colleague, the gentleman from Connecticut (Mr. LARSON), and I want to commend the gentlewoman from California (Ms. SANCHEZ), because the task is upon us.

I cannot emphasize enough to the Americans that are watching and listening, I cannot emphasize enough how important that we need to bring what we are talking about to the local level; and I want my colleagues to know and I report to them that yesterday I convened a meeting which we only had 2 days to put together of police chiefs in my district, of fire chiefs in my district, of hospital administrators in my district, of those who have dealt with infectious diseases, of the emergency coordinators in two counties that I represent in New Jersey, the State police who have done such a fantastic job in coordinating things in our State of New Jersey.

That group that I have described, if we can hold them for more than a half an hour together that is pretty good. I am lucky if I can hold my family together for 5 minutes. We were there for 2 hours; and I say to the gentleman from Connecticut (Mr. LARSON), this should be a real focus of our work, to get these folks who are so knowledgeable, who understand what training means, who understand preparedness, who know what communications will mean in times of tragedy, who know what counseling is all about, we need to be speaking, getting off our chest what is on it, how critical this is. For 2 hours.

I am collecting materials that I will bring to this floor and bring to the legislation so that we will put our legislation and make it better after introducing it.

We are still coming to terms; and I think you would agree with me with September 11, it is not something that simply fades into the night.

What was carried out, this assault on thousands of innocent people who were enjoying the freedom of America, the perpetrators showed us the absolute depths which humankind can sink. But in this immediate aftermath, we have all witnessed something else. We have also seen amid the carnage and amongst the destruction the amazing heights of benevolence, of decency, courage that America offers. We witnessed America's first responders.

I commend the gentleman from Connecticut (Mr. LARSON) for understanding that we have been trying to talk sense into the folks who come here today about that our first responders do not need a wave and a pat on the back so much, but they need the resources. They need the training. They need the equipment. They need the apparatus.

When I look at what happened in New York State and New York City, the numbers of human beings taken, of brave men and women who rushed into those buildings, 343 firefighters, numerous police officers, members of the Port Authority Security Team, and then 92 vehicles destroyed worth close to $50 million. This is nothing that we can simply offer our condolences about. We have a responsibility, do you not agree?

Mr. LARSON of Connecticut. Let me first of all recognize the outstanding job that you have done both as an architect of this specific legislation and your outstanding work both in the last session and this session in terms of bringing to Congress the importance and need of firefighting, as you have eloquently pointed out the need for training, the need for counseling, the need to see that there are appropriate resources there at the point of delivery.

Clearly, if we have learned anything from September 11, and with all due respect to our great Federal agencies of the CIA, the FBI, our armed services, the FAA, those first on the scene, those rushing up the stairs all came from our local communities. And that was true in Pennsylvania. It was true at the Pentagon. It was true in New York City.

I hope the gentleman will stay as we enter into further dialogue, but I am proud to say that we have been joined by another architect of this legislation, the gentleman from Indiana (Mr. HILL), who also understands the importance of funding local initiatives and is also a co-author of this legislation.

Mr. HILL. I thank the gentleman and my good friend, the gentleman from Connecticut (Mr. LARSON), for yielding me a bit of time. I want to also commend the gentleman for the work that he has put forth on this particular idea. It is a good idea, and it is an idea that I can support wholeheartedly.

The September 11 terrorist attack on the United States has made us more aware of the threats that exist in the world today. It has also made us more aware of how we can combat these dealers in death. Your Municipal Preparation and Strategic Response Act of 2001 is a crucial step toward improving our ability to deal with acts of terrorism. In rural districts like mine in southern Indiana, the firemen and policemen and emergency medical teams are often the first line of defense against disasters. Often funding for these great protectors of ours is lacking.

September 11 has made it clear that for a new kind of warfare, we need a new kind of warrior. It will now take more than just our military and intelligence forces to keep us completely safe. We must make sure that first responders in our cities and towns have the training, the equipment, and the personnel to effectively respond to any disaster. It has got to be a bottom-up approach because the police officer that patrols your street or the firefighter that is your neighbor will be the first person in any disaster scene. They are taking the greatest risk as we saw in New York City and they are providing the greatest service.

It is our duty to provide for the common defense and general welfare of the United States. To accomplish that is now our duty to give them the best tools possible to face that risk and to provide that service. Your bill provides $1 billion of grant money that will go directly to local cities and towns to support emergency responders. It will also provide $250 million to the COPS program and $250 million to the Firefighters Assistance Program, which has already benefited fire departments in southern Indiana.

In the past, some may have taken our first responders in our communities for granted. This bill, our bill, would help ensure that that never happens again; and I thank the gentleman for yielding to me.

Mr. LARSON of Connecticut. I thank the gentleman from Indiana (Mr. HILL), who indeed has been a warrior himself on behalf of local firefighters, police and law enforcement individuals. I thank the gentleman who gives me far too much credit. The genesis of this legislation, indeed, came from those front-line responders. It was their input. As the gentleman from New Jersey (Mr. PASCRELL) has pointed out, as the gentleman has eloquently stated, as we go back and talk to our local municipalities, we hear this repeated all across the Nation.

Is that what the gentleman has found in his 2-hour meeting?

Mr. PASCRELL. That is exactly what I have found, and I cannot emphasize it enough. One of the things that came across in our meeting yesterday morning, in this event for a counterterrorism response, training and equipment are very critical. However, this is not going to make sense on a local level unless mayors and councilmen and committeemen understand that we are under the severest of alerts.

Mr. LARSON of Connecticut. The gentleman will understand this firsthand, as he is a former mayor.

Mr. PASCRELL. Yes, I do. Mayors are there 24–7. And mayors and councilmen and committee people cannot put this aside, cannot put this as an addendum. This must be a crucial part of every municipality's operation.

□ 1830

And there are places to find out this information.

We are going to help. We are going to do our part in a bipartisan way in the Congress of the United States, but there is not one community which should shrink from the responsibilities that they have within themselves. Every one of us, as individuals and as communities, must develop plans. We are going to help them do that. The emergency teams and their counties in districts throughout America are going to help them do that. We are going to provide the resources to do this. This is something that has not been on the front line, and we are going to put it on the front line.

I want to commend the gentleman again. Being a mayor, of course, as the gentleman knows, the mayor is the father, the sociologist, the parent. You are everything when you are a mayor, be it a small town or a large town. This is what makes America so great, that small towns and large towns work together, particularly in times of crisis.

And I can assure the gentleman that there is no greater responsibility that we have on this floor than to communicate back to the mayors of the many towns we have in our districts that they better have a plan, they better be able to deal with their hospitals, with their firefighters, with their first responders and EMTs and their police officers. They better be able to deal with the State police in their areas, and the county police and sheriff departments in their areas. If they do not have a plan, what happens if communication goes out? What is the backup? What is the second line of defense?

We understand that many of the things we talk about in biochemical warfare will mean that first responders, who will be the first on the scene and not knowing what even they are attacking, are put in real life jeopardy. We cannot allow that to happen, and we must do this yesterday. So there is no time.

I want to assure the gentleman he will have my total cooperation, and I know across the line here we will have the cooperation of all our colleagues.

Mr. LARSON of Connecticut. I want to thank the gentleman especially for the outreach he has done in various caucuses but, as has been acknowledged from the outset, this is a bipartisan effort.

I think the heartening thing that is going on in America as we respond to this tragedy is the way the country has reacted. It is the way this body, in truth, which oftentimes is very partisan, but on this issue, from the night of the attack, when we all stood together, Democrat, Republican, Senate and House, on those steps out front and spontaneously broke into God Bless America, from that point forward we understood how clear this mission was; that it is important for us, especially at the grass roots level and with local government to make sure that we are providing resources to our front line defenders.

I especially want to thank the gentleman from Pennsylvania (Mr. WELDON) as well, who has been a champion, and who has worked with the gentleman on many issues that involve firefighters, and for the lead he has taken and for his willingness to recognize how important it is going to be for us to get resources back to our local communities.

I also want to indicate to our colleagues who may be listening this evening and to those out in this great country of ours that are listening to call in, to implore people to sign onto this legislation. We are having a press conference tomorrow with a number of associations and groups and Members who have already signed on to the proposal, but we are hoping to attract more original sponsors of the bill and hope that in true bipartisan fashion, in the way that the gentleman has reached out to so many, that we are able to bring this legislation forward and hopefully enact it before we leave here so that our first line responders get that money when they need it, because, as the gentleman so eloquently pointed out, they need it yesterday. They need it now.

We were caught off guard. We were stunned. We have gone through, clearly, a period of mourning that, as the gentleman indicated, I do not know that we will ever get over. But to honor the memory of those brave heroes is to make sure that we are prepared for this response; that part of our resolve towards terrorism is at every single level of government and then intercoordinated between them.

Again, this is an experience the gentleman knows about better than most. One of the issues that was raised locally with the individuals and firefighters, police officers, municipal leaders, mayors and State legislative representatives in my meeting was that, look, there needs to be better coordination. Somehow we have to get on to a system of commonality of communication. Was that part of the gentleman's experience?

Mr. PASCRELL. Absolutely. If we do not have that coordination or that education, then we have panic. There is enough fear in this country. Walt Whitman hit on it 135 years ago. We must rise to the occasion. And he looked around in this very House and saw, as he was attending to folks during that Civil War, because he was a nurse, he knew that maybe a Congressman once in a while had his head down, but when the call came, he knew that they would respond and respond accordingly. He had that faith over 135 years ago in this Congress. We have that faith now.

We need to reduce the panic. We need to reduce the fear. And nothing will do that better than knowledge. Nothing will do that better than all levels of government and all levels of the community being involved in this plan. And I just want to leave by thanking the gentleman again for bringing us together on this issue.

Mr. LARSON. I thank the gentleman again for all his help, and would only add as well that I think the important lesson for our children with regard to September 11 is how this Nation responded.

It has been noted by many how several events, including sporting events and celebrity activities, were canceled. It was a time when our children really, truly got to appreciate the difference between celebrities and heroes. The events of September 11, and those brave heroes and heroines in New York, those that boarded planes, those who proceeded with the heroic acts in the fields of Pennsylvania and those at the Pentagon are indeed heroes.

We have become a Nation now that understands the importance of community and working together and extending a hand to our neighbors and not painting with the broad brush of prejudice the many because of the acts of a fanatical few. These are important lessons for our children to understand. It is important that they understand how our constitution works and how we must safeguard our liberties and our freedoms and how we must stand together as a Nation.

As Members of Congress, we must understand that aside from the rhetoric that we put forward, that we have to provide the resources, and those resources have never been needed more than they are today for our local communities. We hear this loud and clear

from them. There is not a Member of the Congress on either side of the aisle who does not understand or appreciate the needs of their local mayor or selectmen, volunteer fire department, law enforcement officials, or emergency medical help people.

This is something that Congress simply must respond to and act now. We must embrace the agenda and proposals of the President and of his new appointee, Tom Ridge, with respect to homeland defense, and then come together as a body and act soon. Tomorrow is the first step in that action.

We will be introducing this piece of legislation, and we hope to get further input from our municipalities so that Congress can join together to make sure that our municipalities are prepared, so that strategically, and from the standpoint of having appropriate equipment, and from the ability of us to respond appropriately, we will be prepared.

IMMIGRATION REFORM AND BORDERS OF INTEGRITY

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Madam Speaker, the issue I wish to address tonight is the issue that I have had the opportunity of addressing several times on this floor, it is the issue of immigration, immigration reform, and specifically the problems we are encountering in this country as a result of our inability to develop over the past several years a mechanism, some way or other, to actually have borders with integrity.

For quite some time, it has been the prevailing point of view in this body, I think, and certainly in the past administration, and, to a certain extent, even the present administration, that the concept of open borders was appealing, and appealing for a variety of reasons, some of which had to do with economic benefits that may accrue to the country as a result of having massive flows of individuals and goods and money back and forth across borders.

There is that kind of argument to be made with regard to the issue of immigration and open borders, and that argument held sway. There was also a political argument, and that was that, in fact, if we could get a large number of people into the country, and that those people could stay here without detection, eventually have children, and those children of course would become American citizens by virtue of being born here, it was a long-term strategy, I agree, but nonetheless the strategy was that those people would become part of a political party and cast votes primarily for one of the political parties in the country. And, of course, that is the Democratic party.

That was another reason why it was so hard to ever affect change. It was so difficult to ever get anybody to pay attention for any call for immigration reform because we had those two sides. On the Republican side, we had a great deal of opposition to immigration reform from business and industries that wanted cheaper labor and that wanted to be able to access large numbers of immigrants, both legal and to a large extent, unfortunately, illegal immigrants in the country for the purposes of getting their labor and doing so for a sort of reduced price.

So with those two very powerful forces at work, it was very difficult to ever advance the idea of immigration reform. Anyone that attempted to was automatically subjected to derision, name calling, and the like for being both racist or xenophobic or a wide variety of other kinds of nasty names, because immigration was an important issue to them. To me certainly it is, and it has been for quite some time.

But there has been a huge shift in attitudes here, I think, in the Congress of the United States, and certainly, to a large extent, even in the country itself. That is to say, I think for the most part if we would have asked people before how they felt about immigration, especially illegal immigration, a majority would always say they were opposed to it and that they wished that we would do more to stop it. And this, by the way, interestingly, was a majority of white Americans and a majority of black Americans and a majority of Hispanic Americans. All of them felt the same way about the issue of illegal immigration.

Now, the majorities were not huge, but they usually were always the majority opinion; that we should do something about immigration, especially illegal immigration. But ever since September 11, of course, things have shifted dramatically. And I must say, Madam Speaker, that there is absolutely no way I would ever want to have this issue won in the halls of Congress or anywhere else because of the events that we had here on September 11.

□ 1845

But for whatever reason that is where we are. Things have changed, and I am glad they have. I am glad there has been at least now more and more emphasis placed on and attention paid to the whole issue of immigration and immigration reform.

As we approach the legislative process here and we begin to develop pieces of legislation to deal with the events of September 11, we will undeniably be looking at legislation emanating out of the Committee on the Judiciary that is sometimes referred to as the antiterrorist package of legislation. That is coming up relatively soon, I understand.

It is truly unfortunate that most of that package got watered down. It is almost incredible, as a matter of fact, to recognize that as part of the overall strategy that this government is going to employ to deal with the issue of terrorism, that we would not concentrate heavily on securing our borders and trying to do everything humanly possible to stop people from coming into the United States who have evil intent. This is not easy. It is not easy to do. It is not easy to identify people who are coming here with that kind of intention, but there are certain indicators that America may have a problem with various individuals.

It is amazing to recognize the following:

In 1990, the U.S. passed a series of immigration laws. They were sponsored by a member of the other body from Massachusetts, and it instructed the State Department employees that mere membership in a terrorist organization or advocacy of acts of terrorism should not exclude foreigners from receiving U.S. immigration visas. Mere membership in these kinds of organizations should not exclude anyone from getting a visa.

Again, in light of everything that has happened, this seems almost unbelievable that any Member of this body, this body or the other body, would ever say such a thing, would ever put such a thing into law, but that is exactly what happened. This is sometimes referred to as the fellow traveler law because for a period of time there was an immigration law that said foreigners may not come into the United States if you belong to an organization that has called for the overthrow of the United States Government. We were concentrating on members of the International Communist Party at the time. If you were a member of some organization that had committed an act of terrorism, you could not come into the United States.

But in the heyday of political correctness, at a time when we were searching our souls to figure out how we could possibly apologize for being who we are as Americans, when the philosophies of relativism, moral relativism were being breached in all of the campuses around the country and all of the textbooks were telling people our culture was no better than any other, and we could not possibly characterize another culture as being inferior to ours, that kind of what I would certainly call muddle-headed thinking ruled the day. It certainly did in the media, it certainly did in academia, and it certainly did in the halls of Congress. Political correctness.

One of the more bizarre aspects of that muddle-headed thinking to which this Nation went and to a certain extent still exists, even here in the halls of Congress, as evidenced by the fact that we watered down the terrorist bill, but as a result of that we passed this law that instructs the State Department employees that mere membership in a terrorist organization or advocacy of acts of terrorism should not exclude foreigners from receiving U.S. immigration visas.

In an article in ''Human Events'' it says, ''Under the law as it is written,

someone who belongs to a Middle Eastern terrorist group and has publicly stated the desire that the World Trade Center towers be blown up, cannot, on those grounds alone, be denied permission to legally enter the United States as a prospective citizen. In such a case, the ultimate decision of whether to grant the immigration visa is up to the State Department officials, subjective evaluation of a person's knowledge and intent.''

According to the official Foreign Affairs Manual posted on the State Department's Web site, immigration law requires that a foreigner must be denied a visa if he or she has, quote, ''indicated intention to cause death or serious bodily harm and/or incited terrorist activity.''

If they come in and say I would like to apply to a visa to the United States of America, the consular office official says, here, fill this out. If you put down I intend to blow up your buildings, then I can keep you out. Then you can say it does not look like you have filled out this paperwork correctly because I cannot let you in as long as you state this.

These things would be funny if they were not so tragic and idiotic. It is just a manifestation of this goofball thinking of how dare we think that we cannot keep someone out of our country because their culture may be inferior. And I am going to state categorically there are cultures that are inferior to ours. There are cultures that do not put as much emphasis on human rights, on individual human rights, and on human freedom; and I believe that makes them inferior to ours. And I do not mind saying so.

I believe in the past we fought with cultures and political organizations inferior to ours. I believe that Nazism and communism were inferior in many ways, and certainly worthy of our disdain. And they rose to the level of those kinds of organizations and groups and philosophies that we should be wary of, and we should try our best to keep people out of the United States if, in fact, they proposed to advance these ideas.

It is not to our benefit that these people come in. Things happen when they come. Sometimes places get blown up. Sometimes people are killed. Sometimes governments teeter, thank goodness not ours, but certainly in other countries. These acts of terrorism have been successful in bringing governments down.

I am not suggesting for a moment that if tomorrow we were to be able to place troops on the border, which I hope we can do, or completely revise and improve the quality of the work done by the INS, which would be an astronomical undertaking, and improve the technology that we use as sensors to see whether or not people are coming across the border, I do not for a moment suggest if we did all of these things we would make our borders impervious to these incursions. Someone could get through.

What I suggest, Mr. Speaker, is that we have to try. We have to try. We have constructed a strategy, a military strategy to deal with the Taliban and Osama bin Laden and the al-Qaeda group that he directs, and any other terrorist organization that gets in our sights.

We have described in detail to the American public that strategy. We will go in initially with the assets that we can deploy there in the air, both missile and airplanes; and we will try to destroy the infrastructure.

We hope that we can develop an indigenous population that will support our efforts and will act against the Taliban. We will seek out these organizations even if they are some place outside of Afghanistan and perhaps go after them also.

At the same time, we will use humanitarian efforts. We will drop food packages and leaflets and go into psychological operations, and we will broadcast into Afghanistan and drop pamphlets. This is a multifaceted war on terrorism. All of that I agree to. I believe it is important.

But there is another important facet to the war, another important strategy that for some reason has not really developed into a well-publicized or even well thought out strategy as far as I can tell because I have not seen anything so far that would indicate that we have developed a strategy to indicate that we have tried to keep these people out to begin with. I have not seen a detailed, thought out, well-thought-out, well-delineated strategy to try to keep them out to begin with. That is amazing.

It is, of course, our responsibility to think of every imaginable way there might be in order to defend and protect the lives and property of the people of the United States. Well, it certainly seems to me only logical and only rational that part of that strategy be something to do with the protection of our borders.

There is no doubt about certain things that happened on September 11. One is that all 19 of the hijackers and terrorists were here from another country. I think, although we do not know this now because the INS and the Department of Justice will not tell us, but I think we will find that most of them were here on visas, various kinds of visas, and that many of them had violated their visas, and would have, therefore, been eligible, not just eligible, but would have been placed in a situation of being deported had we found them, had we known about it. We did not know about it, but that is not too surprising because there are, according to recent estimates, somewhere near 4 million people in the United States who have simply overstayed their visas, making them illegal immigrants into the United States.

So every time we talk about the number of immigrants who come across the border every year illegally, and how those numbers are added to the total numbers every year when we talk about illegal immigration into the United States, we do not, for official purposes, count the at least 4 million people who are here illegally as a result of visas infractions. People who have overstayed their visas, people who have just simply forgotten about it, walked away, they know there is nothing that is going to happen to them. There is not much fear in the heart of anyone out there who has simply decided to hang on, stay and live your life in the United States. Get a job, vote.

I know you are not supposed to, you are not supposed to do that if you are not a citizen, but it happens. One of the individuals we know, we found out voted twice. No, they were not here illegally. I am saying one of the individuals, one of the hijackers. He was known to have voted. I am sure that we will find many more who did the same. It is not that unique. It is not that unusual.

We do not know exactly how much it happens, but we have this thing called the motor-voter law which is such a flimsy attempt to try and actually bring any degree of validity to our voting system.

□ 1900

Anybody can get a card. Anybody who wants to can get a driver's license. Anybody who wants to can get a Social Security card.

In Denver, one can go to a flea market, but there are a variety of places. I just happen to know about this one place because an ex-governor of the State of Colorado, Richard Lamm, will talk about it periodically. This is an issue with which he is involved also, the issue of immigration and immigration control.

He went to this flea market, and he purchased after about I think 15 minutes of haggling over the price, and I can't remember for sure, I think it was something like fifty dollars starting up to about a hundred, maybe got him down to fifty dollars, but he purchased a driver's license, a Social Security card and a variety of other documents right there on the spot. They can take one's picture in the little booth and ring up a little card and the person is off to the races.

With that, of course, a person can do almost anything, including, by the way, vote. So do we believe that these people who are here illegally do not vote simply because on the form that you fill out it says are you a U.S. citizen and you have to check that off, yes, I am; oh, okay, well now you are and therefore you can vote?

Well, that fraud is rampant in this arena, and the fact is that there is very little that any of these people who are here illegally, any of the millions of people who have overstayed their visas, very little they have to worry about. They can take up life just like any other American, and unfortunately, they can act in ways that are certainly detrimental to our health as a Nation.

The scope of the problem is almost mind boggling, and it is a result of the complete ineptness on the part of the INS to actually address their responsibility, the responsibility with which they have been charged for years, to try on the one hand to maintain the integrity of the borders and on the other hand to help people who want to come here legally. They have completely lost their way, Mr. Speaker.

I will tell my colleagues that in a debate I was having in Denver on the radio with a lady who was I believe was the public affairs person for the INS in Denver, she stated when asked by the moderator why is it the INS does not round up all these people who are here illegally and send them back home, she said that is not our job. That is not our job. Our job is to help them get here and get legal.

Now, I think she was confused about her job, but I also believe that she is not unique at all in thinking that that is her job. That was the job of the INS, to simply get people here as much as they could, get them legal because they put very little resources into actually sending people back who were here illegally, finding the ones who had violated their visa status or had come across the border recently, very little effort was placed in that, and almost all the effort was placed on getting people here, getting them legalized, getting them eventually to become citizens of the United States.

My colleagues may recall, Mr. Speaker, the previous occupant of the White House forced the INS to rush through as quickly as possible and as many as possible applications for citizenship and get them qualified to vote before the last election. I think it was in the congressional elections actually before that that this occurred, but there was such a press to get people into the ranks of voters who were here as immigrants, that a huge, huge faux pas occurred and thousands, estimates are up to 60,000 people were made citizens of the United States who had criminal records, had felony convictions against them. They became citizens because they were rushing them through so quickly.

So it was not just this lady who was arguing with me on the radio who has this concept about the INS. The INS is the culture because actually it is an old, established agency and a lot of bureaucratic inertia, and there are many, many good employees, many of them who have contacted my office by the way, many of them who have actually written us letters saying, Mr. TANCREDO, you are right to do what you are doing, to say what you are saying, because the INS is in bad shape; it needs to be reformed. All of its efforts are directed in areas not related to the actual security of our borders or the strength of the immigration control process.

For the most part these people feel as though they are crying in the wilderness and they are. It is true they are because that particular agency simply does not care about the fact, did not care and to a large extent I think still does not care about the possibility of having people come across this border who would do us harm.

Why do I say that? Well, let me give you another statistic that is almost amazing, and again, it goes to the scope of this problem.

Every year, as I say, there are millions of visas which are violated. We give out something near 30 million visas a year, and that only represents a small portion of the people who come to the United States. There are over 550 million visitors to the United States every year. So less than 10 percent of that number end up being required to have a visa. So 30 some million visas, 35 million approximately visas are handed out every year and somewhere near 40 percent of those are violated in the course of the year. So somewhere near 12 million people every single year are here in some violated status; that is to say, they are here illegally.

A lot of them still do go back home at some point in time. It is true, we do not end up with 12 million people a year, but we have ended up with 4 million. Massive problem, 12 million a year violated. What do we expect the INS to do? Well, I know that it is tough, that is a tough job, how are we going to keep track of them. Very difficult to do. It is a matter of resource allocation.

How about this one, Mr. Speaker, forget about the 4 million who are here illegally, have simply walked away from their visa requirements and are just simply living life as they wanted to as an American citizen. Forget about that for a moment. Think about this.

Of the millions of people who are here and who have violated their visa, we do get some of them into the judicial system. They are brought to the bar. It is usually, by the way, not for simply overstaying their visa. Usually it is for committing a crime, and in the process of arresting and finding out about them we realize, oh, by the way, they are also here illegally because they overstayed their visa and so they were brought to court, an immigration court, and an immigration law judge listens to the case and a decision is made, and he or she hands down a verdict, and the verdict could be that they are to be deported.

So now we actually go through a couple of hundred thousand cases a year of people who violate their visa, come before a judge and are ordered to be deported, couple of hundred thousand a year approximately. Maybe 40,000 of that number annually will actually be deported. The rest walk away, turn around and walk away.

We know that there are about a quarter of a million of these people out there. I think it is probably far higher, but right now even the INS will attest to the fact that there is at least a quarter of a million people wandering around the country, not just as visa violators, not just as overstaying, but they have committed a crime and they have been ordered to be deported and they are simply walking around the country.

Why, Mr. Speaker? Because the INS could care less, pays absolutely no attention to it, turns around, walks away from the immigration control point and says you are essentially on your own. Why? Because they do not care. It really boils down to that. They do not care. It is not a big deal to them.

I have heard from individual agents. I have heard from retired agents. We had an INS agent in my office just last week. He has been on the job a long time. He is still afraid of being fired if he becomes known publicly, and we are supplying him right now with all of the information necessary so that we can protect him if we have to through whistleblower laws because if I can get him to come public with his stories, many years, I will not say how many because that would help identify him, but many, many years in the INS as an agent who has worked in almost every aspect of immigration control. If I could just get him to tell his story publicly, people would be amazed. We would be amazed. The general public would be amazed. The INS would not even be slightly surprised because, of course, they know their own culture. They know that what I am saying here is accurate, that they do not care about people here illegally.

A lot of sound and fury is going to be directed toward the INS right now as a result of what happened on September 11, and let me go to another article here. This one appeared in the Los Angeles Times on September 30. It says, The September 11 terrorists did not have to steal into the country as stowaways on the high seas or border jumpers dodging Federal agents. No audacious enemy, quote, inserted them commando style. Most or all appeared to have come in legally on the kinds of temporary visa routinely granted each year to millions of foreign tourists, merchants, students, and others. Nothing in the backgrounds of these middle class men from Saudi Arabia, Egypt and elsewhere apparently aroused suspicion among the State Department's consular officers who review visa applications.

Let me point out once again that even if there is something suspicious that had come up, by law, that could not keep them out, like if they had belonged to some terrorist organization. Jot down al Qaeda, I am a member. That could not have kept them out.

Once here the 19 hijackers-to-be did not have to fret much about checkpoints and police stops, even after some of their visas expired and they became illegal immigrants. The suicide attacks that killed 6,000 and more have brutally exposed shortcomings in airline security and intelligence gathering, but the strikes also highlighted another vulnerability. This is the Los

Angeles Times, Mr. Speaker. It says, another vulnerability, the Nation's visa granting and immigration regime, and if that is not an understatement, highlighted some shortcomings.

It goes on to say that the entire system is principally geared toward meeting another kind of threat, people of modest means whose concealed aim is not to bomb or wreck havoc but to work illegally in the United States.

Moreover, proposals by Congress to keep closer track of immigrants living in the U.S. have been delayed or blocked because of complaints that the new rules will be too restrictive. That the Members know has happened.

We have actually passed laws in this Congress, in 1996 specifically, that were designed to try to do something about the fact that we cannot keep track of anyone who is here, especially student visas and what happened? The colleges and universities got upset with us and said we are academicians, we are not paper shufflers, we are not supposed to be just filling this stuff out, and essentially they have not done it. They have not kept track of people.

We are going to have to try to deal with that of course eventually, but they would not dirty their hands, the universities, with trying to keep any sort of records and documentation of whether or not this particular alien here in the country, visa holder of a particular nature, usually a study visa, is actually doing what he or she said they were going to do.

Going back to this article, what little is known of the hijackers' history in this country suggests a certain confidence that immigration law could be circumvented where necessary. Again, what an understatement. For example, it says confidential records indicate that two possible hijacking ring leaders, Mohamed Atta and Marwan Al-Shehhi, presumed pilots of the jets that hit the World Trade Center, overstayed their initial visas.

□ 1915

Hey, you know, they and, what, 12 million other people that year.

''It is an abuse that can void the travel document.''

Yes, it can, but, of course, somebody has to find them.

''But despite having no valid visas, both men left the country and were allowed to return on flights through Miami and New York last January, said an INS official who reviewed the records.''

So, now, look what we have here, Mr. Speaker. Listen to this again. Not only do they overstay their visa, but, okay, you cannot find them. I know it is a problem. Oh, gee, there are 12 million. How are we going to find all the people that overstay their visas? But these two guys, they were both on invalid visas, both left the country and were allowed back in, through Miami and New York last January.

''Other hijackers have been in the country on lapsed or otherwise invalid visas as, authorities say. Officials declined to provide more specifics.''

That is certainly true. We have asked, my committee, my caucus, I should say, the Immigration Reform Caucus and others, have asked the INS for specific documentation about these 19 hijackers. I want to know who they are, I want to know where they came from, and I want to know what was their status in the United States. All we have is anecdotal information here and there, because what they sent me back was a press release issued by the FBI that listed all 19 of the hijackers. It had absolutely nothing to do with their visa status except for two here on some sort of study visas, and one of them had overstayed his, if I remember correctly.

As many as 4 million, I mentioned this, legal tourists and others have become illegal immigrants, according to government and academic estimates. These are the people with visas who overstayed them and stay here. They never go home. Federal officials acknowledge that they have no idea where all these people are.

In 1998, as part of a crackdown on illegal immigration, Congress passed a series of laws zeroing in on abuses of temporary-resident status, with changes including expediting the expulsion of convicted felons and bogus asylum claimants. But other congressional mandates were never put in place.

One measure directed the INS to develop an automated system to track the entry and departure of all visa holders. Another provision called for the accounting of hundreds of thousands of holders of student and other temporary visas.

However, Mr. Speaker, it is unfortunate that I have to report this, because, again, the powerful interests that I mentioned at the beginning of my presentation, in this case it turned out to be the powerful special interests of businesses and commercial interests that violently, vehemently opposed any of the restrictions that we had passed, that were to be placed on people entering into the country so we could keep some sort of track of them. Especially people from the Canadian border states complained that the new reporting requirements on people exiting the country would slow down transport or commerce. The Canadian Government also balked. The plan was put off. Likewise, academic institutions also objected to more controls, as I mentioned earlier, on their growing population of foreign students. That plan too was put on hold. All these things had been passed, Mr. Speaker. All of them were simply junked.

Now, here is an interesting aspect of this. One of the September 11 hijackers who went by the name of Hani Hanjour entered the country on a student visa ostensibly to study English at the Berlitz School in Oakland. There is no record that the Saudi ever enrolled, school officials say. No one checked. There is no law requiring schools to verify student visas. So we are now, of course, going to be looking at putting something like that in place.

The fact is that the INS complains when these things are brought to their attention. They complain that they do not have the resources. They simply have not been able to develop enough resource allocation from the Congress. We have not given them enough money so that they have not been able to put enough agents on payroll and that sort of thing.

The reality is, of course, in the last several years we have quadrupled the budget for INS; but it has gone essentially to waste. It has not gone into the area of enforcement. It has gone to, unfortunately, build a bigger bureaucracy in areas that have nothing to do with immigration enforcement.

There are many questions that we have to ask INS; and we have to ask ourselves, Mr. Speaker, about this issue of immigration, especially in light of the fact that this threat of terrorism comes from an identifiable group of alien males between the age of 20 and 35 and that we can now get a profile. They can and do quite easily travel in the United States.

What is more alarming, Mr. Speaker, what is really incredibly annoying, is that however those people got into the United States before September 11, they could get into the United States on October 10. Six thousand are dead; threats of biochemical terrorism, nuclear terrorism, abound. We read in the paper, I hear one of my colleagues, the gentleman from Connecticut (Mr. SHAYS), over and over again telling the media that it is not a matter of if, it is a matter of when we will have to experience another one of these kinds of attacks.

Every time I hear that, my heart sinks, because, of course, not just because of the fact that is a distinct possibility, but because of the fact that in this particular area, in this one area of immigration control, we have essentially done nothing to stop it, and the bill that we will see soon coming to this floor does essentially nothing to stop it, nothing with regard to immigration control.

We will call it a bill to deal with terrorism, an anti-terrorism piece of legislation. But, Mr. Speaker, in terms of the most significant activity with which we as a Nation should be involved, that is, the protection of our borders, the protection of the life and property of the people who live in this country, our number one role, as I say often from this microphone, it is more important than all of the other things we do. It is more important than all of the other Departments that we fund. The role of the protection of the life and property of the citizens of the United States is paramount. And where does that begin? It seems to me it begins at our borders.

We can certainly, and certainly should, go beyond our borders to find

people like Mr. bin Laden and others and deal with them wherever they are; but the next, and I mean not just the next thing to do, but along with that, at the same time, certainly we should be doing everything we can do, mustering every ounce of our energy in this country to defend the border.

Let me suggest something that could be done tomorrow. It would not take any activity on the part of this House. We would not have to pass any law, we would not have to go through a committee, we would not have to come to a vote, we would not have to deal with it at all. The President of the United States could pick up the phone and call the Governors of the various States that are on the borders, north and south, and ask them to deploy some of their resources in the form of National Guard troops on the border to help us defend that border.

We do not have to even use the regular military of the United States, active duty military of the United States. We could, of course, employ without that. There is something referred to as the posse comitatus law which people suggest would be problematic if we wanted to actually employ troops on the border, active duty troops.

We do not have to deal with that. We could go to every Governor and say would you please do that. I believe that most, if not all, of the Governors would agree to call up the National Guard and allow some of those resources to be placed on the borders, to help us defend the border. That could happen tomorrow.

We could demand from Mexico and from Canada their help in defending the border. We could threaten, if they did not give us that help, that there would be ramifications, economic ramifications and others, diplomatic, if they would not agree to providing support and resources on the border, to help us defend our border. We could do that tomorrow. It does not require any action on the part of this Congress.

Then the Congress has certain other responsibilities. One, we could establish a brand new immigration control authority. We could essentially abolish the old INS. For all intents and purposes, Mr. Speaker, it would be the best possible thing we could do. We could replace it and the various other organizations that are all out there unfortunately sometimes stepping all over each other; we could abolish those agencies. That would require, of course, congressional action, administrative approval; and we could combine them all in one border defense agency.

We could take away certain responsibilities that are now given to the Department of Justice and INS, given to the Department of Agriculture, given to the Treasury for customs enforcement.

Right now we have customs, and this is one of the more bizarre stories that has come to light during this debate. You can, and often people do, people who are attempting to come into the country illegally for various purposes, will stay behind, say, somewhere behind the border, say in Mexico in this case, watching through binoculars, watching the various lines. Because, you see, in certain lines, an INS officer will be in charge, and they can do certain things; but they cannot do other things in the course of their investigation of you as you cross the border.

In the other line you may have a Customs official, and they are in the same situation. They can do certain things, but things that INS cannot do. But they are not together.

So people actually watch, and this happens, Mr. Speaker; and it has been attested to more than once, people actually watch the lines to try to figure out which one is being watched by an INS agent and which one is being watched by a Customs official. Because the Customs official, by the way, or the INS guy, one or the other, I cannot remember which now, cannot open the trunk. That is within one of the regulations. One can do it, but the other one cannot open the trunk.

So if you are going to smuggle drugs into the United States, for instance, you watch to see which line is the line that is being handled by the agent that cannot open the trunk, and that is the line you get in.

This is again almost mind-boggling, but it is absolutely true, because we have got so many different kinds of organizations trying to run the border; and none of them talk to each the other, none of them share information with each other.

The INS has at least three, sometimes they say four different kinds of computer systems, none of which talk to each other. If you were a person in Saudi Arabia that wanted to come to the United States and you go to get a visa application, there is no way for that counsel or official to check that application through a series of data banks that might come up with something that is important. They only have one. They do not have the State Department. They do not have the FBI's or the CIA's. They cannot cross-check. So, of course, many times, many times, if you are not on the State Department's list of bad people, but you happen to be on the FBI or CIA list, it is okay, no problem. You can get through, your computer will not identify you.

It is amazing how incompetent we have become; and it is because, again, as I say, the culture, the culture in the INS and the whole immigration community that says, really, who cares? Bring them in. Do not worry about it.

We go back to the whole issue of moral equivalence again and the idea we should not probably be keeping anybody out that wants to come to the United States. What right do we have to do something like that, to suggest they should not come in? This is the kind of bizarre thinking we were dealing with.

Now it has changed. So now what do we do? How long are we going to keep this goofball activity going on at the border, two different lines run by two different agencies with two different sets of regulations? How long is that going to happen? The INS, how long will they be unable, unwilling, but certainly for a long time, but even now unable to check various data banks? How long will it be before we actually put into place some method of tracking a person who comes into the United States under a particular visa for a particular purpose, and then we will be able to find out if that person is not living up to that set of regulations? How long will it be until we do something like that? Every day that we wait, Mr. Speaker, is a risk that we should not take.

□ 1930

I cannot guarantee, as I have said over and over again, I certainly cannot guarantee that we will be able to completely and totally seal the borders from people who should not come into the United States; but I can guarantee this, that we have to try. We have to try. Just because people steal from banks and do so successfully almost every day in this country does not mean that we should leave the money on the counter. Simply because they do it, why should we try to stop them? Just because they come across the border illegally does not mean we should not try to stop them from coming illegally. And no matter how unpleasant this is to talk about, no matter how difficult it is because, of course, we run into all of these issues, we run into both domestic and foreign policy agendas that conflict with our attempts to deal with border security. Mexico will not like it, I have heard. That is true. The Canadians might not like it. That is true. That is tough. That is tough. It is not the safety of Mexico or Canada that I am primarily concerned with here, but it should be their concern also because in the total scheme of things, we are all in this boat together. It is not just the United States Government that these terrorists want to topple and our way of life they want to destroy; it is the West's way of life and Western Civilization that poses a threat to them by its very existence.

Our Nation, I believe, suffers as a result of massive immigration, and has for years. I was here long before September 11 talking about immigration and my concerns with regard to massive immigration, legal and illegal. I think there are major problems for the United States as a result of it. But regardless of the cultural issues, the quality-of-life issues as a result of huge population growth, all brought on by immigration, and some of those old figures that I used to use, not old, just figures I used to use here before September 11 when I used to concentrate on sort of the demographic problems of immigration, massive immigration, showing that by 2050 we may reach, if

things go as they have been for the last several years, according to the Census Bureau, if our population grows at exactly the same rate as it has been growing for the last couple of decades, that by the mid-century, we will be at the half-a-billion mark in this country population-wise; and 90 percent of that increase from now until mid-century will be as a result of immigration, legal and illegal. Believe me, those numbers do not count the kinds of things we have talked about here: 4 million people running around the country who just simply overstayed their visa; they are not even counted in that figure.

So regardless of all of that, regardless of the kinds of problems that the Nation faces in terms of resources, resource allocations, the degradation of the environment, and again, the quality-of-life issues that confront people all over this country; talk to people from Los Angeles, if we do not think that the quality-of-life issue is relevant when we talk about immigration. Every time I give this particular speech and I walk back to my office, there are calls, most of which are from California and people saying they are very supportive; some, of course, not so supportive, but most are; and they attest to the fact that there is a quality-of-life issue to massive immigration, huge numbers of people coming across the borders. We cannot sustain it. We cannot build infrastructure fast enough to sustain it, to sustain a high quality of life.

Those are the issues that we used to address before September 11. They are still important. They are still meaningful. I wish that we could make the case just on those points alone. But I have never been able to overcome the opposition of the political side of the process here that says, those people will eventually become good members of the Democratic Party, so let us not keep them out, and on the other side here saying, we need them for cheap labor. I have never been able to really wrestle with those two big Goliaths. Those are very tough, very difficult, very powerful interest groups.

But now, forget all of that. There is something far more significant and immediate. Those threats I mentioned, those problems were all long-term threats to the health of this Nation and the survivability of the Nation as we know it. But what I am talking about now is, of course, immediate threats to our survivability. I am talking about people who came here for the express purpose of murdering thousands; and they would not care if it were millions, of our fellow citizens. That is why they came, and they were able to come across our borders without the slightest bit of concern; and they were able to stay here, even in violation of our visa laws, without the slightest bit of concern.

It is despicable, Mr. Speaker. We cannot rationalize this in any way, shape, or form. And if we can, if anybody in this body can rationalize the past and say well, gee, we just did not know it would ever turn out to be anything like this; although again, prior to September 11, I must say that I and many other Members talked about the dangers to the security of the Nation with having porous borders. But regardless, if one can rationalize in one's own mind that we had to do it that way, that it was really just the altruistic nature of our country that it says ''give me your tired, your poor, your huddled masses yearning to be free'' on the Statue of Liberty, all that meant that we had to open our borders, go ahead, rationalize it away; but now, think about the future, think about tomorrow. Think about the unthinkable, the possibility of another event as big as, if not worse, than the last one, and imagine what it would be like having to rationalize their position then and say, I knew it could happen but I chose to ignore it and not vote for immigration reform. Mr. Speaker, I choose not to be in that situation, and I hope a majority of my colleagues will join me in our attempts to reform this system and keep America safe.

RECESS

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2105

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KINGSTON) at 9 o'clock and 5 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–233) on the resolution (H. Res. 258) providing for consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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. BAIRD) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. SANCHEZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 63. Concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation; to the Committee on Energy and Commerce.

S. Con. Res. 76. Concurrent resolution honoring the law enforcement officers, firefighters, emergency rescue personnel, and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001; to the Committee on Government Reform.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, October 11, 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:

4184. A letter from the Under Secretary, Department of Defense, transmitting notification that the Secretary has invoked the authority granted by 41 U.S.C. 3732 to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, pursuant to 41 U.S.C. 11; to the Committee on Armed Services.

4185. A letter from the Under Secretary, Department of Defense, transmitting a copy of the ''Annual Report on the Department of Defense Mentor-Protege Program''; to the Committee on Armed Services.

4186. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2000''; to the Committee on Financial Services.

4187. A letter from the Assistant Secretary, Office for Civil Rights, Department of Education, transmitting an Annual Report, ''Guaranteeing Equal Access to High-Standards Education''; to the Committee on Education and the Workforce.

4188. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual

Energy Review 2000, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

4189. A letter from the Regulations Coordinator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicaid Program; Modification of the Medicaid Upper Payment Limit Transition Period for Inpatient Hospital Services, Outpatient Hospital Services, Nursing Facililty Services, Intermediate Care Facility Services for the Mentally Retarded and Clinic Services [CMS–2100–F] (RIN: 0938–AK89) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4190. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of intent to sign Amendment Number Eight to the NATO Insensitive Munitions Information Center Memorandum of Understanding between the United States, Australia, Canada, Denmark, France, Italy, The Netherlands, Norway, Portugal, Spain, the United Kingdom, and Sweden (Transmittal No. 09–01), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4191. A letter from the Deputy Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4192. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March, 31, 2001, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

4193. A letter from the Inspector General, Federal Communications Commission, transmitting a copy of the commercial inventory submission of the Inspector General of the Federal Communications Commission; to the Committee on Government Reform.

4194. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2000 Activities of the Administrative Office of the United States Courts and the 2000 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

4195. A letter from the Chair, United States Sentencing Commission, transmitting the 2000 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

4196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Regulation; San Francisco Bay, CA [CGD11–01–003] (RIN: 2115–AA98) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, New Jersey [CGD05–01–057] (RIN: 2115–AE46) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, New Jersey [CGD05–01–058] (RIN: 2115–AE46) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Chelsea River Blasting, Boston, Massachusetts [CGD01–01–139] (RIN: 2115–AA97) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Selfridge Air National Guard Base, Michigan [CGD09–01–129] (RIN: 2115–AA97) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Charleston, South Carolina [COTP Charleston-01–096] (RIN: 2115–AA97) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4202. A letter from the Administrator, General Services Administration, transmitting an informational copy of a new construction prospectus for the Border Station in Champlain, NY, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4203. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Safety and Health (Short Form)—received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4204. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled, ''Trade Sanctions Reform and Export Enhancement Technical Amendments Act of 2001''; jointly to the Committees on International Relations and Agriculture.

4205. A letter from the Regulations Coordinator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Requirements for the Recredentialing of MedicareChoice Organization Providers [HCFA–1160–F] (RIN: 0938–AK41) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

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:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 258. Resolution providing for consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–233). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of October 9, 2001]

H.R. 3016. Referral to the Committee on the Judiciary extended for a period ending not later than October 12, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. MORAN of Virginia, Mr. NADLER, Mr. FERGUSON, Mr. MEEKS of New York, Mr. WEINER, Mr. GRUCCI, and Mr. JOHNSON of Illinois):

H.R. 3073. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Small Business.

By Mr. PAUL:

H.R. 3074. A bill to amend title 18, United States Code, and the Revised Statutes of the United States to provide punishment for, and to authorize the issuance of letters of marque and reprisal against acts of air piracy; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. GORDON, Mr. DEUTSCH, Mr. STUPAK, Mr. WYNN, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mrs. CAPPS, and Mr. DOYLE):

H.R. 3075. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food from foreign countries, including detecting the intentional adulteration of food; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3076. A bill to authorize the President of the United States to issue letters of marque and reprisal with respect to certain acts of air piracy upon the United States on September 11, 2001, and other similar acts of war planned for the future; to the Committee on International Relations.

By Mr. CASTLE (for himself, Mr. DEAL of Georgia, Mr. FLAKE, Mr. NORWOOD, Mr. STUMP, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. TANCREDO, Mrs. ROUKEMA, Mr. KERNS, Mrs. EMERSON, and Mr. GREENWOOD):

H.R. 3077. A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3078. A bill to establish the National Office for Combatting Terrorism; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary deduction for the cost of airline tickets and other personal travel expenses; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 3080. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; 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. MORAN of Kansas:

H.R. 3081. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself and Mrs. DAVIS of California):

H.R. 3082. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 3083. A bill to amend the Internal Revenue Code of 1986 to restore the 80 percent deduction for meals and entertainment expenses; to the Committee on Ways and Means.

By Mr. BAIRD:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of a national emergency; to the Committee on the Judiciary.

By Mr. FOLEY:

H. Res. 257. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CRANE (for himself, Mr. RANGEL, Ms. MCKINNEY, Mr. MCGOVERN, Mr. KING, Mr. WALSH, Mr. LIPINSKI, Mr. SCHAFFER, Mr. MCNULTY, Mr. THUNE, Mr. FRANK, Mr. ISRAEL, Mr. HEFLEY, Ms. WATSON, Mr. FROST, Mr. GONZALEZ, Mr. WAXMAN, Mr. SWEENEY, Mr. PASCRELL, and Mr. BONIOR):

H. Res. 259. A resolution expressing the sense of the House of Representatives regarding the establishment of a National Day of Appreciation for Emergency Response and Rescue Workers; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself, Mr. HINCHEY, Mr. ACKERMAN, Mr. GILMAN, Mr. REYNOLDS, Mr. GRUCCI, Mrs. MALONEY of New York, Mr. ENGEL, Mr. KING, Mr. NADLER, Mr. TOWNS, Mrs. LOWEY, Mr. MCNULTY, Mr. WALSH, Mr. ISRAEL, Mr. PETERSON of Pennsylvania, Mr. FORBES, Mr. ENGLISH, Mr. SCHROCK, Mr. SHERWOOD, Mr. BOUCHER, Mr. MORAN of Virginia, and Mr. LAHOOD):

H. Res. 260. A resolution waiving clause 5(a) of rule XII of the rules of the House of Representatives to permit introduction and consideration of a bill to amend title 36, United States Code, to designate September 11 as United We Stand Remembrance Day; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mr. LIPINSKI and Mr. REYES.
H.R. 436: Ms. KILPATRICK.
H.R. 488: Ms. DEGETTE.
H.R. 510: Mr. FORD.
H.R. 525: Mr. SAXTON.
H.R. 599: Mr. BORSKI.
H.R. 804: Mr. FORBES.
H.R. 817: Mr. PETERSON of Minnesota, Mr. FILNER, and Mr. MORAN of Kansas.
H.R. 975: Mr. LAHOOD.
H.R. 984: Mr. LEWIS of Kentucky.
H.R. 1090: Ms. WOOLSEY.
H.R. 1191: Ms. SANCHEZ.
H.R. 1353: Mr. KOLBE.
H.R. 1517: Ms. HART, Mr. KILDEE, Mr. BACA, and Mr. PRICE of North Carolina.
H.R. 1609: Mr. FORBES.
H.R. 1700: Mr. CLEMENT.
H.R. 1780: Mrs. THURMAN and Mr. PASCRELL.
H.R. 1873: Ms. CARSON of Indiana.
H.R. 1904: Ms. SOLIS.
H.R. 2002: Mr. BOYD, Mr. MATHESON, Mr. SCHAFFER, Mr. BLUNT, Mr. HAYES, and Mr. BOSWELL.
H.R. 2037: Mr. THUNE.
H.R. 2117: Mr. BARTLETT of Maryland, Mr. ENGEL, and Mr. ALLEN.
H.R. 2118: Mr. HINCHEY.
H.R. 2123: Mr. DEFAZIO.
H.R. 2125: Ms. SCHAKOWSKY.
H.R. 2128: Mr. OLVER.
H.R. 2146: Mr. SIMMONS.
H.R. 2162: Ms. SOLIS.
H.R. 2220: Mr. TRAFICANT.
H.R. 2454: Mr. THOMPSON of California.
H.R. 2466: Mr. BROWN of South Carolina.
H.R. 2535: Mr. TOWNS.
H.R. 2555: Mr. LEVIN.
H.R. 2592: Ms. LOFGREN.
H.R. 2690: Mr. DOOLEY of California.
H.R. 2709: Mr. HOBSON, Mr. RYAN of Wisconsin, Mr. MARKEY, and Mr. MCGOVERN.
H.R. 2725: Mr. SERRANO.
H.R. 2771: Mr. BOYD.
H.R. 2787: Mr. BONIOR.
H.R. 2792: Mr. BILIRAKIS, Mr. SIMPSON, Mr. MCKEON, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, and Mr. PICKERING.
H.R. 2839: Mr. RUSH.
H.R. 2887: Mr. OWEN and Mrs. MORELLA.
H.R. 2932: Mr. FOLEY, Mr. HALL of Texas, and Mr. KELLER.
H.R. 2945: Mr. FRANK and Mr. ABERCROMBIE.
H.R. 2946: Mr. HILLIARD, Ms. BALDWIN, Mr. BROWN of Ohio, and Mr. BERMAN.
H.R. 2951: Mr. RAMSTAD.
H.R. 2955: Mr. LAFALCE, Mrs. TAUSCHER, Ms. BALDWIN, and Mr. ALLEN.
H.R. 2957: Mr. FROST and Mr. HYDE.
H.R. 2964: Mr. ROSS, Mr. CALLAHAN, Mr. WICKER, Mr. HILLIARD, Mr. RILEY, Mr. ADERHOLT, Mr. TAYLOR of Mississippi, Mr. BERRY, Mr. SHOWS, Mr. CRAMER, Mr. VITTER, Mr. EVERETT, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, and Mr. BACHUS.
H.R. 2965: Mr. GREEN of Wisconsin, Mr. THOMPSON of California, and Mr. BASS.
H.R. 2991: Mrs. JONES of Ohio, Mr. KILDEE, Ms. LEE, Mrs. LOWEY, Mr. OWENS, Mr. PASCRELL, and Mr. TANCREDO.
H.R. 2998: Mr. BACA, Mr. OSBORNE, and Mr. SCHAFFER.
H.R. 3015: Ms. BALDWIN, Mr. GUTIERREZ, Mr. RODRIGUEZ, Mr. PASCRELL, and Mr. MATSUI.
H.R. 3026: Mr. HASTINGS of Florida.
H.R. 3035: Mr. GILMAN, Mr. BACA, Mr. FROST, and Mr. FORD.
H.J. Res. 66: Mr. TAUZIN.
H. Con. Res. 38: Mr. OWENS.
H. Con. Res. 160: Mr. HOLDEN.
H. Con. Res. 162: Mrs. LOWEY.
H. Con. Res. 188: Mr. SANDERS and Mr. LAMPSON.
H. Con. Res. 233: Mr. LIPINSKI, Mr. OWENS, and Mr. PASCRELL.
H. Res. 255: Mr. DOOLEY of California, Ms. DELAURO, Mr. GONZALEZ, Mr. CALVERT, Mrs. MALONEY of New York, Mr. SENSENBRENNER, Mr. GEPHARDT, Mr. NADLER, and Mr. COBLE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3061

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to implement the final regulations of the Secretary of Education under part 361 of title 34, Code of Federal Regulations, relating to the revision of the definition of the term ''employment outcome'' as such term applies to the vocational rehabilitation services program under title I of the Rehabilitation Act of 1973 (66 Fed. Reg. 7250–7258).

H.R. 3061

OFFERED BY: MR. CARSON OF OKLAHOMA

AMENDMENT NO. 8: In title I, in the item relating to ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', after the first dollar amount insert the following: ''(reduced by $9,000,000)''.

In title I, in the item relating to ''DEPARTMENTAL MANAGEMENT—SALARIES AND EXPENSES'', after the second dollar amount insert the following: ''(reduced by $6,000,000)''.

In title II, in the item relating to ''HEALTH CARE FINANCING ADMINISTRATION—PROGRAM MANAGEMENT'', after the first dollar amount insert the following: ''(increased by $15,000,000)''.

H.R. 3061

OFFERED BY: MS. NORTON

AMENDMENT NO. 9: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 2___. Of the amounts made available in this title under the heading ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING'', $40,000,000 is transferred and made available under such heading for the youth media campaign carried by out by such Centers to influence children to develop habits that foster good health over a lifetime, in addition to other amounts available under such heading for such campaign.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, OCTOBER 10, 2001 No. 135

Senate

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:

Almighty God, You have created us to know, love, and serve You, and then live with You forever. We thank You for the life and leadership of Senator Mike Mansfield. We are grateful for this truly great American, distinguished Senator for 34 years, majority leader for 15 of those years, outstanding Ambassador to Japan, and distinguished patriot all through his life. We have all learned so much about leadership from this man of few but firm and pointed words with which he expressed strong convictions and profound concern. We remember the warm twinkle in his eye, his engaging smile, and his abiding faithfulness as a friend. But most of all, we are comforted by the fact of his relationship with You, which was at the core of his being. We thank You for the quiet inner security of his faith in You and his expectation that death would only be a transition in eternal life. Goodness and mercy followed the Senator all his life and now he dwells with You forever. In the name of Him who is the resurrection and the life. 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,
Washington, DC, October 10, 2001.

To the Senate:

Under the provisions of rule I, 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.

ROBERT 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 is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate resumes postcloture debate on the motion to proceed to S. 1447, the aviation security bill. The full 30 hours have to run—and certainly we hope that is not the case—on the motion. Then all time will expire at approximately 5 p.m. today—shortly before that, actually. I am hopeful that we will be able to reach agreement on aviation security as well as the counterterrorism legislation.

I remind Members that it was 1 week ago today that the motion to proceed to S. 1447 was filed. At least from my Nevada perspective, that is too long to have people not recognizing that there are things we could do with aviation security that we have not done. I think it is too bad that we have had to go through this period to get to this bill.

I also remind Senators who are planning to attend the funeral of the late majority leader Mike Mansfield that the vehicles will depart the Capitol steps at 10 this morning.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AVIATION SECURITY ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1447) to improve aviation security, and for other purposes.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that during today's proceedings on this legislation now before the Senate, if someone comes to the Chamber and wishes to speak as in morning business, that the time would be charged against the proceedings on this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY POLICY

Mr. THOMAS. Madam President, I want to talk this morning a bit, as we have for some time, about energy. Energy, of course, is something we have talked about for some time—a good long time, as a matter of fact. Our experiences last summer in California emphasized the need for some changes in our energy policy so that we have more stability and reliability in energy. Of course, we also became aware of some of the things we must do in terms of energy, and we have worked on it for a very long time.

Now, since September 11, I think we find some very compelling additional reasons that we need to do some things with energy. Obviously, we have not had an energy policy that we need to have in place over the years, and that is what we are seeking to do—to develop energy policy.

Partly because, I suppose, of the lack of a policy and a real direction where we want to go over time, we have become very dependent on overseas oil sources. We are nearly 60 percent dependent on OPEC and others. So now, in terms of some of the uncertainty in the Middle East and around the world, I think we find ourselves with more concern about where we need to be in terms of energy.

We have at least two compelling reasons, it seems to me, that make energy development and energy security even more important. One is to support our military activities. We have to have the energy to do that. The other is that we are talking about a stimulus for the economy, about building our economy. Obviously, fuel and power and energy are key to that, in whatever means they are used. So I believe we find ourselves now with even more reason to move to developing an energy policy that will ensure we have the energy necessary for all the needs we have.

We have talked before about the need for research so we can find better ways to produce energy, so that we can find better ways to conserve our energy. Those things are possible, and we can do them. We have talked more about how we find diversity in a policy so we don't become dependent on one source of energy—and that we can look toward nuclear—whether it be renewable, gas, or coal, and to have diversity that helps strengthen those sources.

We have talked a good deal about renewables. That is obviously something we need to pursue. Most important of all, I imagine now as we look at where we are, is production. We need to ensure we can have domestic production, and that we can increase our domestic production, so we become less dependent upon the supply from overseas.

So I believe very strongly that we had compelling reasons to deal with energy before, and certainly September 11 has added to the necessity for us to do that. We have worked hard in the Energy Committee, of which I am a member, to respond. We have had hearings, we had marked up a title in our energy bill, and we are moving forward on that bill that was quite broad.

In the meantime, the House has passed an energy bill which has a good deal of the things in it about which we have talked. So they moved forward with that over in the House. It has great support from labor unions and from many environmentalists, and it certainly has strong support from the administration. That bill is passed and available for us to deal with now.

Unfortunately—or fortunately—there has been some change in what we are doing. The chairman of the committee has indicated that he has been asked to not have any more committee activities, and there will be a bill put together, apparently, by the majority leader to bring before us. Unfortunately, we have talked about this before and have not arrived, I don't believe, at any commitment as to when that will be done and how it will be done. Of course, some have considerable concern that there would not be input from all of the folks in the Senate. There is some concern about that. I believe what we need more than anything is the assurance that there will be an energy bill before we adjourn.

There are a number of things that are very important to us. One is airline security. I think it is very important that we do that. We are also working on changing the rules and the law on terrorism so that our agencies can work more efficiently and our law enforcement and others can do that. We are working on a stimulus for the economy in the Finance Committee, and I think that has to be one of the high-priority items. We need to do our appropriations, which is our normal duty and one that needs to be moving along.

So we have a full plate. But I believe strongly that energy now—particularly because of the threats of the overseas intervention—becomes one of the items we must add to our list to complete. I am hopeful that changes that apparently have been suggested will result in yet some way for us to get on the floor with the issues we think are terribly important for energy—to get the bill out that we can work on so we can develop and have an energy policy that will be supportive of the economy and supportive of our war on terrorism. I think it is necessary we do that.

Madam President, I urge my colleagues to find a way to bring together the needs of this country, supported by the White House, supported by both sides in this body, and already has been supported by the House, and that prior to finishing our work, we complete work on an energy policy that will meet this country's needs.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTING THE AGENDA

Mr. REID. Madam President, I was not fortunate enough to have listened to the entire statement of our friend from Wyoming. I have worked with Senator DASCHLE and Senator BINGAMAN on energy legislation, and no one feels more strongly than Senator DASCHLE, our majority leader, that we need to bring forward legislation at the earliest possible date dealing with the energy problems.

He and Senator BINGAMAN, who is the chairman of the Energy Committee, have worked hard on this, and we will have something as soon as possible.

I have to say, we have been trying to get to airport security for over a week. There have been objections to that. We have had to jump through a series of hoops: A motion to invoke cloture on the motion to proceed, and now it appears we are going to have to file a motion to invoke cloture on the bill itself. During this time, we could be doing other things. We have tried to move to appropriations bills which have not been considered, and there have been objections to that by the minority.

Senator LEAHY has worked night and day on terrorism and other issues as a result of the events of September 11, and we are still doing just fine with judicial nominations and nominations generally, but that is not good enough for some people. Therefore, they have put a stop on all legislation.

It seems somewhat unusual to me to have the minority saying why aren't we moving legislation when they will not let us move it. We are in the majority. They may not like it. Senator DASCHLE is the majority leader and determines what legislation comes to the floor. They cannot do that anymore. Because they only want energy does not mean that is what they are going to get.

We have many other items, and the majority leader has made a decision on with what we are going to deal. They will not let us do that. We have 13 appropriations bills we have to pass every year. They will not let us get to those bills because they do not believe enough judges are being approved.

At home, I have not had a single person ask me about judges. We have two Nevada judges who are waiting to go through the funnel, and they will get here. Those judges know Senator LEAHY and Senator HATCH are doing

the very best they can on their nominations.

There is always talk about energy proficiency. Isn't it funny they always bring up ANWR? That seems to be the button on the pin they are always concerned about—ANWR. Madam President, this situation is one with which we have to be very careful. Just last week somebody with a rifle shot some holes through a pipeline in Alaska, and 250,000 gallons of fuel spilled before they could stop the leakage. That was just one man. I do not know if he was target practicing or shooting at caribou. I do not know what he was doing, but with a rifle he put holes through that pipe.

The energy situation is very complicated. The majority leader has indicated time and time again he is aware of that and wants to work on this. I wish the minority would let the legislation that is important pass. We need to do something about airport security. We need to do something about terrorism. We need to do something about many other things that they will not let us get to. We are in the majority now. The majority leader has the right and the ability to set the agenda for this Senate.

I suggest the absence of a quorum.

Mr. THOMAS. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. THOMAS. The idea of being able to object is not a brand new idea. It was exercised by you when you were in the minority; isn't that true?

Mr. REID. I am sorry, I could not hear the Senator.

Mr. THOMAS. The idea that we in the minority ought to be involved is something we learned from you when you were in the minority. So it is not a brand new idea. When the majority brings bills forward, they need to work with everyone here so we can pass something.

I am just surprised at what the Senator said, that this is a brand new idea.

Mr. REID. I do not recall, I say to my friend from Wyoming, talking about a brand new idea. I was in the minority for a number of years in my present position and worked very closely with Senator LOTT in moving legislation. I worked very hard in moving legislation, and we did not hold up legislation based on judges. We did not do that. We felt we were treated unfairly. I think the last administration certainly did not get the judges who were in the pipeline who should have been confirmed. But we said early on this is not payback time; we are going to move them as quickly as we can, and we have. We have moved out scores of nominations that President Bush felt he needed. We moved scores.

Somebody on the side of the Senator from Wyoming—I do not know who it is; even if I did, I would not announce it here—believes we are not moving enough judges through.

I say to my friend from Wyoming, we did not do that. We did not hold up legislation based upon judges. On a comparative basis, we had a right to do so, but I felt, and Senator DASCHLE felt as minority leader, that we had an obligation to move legislation.

We worked extremely hard to move appropriations bills. We worked extremely hard to move legislation that the majority then felt was important. We had very little downtime as a result of objections from our side. We made sure there were not even long periods of time when there were quorum calls.

I say to my friend, I did not use the term it was a new idea. I am just saying what is happening is unfair. We have been trying to move to this legislation dealing with airport security for more than a week, and we are a long ways from being able to do it now if colleagues make us jump through all the hoops.

Mr. THOMAS. I understand that. I agree with the Senator that we need to move forward. Another point. When there are bills with a special purpose, such as airport security, and provisions are added that have nothing to do with it, when you are in the minority, you have to have some opportunity to participate in the decision. I say to the Senator from Nevada that it is the leadership's role to find some compromise so we can move forward. I know the Senator has done that, and I admire what the Senator is doing.

Mr. REID. I say to my friend, I appreciate his presence in the Chamber and attempting to work with us. On airport security, there are three problems that can be resolved in a matter of a few hours: No. 1, there are some who believe not only is airport security important but also that there be security on our passenger trains.

There are also those who believe we should protect workers who have been displaced as a result of these terrible acts on September 11. We should be able to work our way through that. We should bring these issues up, vote, and go to something else.

I say to my friend from Wyoming, I had a number of meetings yesterday with Senator LOTT in the presence, of course, of Senator DASCHLE, and he is attempting to help us work through some of this. I appreciate that very much.

Maybe today we can do something on terrorism. It would be helpful if we could get that out of the way. There are things about which I feel strongly. I had a Republican in the House today tell me: Did I hear you right when you said you think the things we do in this bill should not be sunsetted?

I said: You heard me right. If it is good now, it will be good later.

They asked me if I believed, for example, if there should be roving wiretaps on terrorists. I said to a friend, a Member of the House from Connecticut: Yes, I do. There are some basic items in this antiterrorism legislation we need to do, I say to my friend from Wyoming. I hope we can work that out before the day is through.

Mr. THOMAS. I hope so as well. One other observation: We have these items now that are of such high priority that have to do with security, and I think we need to be very watchful that we do not find ourselves using security as a vehicle for doing some things that have very little attachment to security.

I thank the Senator for his response.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. CRAIG. Mr. President, I speak not only as part of the Republican leadership in the Senate but as a member of the Energy Committee, a committee on which I have served for the 11 years I have been in the Senate. During those 11 years, I have had the opportunity to serve under three Presidents. For 8 of those years, I served under a Democrat President. During that time, he, I, his administration, and certainly all Members, attempted to shape a national energy policy for our country that never really got accomplished. During that time, we continued to grow very rapidly as a nation. We continued to consume up to a 2½ to 3 percent increase in energy each year, although our country was only producing a 1½ percent increase of total need.

Of course, we know what happened as a result of that timeframe over the last 8½ years: We grew increasingly dependent upon foreign sources of energy for our existence, at least in oil. Our infrastructure grew older, our transmission lines and pipelines; our ability to generate electrical energy did not increase very rapidly. But workers found the demand of the new high-tech economy even required greater abundances of electricity and energy than we originally suspected.

It is why it became an issue in the last presidential campaign and it is why this President, George Bush, immediately developed a national energy task force to began to work on a national energy policy. They completed their work and sent their information to the Hill.

While that has been going on, the Energy Committee, now chaired by Senator BINGAMAN, once chaired by Senator FRANK MURKOWSKI of Alaska, has been working on a national energy policy. We have spent the last 3½ to 4

years in hearings, looking at all sides of this issue. We clearly have a vision as to what we need and what we need to do. It is really not very difficult, although it is politically contentious. We need to produce more energy, in electricity and in gas and oil. We need to put more research behind new technologies and continue to advance the technologies for electronic cars and alternative forms of electrical generation—wind and solar. We have invested millions of dollars in those alternatives over the last couple of years. We need to continue.

At the same time, there is no question for the next 15 to 20 years we will be increasingly dependent upon foreign sources for oil—predominantly oil—ultimately the greatest form of energy that moves the American economy, whether it is the cars we drive, the trucks that deliver the goods and services to our communities, the trains that run upon our tracks, the airplanes that fly across our skies, or our ships at sea, our aircraft carriers and the planes that are now flying day and night over Afghanistan. All of those are driven by oil, by energy. When we started this debate a decade or more ago, we were around 50 percent dependent upon foreign sources of that energy. Today we are at times over 60 percent dependent. We understand the issue. We clearly understand the urgency.

We awakened to that energy problem last year when the lights went out in California. We all said: My goodness, why is that happening? What happened that caused all of this—for elevators to stop operating and traffic lights to stop operating, for the economy of California to nearly go in the tank as a result of not having the energy base they needed to feed their growth and demand? We knew they had launched a policy some time back that was not allowing them to produce. While it was a wake-up call for California, it truly was a wake-up call for our Nation.

As a result of that, this Senator's effort, the committee's effort, and the President's effort, the House moved an energy bill and was able to pass a fairly comprehensive new policy toward production and infrastructure development and the kind of refinement that a new, dynamic energy policy for our country needs. They did their work. They got that work done before the August recess.

We were working, and with credit to Chairman BINGAMAN, although we had the transfer of leadership in the Senate, he continued to work. He was looking at a much broader bill to deal with the issue of energy than the House produced. We were working with him in a very bipartisan manner. Sure, there were differences of opinion. Yes, there are several issues on which we clearly disagree. But in the general sense, we were moving toward a national energy policy.

Along comes September 11. We all know that day now; It is seared into our minds, our world stopped for a time and thousands of Americans lost their lives. We began to rethink who we were and what we were all about as a country. Up until that time Americans, if they were polled, said that, yes, a national energy policy was necessary because it meant the strength of our economy and the growth of our economy and it meant that future generations would have an opportunity to have a supply of energy. But about third or fourth on that list of reasons for a national energy policy was national security. It did not register but third on some polls, or fourth.

September 11—the world changes; the American mindset changes. All of a sudden, by nearly a 60 percentile polling factor, energy and energy policy and energy supply for our country—reliable, abundant, stable—became the No. 1 issue. National security, national security, national security.

Why, then, do I read in a press release from Chairman BINGAMAN yesterday that the majority leader of the Senate has directed the chairman of the Energy and Natural Resources Committee to suspend any further markup on energy legislation for this session of Congress?

What? A No. 1 national energy policy, being now a No. 1 national security policy in our country, and the leader of the Senate is saying stop, don't go forward? The House has done its work, but the Senate cannot do its work?

He says he wants to write his own bill. OK. I have been involved with this issue for a long time. I know why he wants to write his own bill. I understand the politics of the issue. I understand the other side lost a component of the battle on September 11. Actually, they had lost it much before then. They lost it when the House voted to include oil exploration in the Alaskan Arctic National Wildlife Refuge in August. They were not willing to admit it at that time. They thought they still had the votes, but the House had already made that decision because America was sensing a need for a broader national energy policy.

But on September 11 that issue was gone. When it says down here that Senator BINGAMAN went on to say, ''the Senate leadership sincerely wants to avoid quarrelsome, divisive votes in the committee,'' what the chairman is saying is he can't control his own people anymore in the committee because September 11 convinced them that we have to have a national energy policy because national security and energy is paramount.

So he went to his leader and said: Leader DASCHLE, I can't give you the energy bill that I thought I could. I have lost the votes on a couple of key issues and you won't like what comes to the floor.

Some on the other side are saying if you bring that kind of a bill to the floor, we will filibuster, we won't let it pass, and we don't want to see that kind of partisanship on the floor post-September 11. So they are stopping any effort to develop a national energy policy and to allow the Senate to address the issue.

I come to the Chamber today because this is not only a distressing press release from the chairman of the Energy Committee, I am amazed the majority leader has pulled that authority away from the authorizing committee chairman who has, over the last good number of years, truly become an expert in the energy issue. He and I do not always agree, but we think it is the responsibility of that committee to produce a bill, not for the majority leader to go into his back office and write a bill that is politically correct for his side of the aisle.

Is that—will that be—could that be a comprehensive national energy policy? I don't think so. But let's say it could be.

I ask unanimous consent for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I am going to give the majority leader the benefit of the doubt at this moment—because I should. I am going to say to the majority leader at this moment: OK, if that is your decision—and I understand the timing here; I understand we are in the last month to a month and a half of this session of Congress and that national energy policy is truly a national security issue and all Americans now believe that. All the polls show that. It is something the House has dealt with and we should deal with. So I say to Leader TOM DASCHLE at this moment: If you are going to craft an energy bill in your office and bring it to the floor as the prerogative of leadership, get on with it. Do it now. Don't tell us you are going to do it and then wait 3 or 4 or 5 weeks, knowing that it cannot get done and it cannot get conferenced with the House. That way you have given your people a vote, but you have not faced the issue and you have not put a bill on the President's desk. That is not leadership. That is politics.

The majority leader and the chairman of the full committee say they want to avoid quarrelsome, divisive votes. They don't want to allow partisan politics to come to the floor.

I suggest if he crafts a bill and brings it to the floor, he avoids that. But if this is a ploy, if this is simply rhetoric to get the bug off their back—because it is now squarely on the majority's back; they have canceled the committee from acting; the majority leader has said: I'll do it. So if we do not have a national energy policy for the energy security and the national security of this country by the close of business of this first session of this Congress, then it is TOM DASCHLE's fault.

I believe that is quite clear. I think that is plain and I think that is simple and I think he has said it just that way when he has said that he will craft a bill and bring it to the floor under the

leadership prerogative. Comprehensive, balanced energy legislation can be added by the majority leader to the Senate calendar for potential action prior to adjournment: so speaketh the leader of the U.S. Senate.

Mr. President, I am going to support my leader. But I am going to insist, as all other colleagues will, or at least many will, that he act and that he act in a timely fashion so it can be conferenced with the House and put on the President's desk. It is an issue of national security. It is every bit as critical as an airport security bill—and the ranking member of the Commerce Committee is on the floor now trying to get that bill up. It is every bit as important as an antiterrorist bill.

If we get into a greater warlike problem in the Middle East and our flow of oil is cut off from the Arab nations, from Iraq—believe it or not—from Iran, from which we are now getting oil, and if we do not have a national energy policy that begins to move us toward a higher degree of national energy independence, then shame on us but, more important, shame on the majority leader of the Senate, who has chosen to take away from the authorizing committee the authority to craft a bill and bring it to the floor, if the majority leader himself does not honor the commitment he has now made to us, that he will divine—define and maybe divine—a balanced energy policy and bring it to the floor for a vote. That is an obligation that the Senate of the United States should deal with before we adjourn or before we recess this first session of this Congress.

I recognize the importance of this issue, as do many of our colleagues. I am phenomenally disappointed in the form of leadership that says we cannot let our committees work in this instance because this is not something new, as I said. We have been at the business of trying to write a bill for 3½ years. We have held 25 or 30 hearings on it. It is not a new issue, but it is a timely, critical issue to our country. I hope the statements of the majority leader represent the clear intention of bringing the bill to the floor within the next several weeks, that we can deal with it and move it off to conference and have a national energy policy on our President's desk by close of business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, can you tell me the parliamentary situation as it exists presently?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 1447, under cloture.

Mr. McCAIN. How much time remains on the 30 hours of postcloture debate of which there has been none that I have seen?

The PRESIDING OFFICER. Time will expire at 4:57 this afternoon.

Mr. McCAIN. If there is no one on the floor to engage in postcloture debate?

The PRESIDING OFFICER. The Chair will put the question on the motion.

AVIATION SECURITY

Mr. McCAIN. Mr. President, we are now engaged in so-called postcloture debate of 30 hours. I have not paid total attention to what is going on on the floor of the Senate, but clearly there has been no debate on postcloture on the Aviation Security Act. This is rapidly turning into a farce. We need to act. We need to act on aviation security. If there are differences of opinion, such as those held by the Senator from Idaho about federalization, let's have debates and votes.

If there is consideration of nongermane amendments, then let's have those debated and voted on as well. The chairman of the committee, Senator HOLLINGS, and I have agreed to oppose all nongermane amendments. But for us to sit here for 30 hours in so-called postcloture debate—yesterday there was a near tragedy because of a deranged individual who broke into a cockpit of an airplane nearly causing another catastrophe. Part of this legislation, S. 1477, requires the Department of Transportation to take steps to strengthen cockpit doors.

There is another case in my own home State where some individual obviously smuggled in a weapon which caused the shutdown of the Phoenix airport for some 10 hours. The list goes on.

I don't agree with the statement that was made by the administration that there was a 100 percent chance of retaliation because of our military actions in Afghanistan. I don't agree with that statement, although I will admit that I don't have the knowledge of the members of the administration who made that statement. But here we are now going into our second week without addressing the issue of aviation security.

No, I don't agree with the Senator from Idaho that an energy bill is of the same emergency as the Aviation Security Act right now. No rational observer that I know of would agree with that statement. The fact is we need to act. We don't have to wait until 4:57 this afternoon. We should be debating, amending, and passing this legislation before we go out of session this weekend. I am embarrassed that both sides of the aisle for reasons less than national security are not agreeing to take up and pass this legislation.

I don't think the American people, who have been very pleased with our performance up until now, are very pleased. In fact, they are very displeased with our failure to take up this legislation in a normal parliamentary fashion—debate, vote, and give the American people what they don't have today; that is, the sense that a lot of Americans don't have today, that they can get on an airliner with comparative safety and security.

I urge my colleagues to stop what we have been doing for the last 2 weeks, get on with moving this legislation, and perform our duties for the American people, for the men and women right now who are in harm's way performing their duties for the American people. It seems to me it wouldn't be a great deal to ask us to move on this legislation.

Mr. REID. Mr. President, will the Senator yield?

Mr. McCAIN. I am happy to yield to the distinguished majority whip.

Mr. REID. Mr. President, every time I hear the Senator from Arizona speaking, I think of pilots taking off from aircraft carriers and taking off from military bases around the country and, as we know, special forces—I believe I know—certainly nothing confidential has been told to me; I figured it out on my own. We have special operations people there doing all kinds of things. It is extremely dangerous. There is no one in the Senate who has more personal information about war than the Senator from Arizona. I personally appreciate, speaking for the people of the State of Nevada, his passion for this legislation.

There is no perfect legislation. The legislation before us is imperfect. The Senator from Arizona and Senator HOLLINGS worked and came up with what they thought could pass this Senate.

Will the Senator agree that this legislation—no matter how anyone feels about it—should at least be able to get consideration?

There was a motion to invoke cloture which was filed 1 week ago. As I said earlier today, we may disagree with this legislation, but let's get it here and get it completed. The people of Nevada and the people of the rest of this country want this passed.

I say this to my friend from Arizona. There are important things we should do, but shouldn't airport security be one of them?

Mr. McCAIN. I think so. It is obvious. I understand the day before yesterday on Wall Street there was a meeting between the Speaker of the House, the Democrat leader in the House, 20 business and economic and labor leaders, and Alan Greenspan. Their message was, pass the aviation security bill so confidence will be restored on the part of the American people so we can have an economic recovery. On other side of the Capitol, they refuse to take up the issue. On this side of the Capitol, for nearly 2 weeks we have failed to have one moment of debate on this issue, and no amendment has been proposed. I just find that, frankly, incomprehensible.

I am not really renowned for my patience, but I believe I have shown a lot of patience. I believe that Senator HOLLINGS, the distinguished chairman of the committee, has also gone through these machinations trying to work out agreements. I must have had 100 meetings on this issue. We had the idea of taking up the antiterrorism bill first and then moving to this legislation. We

thought everybody had an agreement. Then there was one Member on the other side who insisted on amendments. We thought we could get it up with perhaps an agreement that all Members would vote against nongermane amendments. That doesn't seem to have worked.

I have literally exhausted almost every option. Our meetings with the White House have been fruitless. I have not been around here—in fact, the Senator from Nevada and I have been around here the same number of years. I have never had the White House cancel two meetings in 1 day with the chairman and ranking member of the committees—two in 1 day.

Here we are telling the American people that we are working together and we are dedicated to the proposition that we will take whatever measures are necessary in a bipartisan fashion to assure their security and safety, both home and overseas. There is no expert who doesn't believe we need to act on the issue of airport and airline security. Here we are nearing the end of our second week mired in such a situation on which we have made no progress.

Mr. REID. Mr. President, may I ask one more question of my friend?

Mr. McCAIN. I would be glad to yield to the Senator.

Mr. REID. To indicate the patience and integrity of the Senator from Arizona, he could have moved forward on this legislation. But because of his patience—and most of us wouldn't want to do anything that somebody might object to—he acknowledged when he came to this floor that he could have moved forward on this legislation. I know the Senator from Arizona stands for what is good about this country, having devoted a large part of his life in a prison camp for American citizens. If we can't hear him speaking, then we can't hear anybody.

We have to move forward on this legislation. As I have said privately to the Senator from Arizona—and I say now publicly—what he is saying is absolutely full of veracity. One only needs to look at who is saying it to understand that.

Mr. McCAIN. Mr. President, I would be glad to yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Arizona knows that he and I are not too far apart on the issue on which he is speaking. I had hoped we would come to the floor this week and deal with two critical national issues: Airport security and antiterrorism. I think we were very close to being ready to do that. I had hoped we could deal with them cleanly and up front—airport security and terrorism issues.

Generally, I have supported the Senator from Arizona on this issue, and continue to do so, and will work with him. I did not come to this Chamber today to suggest a national energy policy go in front of this. I suggest we do airport security, and we ought to be doing it right now in this Chamber. The Senator ought to be down there at the lead desk on this issue carrying the debate on this side, but he is not being allowed to do so. And it is not his fault; that is very clear.

But what I am suggesting is that in the next month that this Congress will be in session, instead of sitting here marking a clock, with the lights on, the staff engaged, and nothing happening, we ought to also be debating and voting up or down on a national energy policy. I believe it is of high priority. Is it as high as airport security in the current blend of things? No, it isn't.

I agree with the Senator from Arizona. We have to get the confidence built back in the American people on airport activity and security on airplanes, and get them flying now for the long-term economy, but also into the holiday season. It is critical for our airlines and their economic stability, no question about it. We need to give our Attorney General, and others in law enforcement, greater tools to track the terrorists, to track the criminals. And that is ready to go now.

I do not understand why we were not able to switch over and double track. The Senator from Arizona agreed to that. But that is not the call of the minority; that is the call of the majority. They have not let us do that or we could be dealing with both of those critical bills—get at least one of them done this week. The clock is now running out. Having been able to do both of them—as we should have done—there would be ample time to do a national energy policy bill, to engage for 2 or 3 days on the floor, if need be, in the debate of that issue, because I have to think when you scratch the surface of all of these, you get to the bottom line: Airplanes do not fly without fuel; people do not get to the airports without it; our ships that are at sea at the moment, and our pilots who are flying those aircraft off those decks, work with a huge chunk of energy underneath them. We all know that. That is my point.

I agree with the Senator from Arizona. It is not a matter of shoving in to the front; it is a matter of this Senate being capable of dealing with all three of these issues in a timely fashion. That was the point I wanted to make to the Senator from Arizona.

Mr. McCAIN. I thank the Senator from Idaho.

I appreciate his passion on this very important issue to our national security. But since it appears that everybody is in agreement that we need to move forward on this legislation—and there has been no debate that I know of on the specific issue of airport security in the postcloture mode, and I see no reason we should waste the entire afternoon in a postcloture parliamentary situation and yet not debating the issue—I tell our leadership on both sides of the aisle, I intend to come, after lunch, in the early afternoon, and move to proceed to S. 1447. That way, we will not have wasted another entire day. I hope there will be no objection at that time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, just so everyone understands, my friend from Idaho talks about the need to move forward on airport security. Let us move forward. There is no one preventing us from moving forward on this side of the aisle. We want to move forward. We have been trying, for a week, to get to this bill, but we are having to jump over all kinds of hurdles.

We invoked cloture with a vote of 97–0 yesterday. And they—the minority—have said, OK, we are going to use the whole 30 hours postcloture. We have been stymied. We have tried to move to other things. They will not let us.

Last week, we tried to move to a matter dealing with appropriations. We have Agriculture appropriations we tried to get to. No thanks. We tried to get to foreign operations. No thanks. Why? Because of some unrelated issue. That unrelated issue is that we are not moving enough judges for them.

The people at home in Nebraska or in Nevada, I bet they are not coming to you, I say to the Presiding Officer, asking: How many judges is the Senate moving this week? They are concerned about the ability to fly out of Omaha to Las Vegas and back. That is what they are concerned about.

We want to move forward on airport security. We are not stopping anyone from moving forward to airport security. We should have been on that last Wednesday. Here it is a week later, and we are still not on it. We are postcloture on the motion to proceed to airport security.

What are the problems with airport security? There are some people who believe we should get rid of minimum-wage people checking bags, and doing other things, to make these airplanes safe; that there should be some standards; that it should not go to the lowest bidder, as now happens; that we should add, in addition to the hundreds of thousands of other Federal employees we have, about 28,000 employees who would have the stamp of approval of the Department of Energy or the Justice Department—it really does not matter who it is—one Federal agency that oversees them. That is one problem on which they will not let us move forward.

Maybe they can say that is wrong. Have a debate in this Chamber for an hour or so, vote up or down on it, and determine whether they should be federalized or not. That is how things work around here. But they will not let us move to it. They will not let us have a debate on whether they should be federalized or not.

Another issue they are concerned about is whether we should have a vote on Amtrak safety and security—not putting rubber tires on Amtrak trains or putting monitors in all the trains so

that you can listen to nice music, no; just so that when you travel on an Amtrak train, you can be safe. Let's have a debate on that: Yes, you want it; no, you don't. They will not even let us talk about it.

The other issue is whether the employees who were displaced as a result of the terrorist acts are entitled to extended unemployment benefits. That does not sound too outrageous to me. And if it is, let's debate it and vote it up or down.

So that is the big hangup on airport security, those three issues.

Everyone would feel better if we passed this legislation. It would determine how airports would be handled. There would be a Federal rule that everyone could see, not a hit-or-miss proposition.

My friend from Idaho is the second person to come to this Chamber and talk about the need to do energy legislation. And the words were: And shame on TOM DASCHLE if it doesn't pass. That is a good reversal role. Senator DASCHLE is here every day trying to move legislation. Although they do not like to acknowledge it, he is the majority leader of the Senate, and he feels an obligation to do some of the things our country requires, such as pass the 13 annual appropriations bills. He has this wild idea—Senator DASCHLE—that you should pass the 13 appropriations bills. They will not let us move to those bills. We have five that have not passed.

They are not going to let us move. Why? Because you are not moving enough circuit judges. We have listed all the people we have in the pipeline who will move, hearings will be held, the votes will be taken here. But that is not good enough. Senator LEAHY has worked weekends on terrorism, helped with airport security, and many other things prior to this legislation. He set times for hearings for judges. But that is not good enough.

So we do not need lectures in this Chamber about what TOM DASCHLE isn't doing. He is doing everything humanly possible to move the agenda of the Senate forward, and we are being prevented from doing so.

We believe that energy policy is important, critically important. I believe we should become less dependent on fossil fuel. That should be part of an energy bill. We need to develop exploration in this country. We need to become less dependent on foreign oil. There is no question about that. We need to move quickly into more solar, more wind, and more geothermal, alternative energy sources.

I believe we need to have an energy policy in this country. Senator DASCHLE believes that. And if we are able to get these emergency matters out of the away, we are going to move to another vitally important thing. That is energy policy.

We always hear these speeches about the need for ANWR. There was a hearing last week during which one of the experts was asked a question that the person who asked it probably wishes he hadn't. The question was: How long would it take to start bringing oil out of ANWR? The answer: About 10 years.

We know the quantity of oil is very limited. Somehow in their minds, this drilling in the pristine wilderness of Alaska is going to solve all the world's problems, when we know if we pumped all the oil that is there now, it would be a 6-month supply for the United States.

There are a number of other problems we have with ANWR. Just last week, a person with a rifle decided to use the pipeline as a target. He shot some holes in the pipeline. By the time they figured out what was happening, 250,000 gallons of oil had dumped out on the Alaskan tundra. That is a very long pipeline. It goes hundreds of miles. I am not sure we need more pipeline in this pristine wilderness.

My friend, the distinguished senior Senator from Idaho, stated that this situation in Alaska would solve lots of the problems of the world. It wouldn't solve many problems at all. We know there are lots of energy problems in the world today. They will not be solved by this situation in Alaska.

There are so many things we need to do, and we need to get to that legislation. We need help from the minority to get to that legislation. They are not letting us move forward on legislation that has to be done.

The first conference they have allowed us to do on an appropriations bill is going to take place this afternoon. I am fortunate enough to be on that conference. At 2:30 p.m. today, there will be a Senate-House conference on appropriations for Interior. I hope we do that. That will be the first of 13 appropriations bills we have been able to finish. But they won't let us move on the five that haven't even passed the Senate.

Using words such as ''shame on TOM DASCHLE'' isn't senatorial. It is an unfortunate choice of words. Senator DASCHLE understands the importance. I have been in meetings with him just this week, and with Senator BINGAMAN, talking about how important it is to move this legislation. We need to move the legislation. We just need a little help to do it. We have not received the help.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened with some interest to my colleague from Nevada and previously my colleagues from Arizona and Idaho in their presentations. I compliment my friend from Nevada. Let me also say how much I admire the Senator from Arizona who came to the floor about 20 minutes ago and asked the question: Why are we not moving? Why is the Senate not doing its work on the issue of aviation security? He, of course, knew the answer and answered it himself. We are held up by people who believe somehow that this is not an emergency, this is not a priority, and that there are other issues more important. So they hold the Senate up.

It has been that way now for nearly 2 weeks. We don't vote, we have no debate on the floor, and now we have a colleague today who comes to the Chamber and decides the problem is the majority leader, Senator DASCHLE. Nothing could be further from the truth.

The problem is we have a handful of people in the Senate who are intent on serving as human brake pads to stop this place dead in its tracks. They have succeeded. While the country is worried about the emergency situation that exists as a result of the September 11 terrorist attacks, as a result of an economy that clearly has serious problems, the Senate stands at parade rest. Why? Because a handful of people in the Senate have decided we should not move forward on the issue of aviation security.

It is the easiest thing in the world to take the negative side of anything. All of us understand that. This bill, authored by Senator HOLLINGS and Senator MCCAIN—and I am proud to be a cosponsor of it from the Commerce Committee—deals with aviation security, a whole range of issues: The creation of a large cadre of armed sky marshals to put in American commercial airliners; the development of perimeter security at America's airports; the hardening of cockpits on commercial airliners; and the change in the method of screening luggage and people at airports. All of these things are important. There is much more in this legislation as well. That is the positive side of what we are trying to do on an emergency basis.

There are some who have held it up, and continue to hold it up even now. I am reminded of Mark Twain, who I have mentioned before. When asked one day to get involved in a debate, he said: Of course, as long as I can take the negative side.

They said: Well, we have not told you what the subject is.

He said: It doesn't matter. It doesn't take any preparation to take the negative side.

That is the case in the Congress as well. It takes no preparation to come here and be opposed to almost everything. It takes no skill to be opposed to everything. We have a few folks in my hometown like that. I grew up in a county of 3,400 people. We have several of them who have opposed everything, all along the way, all the time. This Senate is a lot like my hometown, regrettably. The problem is in the Senate a couple of determined people can stop things.

In this country we face real emergencies at this point. Our economy is in serious trouble. Commercial airline service is integral to an economy and its recovery. Going into September 11 and the tragic acts of terror committed against this country, we had a very

soft economy. The economy was in trouble even then. One of the leading economic indicators of the economy is airline travel because it is one of the first places people and businesses cut back.

All of our major airline carriers were hemorrhaging in red ink on September 10 going into the September 11 terrorist attacks. On September 11, the Federal Government ordered all commercial aircraft—in fact, all aircraft in this country—to land immediately, and they were grounded. That industry was forced to stay on the ground. There were no airplanes in the sky anywhere.

So this is an industry already hemorrhaging in red ink that was forced to suspend all operations. Then the FAA, under certain circumstances, allowed the restoration of commercial airline flights. What the airlines are discovering is that there are people in this country who have canceled events, conferences, trips, and vacations because there is concern about getting back on an airplane.

I understand that concern. I flew last weekend to North Dakota, and I had also flown the weekend before to North Dakota. But I understand that people are concerned about getting back on an airplane. They and every American saw over and over and over and over again those images of the 767 commercial airliners being flown into the World Trade Center Towers. That is an image most people will not soon forget. So people were concerned and leery about going back to commercial air travel.

This Congress, therefore, must act if it is going to try to restore some health to this economy and give a jump start back to commercial air travel. To do so, this Congress has to put together legislation dealing with aviation security and airline security. That is what we have tried to do. Senator HOLLINGS and Senator MCCAIN, Senator KERRY, myself, and others, have worked on a piece of legislation that makes good sense. We brought it to the floor understanding that this is an emergency, that this is urgent legislation that needs to get done. And guess what. This Senate is brought to parade rest. Nobody is doing anything and nothing happening because we have a couple of people who say: We won't let anything else continue.

You know, we have some people who are crabby about some amendments. My theory is, in a situation like this, if you have some amendments you don't like, stand up and oppose them. If you have some you want to offer, stand up and propose them. Let the Senate vote. Let the Senate make a decision. Do you have good ideas or not? If you don't, tough luck. But don't hold up the Senate and hold up this issue of an urgent need to pass an aviation security bill just because you are a little cranky and have stayed cranky for a couple of weeks. You put the country at risk by doing that.

Now, my friend from Idaho is in the Chamber. He and I have worked closely together. I admire his work. I fundamentally disagree with what he did this morning. He is upset with something Senator DASCHLE has done with respect to an energy bill. Frankly, that energy bill, as Senator MCCAIN said, is separate and distinct from the aviation security bill. We are going to do an energy bill, and we ought to, but the energy bill is going to come together from several sources in the Senate. It is going to come to the floor and we are going to have an opportunity to offer amendments and discuss it. I don't disagree with the notion that central to this country's security is an energy policy. We haven't had an energy policy, under Democratic or Republican administrations, for 30 or 40 years that has meant very much to this country. We need to produce more and find more oil and natural gas. We need to conserve more and, yes, we need to find renewables and a limitless supply of energy, to expand our supply. We need to do all of that, and we need to do it soon.

Let me just say this with respect to security: Security, it seems to me, starts at this moment on the floor of the Senate with passing an aviation security bill. That is where it starts. We will work on a piece of legislation dealing with energy policy. We should do that and that also is urgent. But that ought not hold up an aviation security bill. It should not hold this up. We have a responsibility at this point not to go back to business as usual. Business as usual in the Senate is to have two or three or four or five people hold up the work of the entire Senate. That didn't mean very much under most circumstances because we didn't have a situation that was urgent —not with most pieces of legislation. But if you don't think post-September 11 and the challenges we have to the American economy and the challenges we have in air travel and with respect to providing security for this country at home and abroad—if you don't believe that is an urgent situation, somehow you have slept through the last month.

This country faces an urgent need to do a series of things —important things—that will strengthen its future. Central to those at this moment is a piece of legislation dealing with aviation security. It is past the time—long past the time—when this Senate should have been debating that and voting on it. It simply makes no sense to have a couple of people holding up the Senate because they got out of bed on the wrong side and have a permanent case of ill temper on things about which they are concerned. As a result, they hold up the rest of the Senate.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. Of course, I will yield to the Senator.

Mr. CRAIG. If Senator DORGAN isn't cranky, and I am not cranky, wherein lies the problem? He and I agree on the importance of airport security. We ought to be debating it right now, right here in this Chamber. Are there some disagreements? Yes, there are some disagreements. Are they big? To some, they are. I don't happen to disagree with all of them. The Senate is working its will, and the leader from the other side who is speaking on the floor right now is doing what he ought to be doing. But he also knows how the Senate works.

At this very moment, we are very close to coming to the floor now with an agreement that cleans up and allows us to focus on airport security. I hope it is sooner rather than later.

The American people deserve an airport security bill. But what I was saying on the floor a few moments ago—quoting from the chairman of the Energy Committee on which the Senator serves—he no longer can craft a bill. He has been disallowed by your leadership from doing so. He is going to, therefore, submit a bill to the majority leader and the majority leader is going to bring it to the floor for our consideration.

What I said on the floor—and I will repeat it—is this: Please do that. Bring that bill to the floor, and sooner rather than later. I will say that it is no longer the responsibility of the chairman of the committee. I serve on that committee along with the Senator from North Dakota. We know that.

The majority leader has spoken. The burden is on the majority leader to get an energy bill to the floor. I believe it is third in the line of actions that should be taken up on the floor. Airport security ought to be done right now. I hope we can do it this week and also do the antiterrorist bill this week. The Senator and I are in total agreement on that. I hope we sort this out sooner rather than later. But once those two bills are done, my guess is that I will be on the floor every day saying: Majority Leader DASCHLE, where is your energy bill? Where is your energy bill? You have taken the authority away from the committee. If you are going to produce a bill, do it, and we will debate it. Agree to get it to the floor with a couple of amendments on either side, or with no amendments, and then get it to conference, get the conferees appointed so we can get a bill on the President's desk. I believe and the public believes if we get into a shooting war in the Middle East and we sever our ties to our dependency on Middle East oil, we send this economy into another tailspin that should be avoidable, but it is not. I thank the Senator.

Mr. DORGAN. I understand the point the Senator made. I say this: The burden that might exist on anybody in this Senate—and especially a majority leader of the Senate—is a burden to get the work of the Senate done. We can't do the aviation security bill because we have a couple of people holding it up in the Senate. Why? Because they don't agree with some things. They have decided aviation security isn't urgent for this country. They could not be more wrong. The burden of the Senate is to

pass appropriations bills. We have appropriations bills—in fact, we have more than a half dozen—I believe nine of them—some of which have yet to come to the floor of the Senate to be passed. In fact, very few appropriations bills have been completed at all.

The appropriation subcommittee that I chair had the conferees appointed this week from the House on a bill they passed in June. Think of that. Months and months of stalling, not even appointing conferees to an appropriations bill.

The point is that the majority leader can't bring an appropriations bill to the floor of the Senate. You want to know why? These are bills that were supposed to have been done by October 1—through the House and the Senate. They are not done and he can't bring them to the floor because we have the same few people who object, object, object, and then say to me that the majority leader has a burden.

I will tell you what the burden is. The burden is these objectors who sit on our shoulders all day long and won't let this Senate do its business. We ought to be doing the things that are important at this point and saying to the American people that the Senate understands this situation is urgent in America, that security is an urgent situation, that the threat of terrorism is something we should respond to with great urgency.

Our economy is in an urgent situation. We need to work together to do something about that. But to have this Senate essentially stop in its tracks for 2 weeks is almost unforgivable. I don't handle well people telling me what the burden of the majority leader is. The burden of the majority leader is to get this Senate to get its business done. We have four, five people thumbing their suspenders and saying: No, I object to everything. Well, take your suspenders outside the Chamber, in my judgment, and let's do the work the American people want us to do.

Aviation security is job No. 1. Senator MCCAIN talked about the need to get to this bill. He will be here at 2 o'clock. When he comes to the floor, I am going to be here as well. When he asks unanimous consent to go to the bill, I want to support him. It is unforgivable that hour after hour and day after day this Senate is not doing the business it is intended to do. People talk about the burden of the majority leader. The majority leader has too large a burden, in my judgment, with respect to a few folks who want to hold the Senate up. We know what we ought to do. Let's do it. For those who don't agree—and there are three or four who have deep disagreement with the issue of screening at airports, the screening of luggage—the screening of luggage. If you disagree with that, then offer an amendment. If you win, good for you. You will not, in my judgment, but if you do, fine. Why hold up the Senate and prevent us from passing a bill that is so urgent? It does not make any sense to me.

This really is business as usual, regrettably, at a time when the last thing America needs is business as usual from the Senate. They need a Senate that is engaged and that has its priorities straight and in which everybody steps back a bit, takes a deep breath, and says: We are part of the same team. There is now just us and them. There are the terrorists and the rest of us. The rest of us are trying to do what we can to respond to these heinous acts of mass murder. That is our responsibility.

I remember a story about a person who opened a small retail business on a small Main Street. He had a large glass fish tank installed in the front window for his grand opening. He put out a huge sign that said: This fish tank contains 63 invisible Peruvian man-eating fish. Crowds gathered on Main Street to look at this fish tank. Of course, there was nothing in it, just a sign about invisible fish.

We could perhaps have a sign in the Senate, not about fish, but about invisibility. We are doing nothing. In a time of great national concern, in a time of national emergency, in a time when there are urgent requirements and needs for us to do the right thing, this Senate is doing nothing.

It is not the majority leader's fault. The majority leader has a plan. He has an aviation security bill. He has a national security bill. It is not his fault. It is the fault of two, three, four, or five Members of the Senate who decided for their own reasons they want to shut this place down for a while. What an awful signal to send to the rest of the world.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. Our friend from Idaho stated the airport security bill is No. 1, terrorism is No. 2, and energy is No. 3. I say to my friend from North Dakota in the form of a question, doesn't the Senator believe we have an obligation to do what is required, and that is pass appropriations bills?

Mr. DORGAN. In response, I say, absolutely. In fact, our colleague from Idaho is on the Appropriations Committee. The first thing you have to do is appropriate the money for the agencies—the FBI, the CIA, the National Security Agency, all the law enforcement functions—and then all of the other functions of the Federal Government. We have to pass the appropriations bills.

We are now operating under a continuing appropriations bill because we in Congress did not get our work done by October 1. It is not as if we are not trying. Senator BYRD and Senator STEVENS, the chairman and ranking member of the Appropriations Committee, are pushing very hard, and we cannot get the appropriations bills to the floor of the Senate.

Do my colleagues know why? Because there is an objection to a motion to proceed to an appropriations bill.

Mr. REID. Does the Senator know the reason for the objections supposedly?

Mr. DORGAN. The objections have nothing to do with appropriations. The objections, as I understand it—there are several different objections to different bills around here; it is one of those pick-your-flavor objections to people who professionally object. As I understand, they do not want appropriations bills to move forward because they are concerned about nominations.

Mr. REID. About judges.

Mr. DORGAN. Yes, nominations of judges. My understanding—the Senator from Nevada might correct me—my understanding is it has taken a substantial amount of time for the administration to move judges to the Congress for consideration. I believe something like 25 or 29 of them came just the first part of August. They are now going through the hearing process.

With respect to judges, as far as I am concerned—and I hope every one of my colleagues feels the same way—let's get judges moving; let's get all the appointments and confirmations moving. As far as I am concerned, the same burden rests on myself. If I object to someone, bring them out and I will vote against them.

By and large, I think most of these nominations are pretty good nominations, but I do not think anybody is trying to hold these up. What has happened is it has taken a great deal of time to get names here, and now the Judiciary Committee is sifting through them to get the hearings in place. The fact we are not even allowed to go to appropriations bills has nothing to do with appropriations; it has to do with some other issue.

Mr. REID. May I ask another question?

Mr. DORGAN. Sure.

Mr. REID. On the Senator's trips back home—and I know he was home this past weekend—has anybody come up and asked the Senator about how the judges were coming in Washington?

Mr. DORGAN. No, I say in response to Senator REID, most people are concerned at this moment about the Senate moving very quickly with some urgency to deal with situations such as aviation security, to deal with the issues of national security and international security responding to terrorism, the antiterrorism bill. Most people are concerned about that.

Obviously, the lingering effects of the September 11 terrorist acts will probably last forever, and it means people are very concerned about this country's response to those specific threats.

Mr. REID. I say to my friend, our friend from Idaho listed 1, 2, 3, his priorities. In listing the priorities of the people from the State of North Dakota, where does the Senator think our moving judges through this system would list in ranking? Does the Senator think they would be in the top 100?

Mr. DORGAN. Probably the top 100. Moving judges is just something we

should do. It is not a case that we are not moving judges. That is, in my judgment, a false charge.

If we are talking about what are the priorities, what is the urgency today on Wednesday, first, as Senator MCCAIN said, the urgency is an aviation security bill; second is an antiterrorism bill that has been worked on and largely agreed to; and third, we ought to finish the appropriations bills. We have a responsibility to do that.

The Senator from Idaho is not wrong about energy being a significant issue. It is an issue. I agree with that. I talked today about the commercial airlines and their component part of this economy and their important part of this economy. So, too, is energy. We will not have any economy without energy.

I do not disagree with the notion that energy is a significant issue. I would not necessarily say Senator DASCHLE has the burden of making it third. We have to do the appropriations bills before we do the energy bill. If we can get rid of a few of the objections, we can move these things quickly. There is no reason we should not pass an aviation security bill and send it to the President by tomorrow night. We can pass it today and resolve our differences with the House and move it to the President. There is no reason we cannot do that for this country. We should do that.

The antiterrorism bill I think is about completed. There is no reason we cannot do that as well. What a great signal to the American people.

The interesting thing is—and the Senator from Nevada asked me about what I heard back home—what I heard all weekend in North Dakota was how pleased people were that finally the pettiness seems to be gone from the politics in this country, and good riddance. Finally, people are working together. Finally, it is not so much that you are a Democrat or a Republican. It is not that there is a my side and a your side, it is just that there is an our side. There is only one side in this country, and that is the side that all of us choose to stand on in the fight against terrorism. There is only one side, and it is our side.

That is why I hope that at 2 o'clock this afternoon when Senator MCCAIN comes to the floor with this bipartisan bill on aviation security, that this is something we can clear, move to the floor, offer amendments, and get it done for our side.

Again, it is not Republicans and Democrats. Senator MCCAIN is a Republican. Senator HOLLINGS is a Democrat. They have worked together, I have worked with them and others to put this bill together. This bill represents a response by our side, the American response to an emergency, to an urgent situation. I hope we can avoid the kind of difficulty we have been seeing in recent days.

I ask those who put us in this position of being, as I said, at parade rest day after day when there are so many urgent things to do to rethink that. I can think of several things that make me a bit upset about this body and probably object to one thing or another. I do not intend to do that.

I had an amendment on a bill in the subcommittee I chair. When I brought my subcommittee bill to the floor, I had an amendment that was very important to me and very controversial. I was fully intending to push that amendment and have a big debate and a vote on it. Then September 11 happened, and I brought the bill to the floor after September 11 and said: I do not think it is in the country's interest for me to push this very controversial amendment.

Although it means a lot to me and it is very important to me, I am not going to do it because I do not think that is the way we ought to send signals to the American people about who we are and what we are doing at this point.

I ask others, especially those who have held up the work of the Senate for now about 2 weeks on this issue, think along the same lines and see if we cannot come to some understanding of the urgency of passing an aviation security bill.

We on the Commerce Committee spent a lot of time working on these issues. The leadership of both Senator HOLLINGS and Senator MCCAIN has produced excellent legislation, legislation that will provide real security to commercial airlines and to those who fly in this country, and I hope we are able to do that soon.

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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VALUE OF THE FAMILY FARM

Mr. DORGAN. Madam President, I actually came to this Chamber to talk about something else, which I want to do now for about 3 or 4 minutes. But, I was inspired by my colleague from Arizona, Senator MCCAIN, who was talking about the urgency of the aviation security bill and wanted to comment first about that.

I want to speak for a moment about another priority. When I was talking with the Senator from Idaho about priorities, let me describe another one that ranks right near the top, in my judgment. As soon as we finish the legislation dealing with aviation security, the antiterrorism bill, and the appropriations bills, we need in this Congress to turn to the farm bill. If one does not come from farm country, they may not understand the need for a farm bill, but let me describe the urgency of this Congress passing a decent bill that gives family farmers a chance to make a living.

We have been living with a farm bill called the Freedom to Farm Act, which has been a terrible failure for family farmers. It literally has pulled the rug out from under family farmers in our country.

Last Friday, the House of Representatives passed a new farm bill, and good for them. The bill that was passed by the House of Representatives is better than the current farm bill that is now in place. We can make it even better. It shortchanges wheat and barley, for example, on loan rates, and there are some things that I would change.

I say this: The bill the House of Representatives passed is better than the current farm bill. Now the Senate has an obligation to take up a farm bill and pass it before we finish our work this year. We must do that. We do not have the choice. If we do not pass a new farm bill this year and accept the challenge with the House having passed its bill, we will shortchange American farmers in a significant way. There are many families hanging on by their financial fingertips wondering whether they are going to be around to plant the crop next spring. I hope this Congress will say to them that family farmers matter to this country, they strengthen this country, and we are going to give them a farm bill that provides countercyclical help when prices collapse so they can stay around and be part of our country's future.

Now why is that important? Two reasons. One reason is one I have talked about a long time in this Chamber, and that is from both an economic and social standpoint, family farms are important to this country's character and its future. Family values have always rolled from family farms to small towns to big cities, nurturing and refreshing the value system in our country. Having a network of family farm producers producing our food in this country produces more than food. It produces communities, it produces a lifestyle, it produces character in rural America that adds to this country and who we are and what we are.

Even more than that, if one does not care about that—and I do deeply—we could have, perhaps, a country in which we farm from California to Maine with giant agrifactories in which no one lives out on the land. It is just a bunch of corporate bookkeepers. That, in my judgment, erodes and detracts from the culture that has helped make America great. So even if one does not care about family farming—and I do very deeply—even if one believes that agrifactories are the way of the future—and I really disagree with that—from a national security standpoint it makes good sense to have wide dispersal of food production in America.

There was a report the other night on a national television program talking about feedlots that feed 200,000 head of

cattle. This report talked about the real possibility of the introduction of bioterrorism through the food supply in concentrations of agriculture production of that size. It is true. How difficult would it be, however, to do that to a food production system which you have a wide network of family farms on America's land producing America's food? From a national security standpoint, it is important that we have support for family farmers.

Europe does it. Europe does it for another reason. Europe has been hungry and decided never again to be hungry and never again to be dependent on concentrations of food producers. So they, in Europe, have a network of producers, small farmers, dotting the landscape of Europe because they have been hungry once and have determined never to do that again, and the best defense against hunger is to have family farmers all across Europe producing their food supply.

The same is true in this country, in my judgment. Exactly the same is true. Add to that the national security implications of having broad distribution of food supplies in this country produced by family farms. Again, as I said when I started, I think family farms produce something very enriching and very important to who we are as a country. Much more than that, they also contribute to this country's national security.

The House of Representatives has passed its farm bill. We have a responsibility in the Senate to pass ours. The difference between the House and the Senate farm bill that would amend or change the Freedom to Farm Act will be hundreds of millions of dollars to farmers in North Dakota alone.

The Freedom to Farm bill was passed when the price of grain was quite high and it collapsed almost immediately, and family farmers have lived now for 4 or 5 years with commodity prices that are far below the cost of production. The result is a whole lot of families are struggling. Many have lost that struggle and have moved from the family farm because they went broke. Others are hanging on, just hoping.

The only thing farmers have ever been able to live on is hope; hope that somehow next spring they would be able to find somebody who would lend them the money to plant a crop; hope if they put the crop in that perhaps it would rain enough so that the crop would grow; hope that it would not rain too much and drown out that crop; hope they did not have insects; hope they did not have hail; hope that crop disease did not destroy the crop.

If beyond all of those hopes they finally raised a crop, hope when they combined or harvested that crop and put it in a truck and drove it to an elevator that there would be a price that was decent. With that kind of hope, farmers deserve our help during the tough times, and it is my hope the Senate will understand its responsibility right now in the next several weeks to take up the challenge of the House and pass a farm bill, a good farm bill, that says to family farmers we are standing with them, we are standing behind them, and we want to provide a bridge over price valleys to try to help them through these tough times. If we do that, it also will strengthen our country. That also will strengthen our economy.

We will not have economic recovery in this country if we say it does not matter what happens to those who live on the land; it does not matter what happens to family farmers.

Economic recovery also begins by helping those who produce America's food supply, and I hope the Senate will take up this challenge in the next couple of weeks.

I conclude by saying this: I come from rural America. I was raised in a town of 300 people. We raised horses, had some cattle. When I left my home county—it was a fairly large county geographically—there were 5,000 people living there. There are now 3,000 people living there. Like most rural counties, it is shrinking. The Lutheran minister in one of the communities in my home county told me she has four funerals for every wedding at which she officiates.

There is this movie ''Four Weddings and a Funeral.'' This is the opposite: four funerals for every wedding. Why is that the case? Because in those small towns and those rural areas, people are getting older, the population is aging. Very few new people are moving in, very few young people are taking over the farms, because they can't make a living.

As the age increases, the economies of the communities are shrinking. What used to be a plum is now a prune—my home county and thousands like it across this country.

If one just thinks this is about numbers and balance sheets, let me again describe how it is not. It is about dreams, about people's lives. There was an auction sale, which happens too often in my State. A fellow named Arlo was the auctioneer. He told me he was auctioning a tractor at the auction sale. People bid and bought the tractor. At the end of the auction sale, where he auctioned many things from the family farm because the farmers could not make it, a little boy, about 9 years old, came up to him. He was the son of the farmer who was being sold out. He grabbed the auctioneer around his leg, and he kind of shouted at him. He said: You sold my dad's tractor. Arlo kind of patted him on the shoulder to try to calm him down. This little boy had tears in his eyes. He looked up and said: I wanted to drive that tractor when I got big.

This is about dreams, about families, about kids. It is about the future. Family farming is much more than just business, it is part of our culture. Our country needs to understand that. We have a responsibility to write a new farm bill, one that works, one that works for family farmers.

In conclusion, as I have said before, if writing a farm bill is not about investing in families who farm in this country, retaining a network of families across the prairies of this country, then we don't even need a farm bill. We don't need a farm bill to help the giant agrifactories. If someone wants to buy 3,000 milk cows and milk them 3 times a day, God bless them. They don't need Uncle Sam's money. But a family with a family yard and a light that shines over where that family sleeps, where the dreams reside, cannot make it through tough times and price depressions. The only way to save family farms when the prices collapse is that the Government say: This part of our economy matters; we hope you get through the tough times—we will build a bridge over the valleys. If the Government is willing to do that, it will retain a food supply network populated on average by family farms that produce that food supply.

In a world desperately hungry, where so many people go to bed at night with an ache in their belly, when thousands die every day from hunger and hunger-related causes, it is unthinkable to me that what we produce in so great abundance somehow has no value. They take it to the elevator, and farmers are told their grain has no value. It has value to the people in the world who are starving. It has value to the 500 million people who go to bed at night hungry. But our farmers are told, that which you produced, which rested on your hope in the spring to produce a crop, has now no value in the fall when it is harvested.

There is a major disconnection in this country about the value of agriculture, its worth to family farmers, its worth to the world and what it contributes to the stability of the world. We had better think through in a more clear way how all of that fits together. Food is an enormous asset. Those families who produce it are a significant asset to this country. It is time the Congress understands that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANWR

Mr. REID. Madam President, we have spoken several times today about energy policy. I will spend a few more minutes talking about something that has created a lot of confusion and controversy and in some respects bad feelings; that is, what we should do about ANWR.

The majority leader has indicated the volume of the business to be completed by the Senate is heavy. The subject of national energy policy is important. But we also acknowledge the jurisdiction of national energy policy cuts across several committees, all of which have a hand in charting the future of that policy. Of course, that is one of the main reasons Senator DASCHLE yesterday indicated we need to do an energy bill. If we are going to do it sometime in the next few months, it has to be done by bringing it to the floor directly. When it comes, it will occupy much of the Senate time.

I hope, however, we will not devote the Senate's precious time to a debate on drilling in ANWR. That debate, if we choose to have it, will be divisive, as it has been. Many do not believe you can drill in ANWR, and if you do so, it fundamentally changes the character of this national treasure, this pristine wilderness. We also believe whatever the size of the footprint of ANWR, it opens the possibility of a larger, more destructive footprint in the form of an oil spill. It is tough, very difficult to prevent accidents. It is very difficult and tougher still to prevent those who may be out to cause problems in the wilderness. It is not a speculative threat.

At the Trans-Alaskan pipeline last week, as most of my colleagues are aware, a lone rifleman shot some holes through the pipeline. This appears not to have been an act of terror but an act of one person out to do some damage to a critical part of the Nation's infrastructure. This action, where holes were shot in the pipeline, rupturing an 800-mile-long pipeline which spans from Prudhoe Bay to Valdez, gushed oil from 2:30 in the afternoon to 3 a.m. the following Saturday morning. That is 36 hours. They thought something was wrong but couldn't find where the leak was.

It took 36 hours to locate, plug the hole, and stop the rush of oil. I referred earlier to 250,000 gallons, but it was actually 285,000 gallons of crude oil spewed over many acres surrounding this pipeline. The cleanup crews have worked hard to capture about 88,000 gallons of that crude oil, leaving 200,000 gallons over that pristine area.

When you go to the gas station—and most of us have to pump our own gasoline because they are almost all self-service stations—if you fill that tank a little bit too full, the gas runs all over the pavement. When I was a younger man, I worked for Standard Oil and later Chevron. I pumped gas. One of our jobs was to put as much gas as you could in a car, but if it spilled out, just a little, it ran all over, and it was embarrassing. People thought you wasted 25 cents' worth of gas when it was probably half a penny or a penny's worth. Think what 250,000 gallons of crude oil would do to any environment.

It is unclear how we will clean this up. The Environmental Protection Agency and the Alaska Department of Environmental Protection estimate they may leave the oil-soaked land in place and try to treat the land. Others say maybe they have to remove all this oil-soaked brush and trees and even treat the soil. So it is not clear how they are going to clean it up, but it is clear it is terribly difficult to prevent lone acts of ignorance, terrorism, and simply accidents involving our energy infrastructure. I think we would all be well advised to not have another 800-mile pipeline.

Madam President, I will ask unanimous consent to have printed in the RECORD a number of editorials. I just picked up a few here. We were on the Defense authorization bill when various Senators on the other side held up this legislation because they wanted the energy bill on it. These editorials from the Philadelphia Inquirer, Los Angeles Times, New York Times, Charlotte Observer, Chicago Tribune, and the Charleston Gazette —just to pick a few newspapers—the last one is the Albuquerque Journal—say this is wrong; you cannot tie energy policy to things that have no bearing, no relation to it.

I hope, as important as energy policy is, that we move forward at the right time and the majority leader understands the importance of it. We are going to do that. But we recognize the divisive nature of ANWR.

I ask unanimous consent these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Enquire, Oct. 1, 2001]

BACK TO NORMAL

ENERGY ISSUES SIGNAL A RETURN TO PARTISANSHIP

Brief though it was, the hiatus from political hijinks has begun to wane in Washington.

Under the guise of national security, some elected officials have started to slip pet projects into unrelated legislation, grinding progress to a halt.

Last week, the worst offender, Sen. James Inhofe (R., Okla.), stalled an urgent $345 billion defense authorization bill by hitching it to the notion of drilling in the Arctic National Wildlife Refuge in Alaska.

Talk about poisoning a bipartisan well. Few issues are more divisive.

One amendment to the defense bill contains the entire House energy bill, which was passed in July. Rather than debate it on its merits, Sen. Inhofe suggested the Senate rubber-stamp it as an after thought to needed defense appropriation.

This is no way to do business—even in wartime.

The energy bill has been shelved all summer, waiting behind faith-based initiatives, campaign-finance reform and a patients' bill of rights. As U.S. policy-makers rightly focus on the Sept. 11 attacks, energy probably should move up on the domestic agenda.

But realize that, since the attacks, gas supply and prices have been stable. The organization of Petroleum Exporting Countries agree Thursday to maintain its current production level, despite a precipitous drop in the price of crude oil. Unlike last fall, the supply of winter heating fuel is stable, with lower prices expected.

A growing consensus among energy analysts, government officials and economists predicts that the Sept. 11 attacks will have no short-term impact on energy supply. Even if the immediate supply were threatened, drilling in the Arctic refuge isn't the answer. No oil would flow for 10 years—the time needed to construct oil fields and a delivery route.

And even if the most optimistic estimates were correct. Arctic refuge oil would reduce imports only a few percentage points. Nearly half of U.S. demand would still be met by foreign oil. The country will remain vulnerable to the world market as long as demand for fossil fuels keeps rising.

The United States needs an energy overhaul, not just more oil. The long-term supply-and-demand problems outlined by Vice President Cheney's energy team last spring haven't changed. Remedies must include new technologies and conservation, as well as improvements in conventional fuels.

An energy program it too important to be passed as a tangential political maneuver. The Senate should reject these amendments.

[From the Los Angeles Times, Sept. 28, 2001]

ARCTIC DRILLING IS STILL BAD

The United States needs to take decisive steps to improve its security against terrorism but should be wary of attempts to use the crisis to stampede Congress into bad policy decisions. In one such attempt some lawmakers are trying to rush through legislation to open the Alaska National Wildlife Refuge (ANWR) to oil exploration and drilling.

''We can't wait another day,'' House Republican Whip Tom DeLay of Texas raged at a press conference.'' This country needs energy produced by Americans in America for America,'' declared Rep. W.J. ''Billy'' Tauzin (R–La.). Hold on. Drilling in the Arctic refuge was a bad idea before Sept. 11 and is just as bad today. Rushing the energy bill through the Senate wouldn't make the ANWR provision better.

The facts are unchanged. The refuge is estimated to contain 3.2 billion barrels of oil that can be pumped without economic loss, enough to supply the nation for about six months. It would take roughly 10 years for these supplies to reach gasoline pumps. We could save five times as much oil by raising the fuel efficiency standard of new autos by three miles per gallon. There may be just as much oil in other parts of Alaska, including the 23-million-acre National Petroleum Reserve, now open to the oil companies. Domestic production can and should expand where it is economically feasible and does not threaten special areas.

The wildlife refuge, on the north slope of Alaska between the Brooks Range and the Arctic Ocean, is the home of the 129,000-head Porcupine caribou herd, which migrates more than 400 miles to the coastal plain to calve. The refuge also has polar and grizzly bears, Dall sheep, musk oxen, wolves, foxes and myriad bird species.

Once the first drill pierces the tundra, the refuge will be changed forever, despite the denials of drilling proponents. Would we harness Old Faithful for its geothermal energy? Put a hydroelectric plant at Yosemite Falls? You could not measure the potential cost to the environment in Yellowstone or Yosemite, nor can you in the Arctic.

[From the Charlotte Observer, Sept. 28, 2001]

HARD TIMES, BAD LAWS

Congress shouldn't be stampeded by terrorist attacks. Don't get the idea that politics has been suspended while Washington focuses on terrorism. In fact, supporters of some politically controversial proposals are reshaping them to make it appear they're necessary to help win the struggle against terrorism.

Take the Bush Administration's proposal to drill for oil in the Arctic National Wildlife Refuge, for instance. Some proponents of drilling say Congress should move quickly to allow to it in order to lessen U.S. dependence on oil from the politically unstable Middle East.

Baloney. Drilling in Alaska wouldn't make a dime's worth of difference in U.S. dependence on imported oil. At present the United States produces less than half the petroleum it consumes. Economist Paul Krugman, writing in the New York Times, notes that drilling in the wildlife refuge, at its peak, would supply only about 5 percent of our consumption. Even with drilling there going full steam, we'd still depend on imports for 45 percent of our needs.

The quest for a cut in the capital gains tax is irrelevant to the present crisis. Some Republican backers of a rate cut say it's necessary to pump money into the economy to pull the nation out of a recession.

More baloney. The way to jumpstart the economy is to put money in the hands of people who are likely to spend it quickly. Simply rebating the federal payroll taxes would do that quicker and better than tinkering with the capital gains tax. And a one-time rebate would be in keeping with Federal Reserve Chairman Alan Greenspan's caution against making long-term changes to deal with short-term problems. ''It's better to be smart than quick,'' he said. While Mr. Greenspan favors reducing or eliminating the capital gains tax over time, he does not favor doing it now.

The disaster of Sept. 11 didn't change the arguments for and against drilling in the wildlife refuge or cutting the capital gains tax. Politicians who suggest otherwise are attempting to use the terrorist attack to advance an unrelated political agenda. Congress rightly feels a need to do something, but it shouldn't be stampeded into doing something wrong.

[From the New York Times, Oct. 2, 2001]

STRONG-ARM TACTICS IN THE SENATE

Members of Congress have largely resisted the temptation to exploit this moment of national crisis to promote pet causes. One exception is a small group of senators and House members, led by Senator James Inhofe, an Oklahoma Republican, who favor opening up the Arctic National Wildlife Refuge to oil drilling. Last week Mr. Inhofe threatened to take the energy bill passed earlier this year by the House and add it as an amendment to the high-priority Defense Department authorization bill. The energy bill includes a provision opening the refuge to drilling.

Tom Daschle, the majority leader, has scheduled a cloture vote for this morning. If successful, the vote would make it impossible to attach non-germane amendments like Mr. Inhofe's to the bill. Senators who care about sound legislative procedure—not to mention a rational approach to the country's energy problems—will vote for cloture.

Drilling in the Arctic is a contentious issue on which the Senate is closely divided. Railroading the idea through without proper hearings defies elementary standards of fairness. There is also no evidence that drilling in the refuge will significantly reduce America's dependence on foreign oil. The House bill that includes the drilling provision is itself an ill-conceived mishmash of tax breaks that would do a lot for the oil, gas and coal industries without putting the country's long-term energy strategy on a sound footing.

Reducing America's dependence on foreign sources of energy is a complicated business, and there are many experts who believe that the surest road to energy security is to improve the efficiency of our cars, homes, factories and offices, and to invest heavily in non-traditional sources of fuel. Before the terrorist attack, the Senate Energy and Natural Resources Committee had begun extensive hearings aimed at producing an energy bill that would balance exploration and conservation. This measured process should now be allowed to resume, free of pressure from partisan maneuvering.

[From the Chicago Tribune, Oct. 2, 2001]

THE GREASY POLITICS OF ALASKA OIL

In a display of unity and statesmanship seldom seen in Washington, most politicians have put aside partisanship and personal squabbles to concentrate on helping a traumatized nation recover from the terrorist attacks of Sept. 11.

Then there's Sen. Frank Murkowski, a Republican from Alaska.

Last Wednesday, he threatened to bring all Senate business to a halt unless there was a vote on the Bush administration's energy bill, which contains a provision to open Alaska's National Wildlife Refuge to oil drilling—a pet project of his and a few others in the Senate.

''If I have to hold up normal legislative business, I will do that,'' he said.

Way to go, senator: Your sense of national priorities is about as keen as your timing. What better moment to push your agenda than now, when your colleagues and the nation are still mourning the dead and pondering how to prevent another terrorist attack?

Though drilling was approved by the House earlier this summer by a comfortable margin, it faces much tougher going in the Senate. Indeed it's a short-sighted proposal that would damage one of the few pristine wilderness areas left in the country. It ought to be defeated; the terrorist attacks don't change that.

Yet, Murkowski and a few others—Sens. James Inhofe (R–OK) and Larry Craig (R–ID)—are using the national crisis to grease the drilling proposal through the Senate with a minimum of debate.

Murkowski's office says the oil could start gurgling through the pipelines as soon as a year from now—if only the Senate would pass legislation to dispense with lawsuits, environmental studies and other inconveniences.

In other words, forget the details and let'er rip.

Any responsible plan to drill in Alaska will take anywhere between 7 and 10 years of study, planning, engineering and construction. At that, the oil from there would have just a small impact on the amount of oil the nation needs to import. In the short or the long term, drilling in the refuge has little to do with the terrorist challenges the country faces.

What an astonishingly crass move, to manipulate the Sept. 11 tragedy to get the energy bill approved. Threatening to shut down the Senate smacks of gross political opportunism.

[From the Charleston Gazette, Oct. 1, 2001]

ENERGY

DON'T USE TRAGEDY

Some energy industry executives would use Sept. 11 to further their own greedy agendas. Sadly, some in Congress are willing to help them use this national tragedy to add billions of dollars to their bottom lines.

Sen. James Inhofe, R-Okla., is attempting to amend the controversial House energy bill into the unrelated defense appropriations bill. That energy bill includes billions of dollars in subsidies to oil, gas and coal interests, and it would open the Arctic National Wildlife Refuge to exploration and drilling.

Coincidentally, Inhofe is Congress' top recipient of campaign money from the oil and gas industry. He's already received $56,200 this year from drillers, according to the Center for Responsive Politics—nearly $20,000 more than he received in the entire 1999–2000 election cycle.

Inhofe says this is a natural time to talk about the security implications of the nation's dependence on foreign oil. Fine. What does that have to do with giving billions of dollars to polluting industries? What does that have to do with despoiling the nation's last pristine ecosystem?

If the United States wants to lessen its dependence on foreign oil, there are better ways. Congress could finally raise the gas mileage standards for cars, and apply passenger car standards to minivans and SUVs.

Congress could encourage alternative energy sources that cause less environmental damage.

This debate was poised to happen before the Sept. 11 attack. But energy industry lackeys like Inhofe want to use that tragedy to sidestep Senate debate and get what they want.

This shameful attempt to use the deaths of thousands of Americans is grotesque. West Virginia senators Robert C. Byrd and Jay Rockefeller should show their respect for the dead, and for what the United States has been put through, by voting against this callous amendment.

[From the Albuquerque Journal, Oct. 1, 2001]

POLITICAL MANEUVER BLOCKS DEFENSE BILL

So, is this a time of national unity, in which divisive policy issues are to be set aside while we deal with the emergency at hand? Or, is the rush to pass the enabling legislation to clear our military for action just another golden opportunity to steamroll unrelated partisan issues over the opposition?

For some Republicans, it is the latter.

Sen. James Inhofe R-Okla, has refused to withdraw his amendment to the Defense Authorization Bill that would tack on energy legislation passed by the House and a Senate energy bill sponsored by Sen. Frank Murkowski, R-Alaska. Both would open the Arctic National Wildlife Refuge to oil exploration.

Fast-track solving of legislative problems by tacking amendments onto unrelated bills is a congressional practice in normal times, if a bit short on legislative honesty.

But, these are not normal times. The maneuver makes a mockery of the touted bipartisanship to deal with the situation left in the wake of the Sept. 11 terrorist attacks.

There have been bipartisan calls for quick action on the $345 billion defense bill.

''Our troops are counting on it; the Pentagon needs it,'' said Senate Majority Leader Thomas Daschle, D–S.D. ''I can't think of a more urgent piece of legislation than this right now under these circumstances.''

Sen. Inhofe, however, sees the urgency only as a rare opportunity for a a bit of political war profiteering—if he can get a majority in the Senate to go along.

The question of drilling in ANWR is a contentious issue Congress will have to deal with at some point. But, blocking an essential defense bill in an effort to slip it past without debate on its merits is a reprehensible tactic in these troubled times.

To his disgrace, Inhofe has already blocked action on the defense bill until next week. Senate colleagues should reject his maneuver and get back to unity of purpose in addressing the urgent task at hand.

Time enough to pick up on the contentious and important ANWR debate on its own merits after Congress has done all it can to provide for the anti-terrorism effort ahead.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF AN ENERGY BILL

Mr. INHOFE. I was hoping the assistant majority leader would stay on the floor so I could tell him I was very pleased with what happened last night. I have dealt with the assistant majority leader and majority leader for several weeks now in an attempt to get an energy bill to the floor. I understand an agreement has now been announced that the majority leader and assistant majority leader will bring one to the floor.

I started to say to Senator REID, when I saw him walk out—I wanted him to be here so he could hear me compliment him on this action. I think it is critical.

I believe we should have gone through an extensive committee markup. On the other hand, as the weeks go by and we get closer to adjournment, I think this would be an impossible thing to do at this point.

Second, I am hoping when this bill comes to the floor—and there is now a commitment from Senator DASCHLE to bring it to the floor during this Congress, before adjournment—that we get it in time to be very deliberative, in time to consider all the amendments.

I do not know what this energy bill will look like when it comes to the floor. I will read this now to make sure it is in the RECORD in case someone else hasn't done so:

At the request of Senate Majority Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman today suspended any further markup of energy legislation for this session of Congress. Instead, the chairman will propose comprehensive and balanced energy legislation that can be added by the majority leader to the Senate Calendar for potential action prior to adjournment.

While it did not have a chance to go through the committee process, which I would have preferred, when it became apparent that it was not going to go through, I thought the next best thing was to go ahead and send it straight to the floor; let us work on it here. We need to put amendments on it. We need to be in a position where we are able to offer the amendments to make sure it has the necessary provisions to do something about an energy policy for the future.

I do not say this in at all a partisan vein because I started, in the 1980s, trying to get the Reagan administration to have an energy policy.

Then I tried to get the Bush administration, the Bush I administration, to have an energy policy for this Nation. They would not do it. I thought surely he would, coming in from the oil patch, but he did not.

Then of course we tried during the Clinton administration, and they decided they were not going to do it.

So this is our chance right now. As long as we have lip service, saying, yes, it is important; yes, it is important for our national security to have an energy policy, but not doing anything about it, we are doing a great disservice to our Nation.

Here we are in two wars for all practical purposes right now. In Iraq you may have noted this morning another one of our Predators was shot down, and of course what is happening in our war on terrorism around the world. This is no time to be playing around with what is probably the single most important aspect of our ability to defend America, and that is our current reliance upon foreign sources for our ability to fight a war.

When Don Hodel was Secretary of Energy and Secretary of the Interior, back during the Reagan administration, he and I went around the Nation giving speeches as to why our dependence on foreign countries for our ability to fight a war is not an energy issue; it is a national security issue. We went, I remember, to New York and Chicago and different places to try to explain to people we cannot be dependent upon foreign sources for our oil and still be able to fight wars and defend America as the American people expect of us.

At the time that Don Hodel and I went around the Nation, we were 37 percent dependent upon foreign sources for our ability to fight a war. Today that is now 56.6 percent.

What I am saying is we are importing 56.6 percent of the oil we are using to run America and to fight wars. Today, in this current environment, it costs much more, in terms of amounts of oil, to fight a war than it did in the past.

Of the 56.6 percent that we are dependent upon for our ability to fight a war—we have to say it in that way—half of that is coming from the Middle East. Do you know who the largest contributor to our dependency is, in the Middle East? It is Iraq. Here we are at war with Iraq. They just shot down one of our Predators, a third one, this morning. We are sending battle groups over there to defend America, sending them into combat situations with Iraq, yet we are dependent upon Iraq for our ability to fight a war against Iraq. That is preposterous. It is not believable that this could be happening.

That is why I say we have to get out of this position. We have to establish a national energy policy that is comprehensive, that does have as one of its cornerstones the maximum that we are going to be dependent upon foreign sources for our ability to fight a war. And that is not just the Middle East; that is other parts of the world also.

To be in a 56.6 percent dependency—and, incidentally, by the end of this decade, if we don't do something to dramatically change it, it is going to be 60 percent. That is 60 percent dependent upon foreign governments for our ability to fight a war.

What happened last night is a major breakthrough because we now have the majority leader stating that he will have a comprehensive bill before us to vote on before we adjourn. That is major. We are going to have to consider all aspects. I don't want to see something coming down that is not comprehensive. It is going to have to talk about where our untapped resources are in this country.

I can see right now all the lobby of the far left environmental extremists are going to say this is an ANWR bill. It is not an ANWR bill. Of the comprehensive bill, H.R. 4, from the House of Representatives, that passed—and that is the one we will probably go into conference with—out of 200 pages, only 2 pages talk about ANWR. That is a very minuscule part of it. It covers a lot of items. For example, we have untapped resources in the United States other than ANWR. We have some offshore opportunities, where we have tremendous reserves.

I happen to be from the State of Oklahoma. We had huge stripper well production. When we talk about stripper wells, we are talking about small wells, shallow wells that only produce 15 or fewer barrels a day.

But if you had producing today, right now, all of those stripper wells, or marginal wells that we have plugged in the last 10 years, then it would equal more oil than we are currently importing from Saudi Arabia. That shows it is out there.

Why can't they do it? They can't do it because to lift a barrel of oil out of the ground, it costs us 10 times as much in the United States in marginal production as it does in Saudi Arabia, for example. So it is not the price of the oil so much as, when they make this decision as to whether or not to explore for these marginal wells, they have to have some idea of what the price of a barrel of oil is going to be when it is ultimately produced—and that will be a period of a year. We have jumped around from $8 to $35 a barrel in less than a year, so how can they predict that? That has to be included in a comprehensive energy policy so we can exploit all of these opportunities.

The other day I was on a program with one of our well-respected Senators, and I made the comment almost in jest that you can't expect to run the most highly industrialized nations in the history of the world on windmills. He said, in fact, you can. He talked about this wind technology. Fine. We want to go after these other technologies and exploit other opportunities out there—hydroelectric, the sun,

and the wind. But until that comes along, we have to look very seriously not just at oil and our dependency upon foreign nations but almost nuclear.

I can remember back in the 1960s when people would protest nuclear plants. Now they realize there is a serious problem with the quality of our air. A lot of those people are saying: Let's go back and reexamine nuclear energy. No. 1, it is the cheapest; No. 2, it is the cleanest; and, No. 3, it is the most readily available.

I think we should address that in a comprehensive energy policy. That is what I hope will be on the floor.

We have something that is very significant. I am sure the American people, since the days of my going around the Nation with Don Hodel back in the 1980s, and since we went through a very large Persian Gulf war in 1990, now realize we can't be dependent upon the Middle East. That is the hotbed. That is where the problems are today. We are concerned about North Korea and Afghanistan and about many areas, but the Persian Gulf region is where there is a tremendous threat—yes, almost a terrorist threat.

I commend the majority leader for making the agreement to bring up a comprehensive bill. But I am asking him, since it is in his lap—he is totally responsible for keeping his word on this—that he bring something to the floor early enough so we can go through the process, debate it, and have amendments. Then we can go to conference with the House. They have already passed theirs way ahead of us. We can come up with an energy policy, which we have been trying to get through. The President, I am sure, will be happy and anxious to sign it. He already stated that he would this year before we adjourn.

It is something that we must do. It is something that is long overdue. But the opportunity is here today.

I feel very strongly that this is an opportunity we cannot bypass. I commend the majority leader and am anxious to see what that product looks like. I hope we are able to work on that product and get it to conference so we get an energy policy and get it signed.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

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.

Thereupon, the Senate, at 1:07 p.m. recessed until 2:04 p.m. and reassembled when called to order by the Presiding Officer (Mr. BAYH).

CHARGING OF TIME

The PRESIDING OFFICER. The Senator from Georgia.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. CLELAND. I yield.

Mr. REID. Mr. President, I think it is clear for the record, but we wanted to make sure that the last approximately hour and a half is charged against the postcloture proceedings on the bill before the Senate. I am quite sure that is the case, but I wanted to make it clear.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SECURITY ACT—MOTION TO PROCEED

Mr. CLELAND. Mr. President, almost exactly 1 month ago to the day this Nation was rocked by the most horrific act of terrorism ever leveled against the United States. Following the events of September 11, we resolved as a nation to work together to secure our borders and do all in our power to prevent a repeat of the kind of assault that shook this country 30 days ago. Key to the security of America is our ability to quickly put in place enhanced security measures at our airports and on our planes to ensure that our skies are safe and that Americans are no longer afraid to fly. Yet the legislation that is key to ensuring that America's aviation system is secure—the very measure that is our most direct legislative response to the hijacking of four U.S. airliners—has been stalled now for a week. This body is in agreement on many issues in this bill and we have compromised on others. It is time that we bring this critically important bill to the floor and openly debate the differences which remain.

Whether or not to ''federalize'' airport security personnel is an issue that still deeply divides this body. I also attended the briefing by El Al officials which the distinguished Chairman of the Commerce Committee and others have referred to throughout this debate. We are all aware of the extraordinary security measures the Israeli airline has put in place and the extraordinary success of those measures. Because of the constant threat of terrorism to Israel and the Israeli people, El Al has taken the following steps to ensure the safety of its passengers and the integrity of its operations: armed, plain-clothes, in-flight guards; extensive passenger questioning and Interpol background checks; extensive luggage inspections, both visual inspection by employees and high-tech explosive detection, including the placing of luggage and cargo in decompression chambers; and secure cockpit doors that remain locked from the inside. Since the implementation of these measures, no Israeli airline has ever been hijacked. This record speaks for itself.

In that briefing the El Al officials were asked if airport security personnel were government workers or contract workers. The response was telling. The El Al officials did not even know what contract workers are. They want government workers on the front line to enforce the tightest security measures possible. As others have pointed out, we want Secret Service, government employees to provide the greatest protection possible to the President of the United States. We want Federal law enforcement officers to protect the elected members of the House and Senate. Why would we want any less for the people of this Nation?

There was a recent article in the Atlanta Constitution about an Atlanta-based security company which provides baggage screening for 17 of the 20 largest airports in the country, including baggage screening for Dulles and Newark airports—where two of the four hijacked planes originated on September 11. According to the Atlanta Constitution:

The company has 19,000 employees and provides security for office buildings, colleges and Federal facilities. In the past year, it pled guilty to allowing untrained employees—including some with criminal backgrounds—to operate checkpoints in Philadelphia International Airport. Its parent company was fined $1.2 million. In addition, the company is also said to have falsified test scores for at least 2 dozen applicants and hired at least 14 security screeners with criminal backgrounds ranging from aggravated assault and burglary to drug and firearm possession. The highest advertised job at this company pays $7 to $8.50 an hour.

Mr. President, to repeat, these workers are paid $7 to $8 an hour. With minimum wage pay like this, no wonder many of these screeners look at going to work at a fast-food restaurant as a promotion. Clearly we cannot have this attitude as our first line of defense.

In the El Al briefing, there was a slide describing the onion-like layers of security in their aviation system. At the outer layer was the layer of intelligence—key to any effective protection of our skies and borders. In Israel, when there is knowledge of a possible security threat, there is immediately a line of intelligence communication from the highest levels of government down, and in that intelligence loop are the security officers at Ben Gurion Airport. This is a compelling reason why we should have Federal workers at the airport checkpoints in this country. There are over 700 of these checkpoints at over 420 airports. We need a domestic version of the Customs Service as our first line of defense against hijackers.

The General Accounting Office in assessing our aviation vulnerabilities stated that ''the human element is the weakest link in the chain.'' We saw that on September 11. The airline industry is in favor of federalizing airport security personnel. More importantly, the American people support it.

In a recent national poll, 82 percent of the people surveyed said they would support having the Federal Government take over security screening at U.S. airports even if it cost $2 billion a year.

All of us appreciate the value of rapid response in combating terrorism. It is time to bring the aviation security bill to the floor and fulfill the number one responsibility of Congress: to work to ensure the safety and protection of the Nation and its citizens. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I note the Senator from Oklahoma is not in the Chamber, so I will withhold until he reaches the floor. What I intend to do when he does reach the floor is ask unanimous consent that we vitiate the remaining hours on postcloture and proceed to immediate consideration of S. 1447.

Today there was an ABC news poll that showed 42 percent of the American people are still concerned about flying on an airliner.

The day before yesterday there was a meeting in New York City between the Speaker of the House, the Democrat leaders, Representative GEPHARDT, and 20 business and labor leaders, as well as Alan Greenspan, Chairman of the Federal Reserve. According to published media reports, there were strong recommendations by all these individuals to move on airport security so the confidence of the American people could be restored and the economy would have a chance to recover.

For 2 weeks we have been trying to get this bill considered. Meanwhile, we have American men and women who are in combat, putting their lives on the line for the safety of American citizens and we cannot even act on an airport security bill. I don't feel like running through the litany of all the things that have happened, all the meetings the Senator from Texas and I have had, and not had, the scheduled meetings and the unscheduled meetings, the canceled meetings, and the negotiations. This legislation is being held up for reasons that have nothing to do with airport security. There are legitimate differences of opinion on this issue. I respect those differences.

The Senator from Oklahoma was going to state when he objects that he is afraid a nongermane amendment or nonrelevant amendment may be added to the bill. I oppose, as does the distinguished chairman, Senator HOLLINGS, nonrelevant and nongermane amendments, but, at the same time, that is not reason to block the legislation from being considered.

Because there are objections that are related or nonrelated to this legislation, we are blocking the legislation because of certain select interests or concerns. That is not the way we should do business. The way we should do business is to take up bills, vote on them, have debate, have amendments, and vote on them. That is the way the process is supposed to work.

Is this an issue that is a minor policy disagreement? Is this an issue that has to do with only a small number of Americans, maybe the State of Arizona or just the State of Texas? No. This is an issue of compelling requirements. Very few Americans, if any, will ever forget the sight of those airliners flying into the World Trade Center. All of us will remember it as long as we live. Every time they see it, they will want to know that their Government, working with the elected representatives, not by Executive order but by working with their elected officials, has taken every measure possible to ensure the safety of the flying public, which is a large number of Americans.

Supposedly at 4:57, as a result of my parliamentary inquiry before lunch, we will be going to the bill, but the reason I propose a unanimous consent request now is by the time there are opening statements tonight, we will have killed another day. Perhaps we may even use all of tomorrow. Usually we don't do a lot of work around here on Friday. And we would then have expended another week before we could get on this legislation.

I thank the Senator from Texas for all of her hard work on this issue. I know the Senator from Oklahoma will object and give his well-thought-out reasons for doing so. I know the Senator from Texas will make her comments. The time for backroom negotiations and conversations and proposals and counterproposals is over. We have a bill. We had hearings in the Commerce Committee on airport and airline security. This legislation is a direct result of those hearings. This is not something made up in the backroom. This legislation was produced through thoughtful consultation with the best minds in America that we could find. We think it is vital we move forward with this legislation.

At this time, I ask unanimous consent we vitiate the remaining hours in postcloture and move directly to the consideration of S. 1447, the Aviation Security Act.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I wonder if my colleague and friend from Arizona would be willing to modify his unanimous consent request, that he amend it to say that all amendments be relevant to the underlying airport security bill?

Mr. MCCAIN. In response to the Senator from Oklahoma, that would be a highly unusual request, as he knows, because the normal procedure in the Senate is to take up legislation. If there is a concern about nongermane or nonrelevant amendments, then a cloture motion is filed, as has already been filed in one case.

So, no, I do not agree to modify my request for that because I think it would be depriving Members, at least temporarily, of their voice and their concerns and their amendments that they might want to propose. I promise the Senator from Oklahoma I will object and vote against and argue against, as the distinguished chairman of the Commerce Committee stated, any nonrelevant and nongermane amendment. I hope that satisfies his concerns.

Mr. NICKLES. Further reserving the right to object, I appreciate the remarks of my friend and colleague. If we can keep the bill itself pretty much to relevant amendments, I think and believe we can get this bill passed this week.

For the information of our colleagues, we are very close to concluding the antiterrorism package. I appreciate the patience of my friend and colleague from Arizona. We have been trying to pass two bills this week: one, an antiterrorism package, and the other an airport security package. I hope and believe we can pass both this week. The antiterrorism package is much closer to being there. In fact, it is our hope we can pass it today. We are in the process of trying to conclude a unanimous consent request to pass the antiterrorism package today that will be in agreement and hopefully have the vote by 6 o'clock tonight.

With that in mind, the fact we are so close to doing the antiterrorism package and getting it to conclusion at this point, I object to the unanimous consent request proposed by the Senator from Arizona.

The PRESIDING OFFICER. The objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am getting as frustrated as the senior Senator from Arizona. We have been working on aviation security since September 12, 2001. I introduced the bill that would increase the number of sky marshals that very week. I could see the traveling public was going to be stunned. Of course what has happened is even worse than that. The impact on the economy of having people stay out of airplanes and airports is staggering. It was a domino effect. The airlines are flying at half capacity. They are not flying as many flights. Hotels are not full. Rental cars are not being rented. The cancellation of conventions all over the country is being reported.

We can do something about this. We have been working on it in a very bipartisan way. There are very few disagreements on the bill—things we can work out or have amendments, vote them up or down, and we can send a decent package to the President.

What is holding the legislation up is extraneous amendments. These amendments may have merit, but they are not worked out yet and they are not relevant to aviation security. We are dealing with some very complicated matters. Antiterrorism is complicated. We have tried to keep that clean so that the disagreements are on the bill and disagreements on other issues don't encroach on that bill.

We need to do the same thing for aviation security so we are not talking about differences on an unemployment bill in the middle of other differences on the relevant bill and not be able to come to the conclusion on the aviation security bill because of something that does not relate to aviation security.

The President wants to deal with unemployment. We want to deal with unemployment. We can do that in the economic stimulus package or in a freestanding bill. That would be the responsible thing to do, particularly when we know if there are going to be other jobs available. Right now we have a huge loss of jobs in the aviation industry. But we are trying to add jobs in aviation security. We are trying to add jobs in the defense industry because we are going to be ratcheting up our defense needs. So let's give our employees a chance to seek other jobs before we pass something when we are not even sure how much we are going to need or if that is relevant by the time we see if these other jobs can be filled.

But it is a whole different issue. So why not talk about aviation security? I see the distinguished Commerce Committee chairman, Senator HOLLINGS. He has worked with Senator ROCKEFELLER, the chairman of the Aviation subcommittee. I am the ranking member of the Aviation subcommittee, and Senator MCCAIN is the ranking member of the full committee. We have worked on this bill.

We have worked with the White House trying to come to the agreements on this bill, and we are very close. We are going to strengthen the cockpit doors. You would think that after what happened just yesterday on the airplane where the deranged man fought his way into a cockpit—just yesterday—there would be an impetus to take up this bill.

We are going to add air marshals in the bill that I introduced the week of September 11, because we know people will feel safer if there are air marshals on airplanes. We know the more we can get in, the more likely people are to fly and the less likely we are to have incidents, because we will have on those airplanes trained law enforcement personnel.

We are trying to upgrade the screening. Everybody who has been through an airport knows there have been holes in security, in the screening process. Today in many airports there are long lines at the screening stations. We want to regularize that process so people know what to expect and so we can get through on a more expedited basis using trained people with good equipment.

Those are the things we are trying to do with this bill. So I support Senator MCCAIN's motion. I think we need to proceed to the bill, and I think we need to keep extraneous amendments off, and that should be a bipartisan agreement. Then we can argue legitimately about the bill itself and how much federalization we have and where it goes and what the dollars are. All of that is legitimate disagreement. Let's get to the bill. Let's do what we must do to get people back into airplanes feeling safe and secure. Let's give them that security, and let's help the economy strengthen.

We must do that. We are wasting valuable time.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Texas, and our ranking member, the distinguished Senator from Arizona, Mr. MCCAIN.

We did not come to our particular bill for the federalization of airport and airline security in America in a casual fashion. The truth of the matter is that having been on this committee for over 30-some years, I can say we have been trying to beef up security for quite some time.

I could go back to the 1970s in speaking on this topic, but I will bring you right up to 1988. When Pan Am Flight 103 exploded over Lockerbie, Scotland, we heard of security breaches there—which have now been proved in court. As a result, we had hearings, we had conferences with the White House and the leadership and the airlines and everyone concerned, and what did we come up with?

We wanted to keep it just the way it is with privatization, but what we were going to do is have higher standards, more training, more supervision, more money: The same old same old after 1988.

Then, of course, they had the TWA Flight 800 disaster in 1996, 5 years ago. Following the disaster, we had the Gore commission, and what did we come up with? We came up with more training, higher standards, more supervision, more money—the same old same old.

So I determined, along with Senator MCCAIN, that bygones were bygones with all this fetish about privatization. In a time of war we can't relegate security and safety to any kind of low-cost bidder.

You can put in the words, is my point, of higher standards and more supervision and more training and more money, but you have to fix the lack of accountability and standards, as they have in Israel.

Right to the point, while the distinguished Senator from Texas was talking about just the screeners, I believe we must focus on the whole security picture, including the outer perimeter or rim in the Israeli onion ring plan—the outer ring is intelligence.

Incidentally, I have just been in a discussion where they were talking about too many leaks of classified information to the public. Let me say this, the war on terrorism is not a military war, it is an intelligence war, and intelligence operates on a need-to-know basis.

You do not have to tell the Senator from South Carolina anything. Just tell me what we have done. Don't tell me you are backing up aircraft carriers and you are going to do this and you are going to jump from the helicopters like they have in the headlines, or that you are working with this group and that group—they don't know how to run a war, particularly against terrorism.

Mr. President, this war is not the hundred-yard dash. This is going to be an endurance contest, and it is going to be off the front pages if there are going to be any successes.

Back to the screeners, they have to have the highest security clearance. When we get terrorist watch lists from international security, we might get it from the Brits, we might get it from the French, we might get it from one of the Muslim countries themselves. But these watch lists are not going to be effective prevention tools to that screener who is being paid $5 or $6 an hour and has only been on the job for 3 weeks.

We must have the highest type of personnel, not only as screeners, but as trustworthy security professionals. That is what we are talking about. That not only relates to the screener but to the person who vacuum-cleans the rug in the airplane. Don't worry about somebody going through with a pistol in an airport to get on a plane. What they are going to do is have someone working the tarmac, with a loaded gun available, and I call up ahead of time, and I say I have seat 9–A, and you tape the weapon underneath the seat. We must address these types of security weaknesses.

You have to understand, you are in a war with a clever bunch of rascals, absolute fanatics. In this kind of war you can't have 20 percent of security personnel privately contracted, for instance. Someone came to me late last evening and said: How about 20 percent of the screeners? Go out there and tell that to the Pentagon—let's have the privates and the corporals and the sergeants privately contracted.

They have 669,000 civilian civil service security personnel in defense. But they are wrangling about 18 plus 10, or 28,000 new government airport security personnel. It is not money. We have paid for it.

I have mentioned ad nauseam the $917 round-trip coach class ticket to Charleston, SC. I will willingly pay a fee to know my life is safe and there is no chance ever again of using a flight in the United States of America as a weapon of mass destruction. The pilots ought to be able to seal that cockpit door, which should have been done—they ought not have to be waiting for legislation. The airlines should not have to delay safety because of bureaucracy. They have pilots to fly airplanes—not to fight—once they go on and secure that cockpit door. As the chief pilot of El Al told this Senator: If my wife is being assaulted back in the

cabin, I do not open that door. So everybody will know that, hereafter, no matter if they are hijacking a plane to run it into the Golden Gate bridge, or into a building, or into the Sears Tower, or anyplace else—they are picking out all kinds of targets in people's minds—airplane hijackings are not going to happen; that is done with.

We have to move along to protect other terrorist targets, because that is how the terrorist's mind moves. They can maybe get 100 trying to wrestle the plane down. I don't believe they can get the plane down. Once the pilot hears a disturbance, yes, people can be hurt, someone can be killed, but he immediately knows his orders. Rather than open the door and say, ''Do you want to go to Cuba? Let's go''—no; now the doors stay closed, and he immediately lands the plane. He wires ahead, and the FBI and security is there to take charge. They are not going to get very far trying to hijack the plane.

Having taken these preventive steps, the Israelis knew, almost proof positive, when the plane that came out of Israel and went down with an explosion over the Black Sea, that a bomb had not been put on that plane. You have to go through those parameters of defense, of security and safety, in Israel. There is no way to get a bomb on the plane unless you have the pilots and everybody conspiring together.

That is not going to happen. The security system that we have set up and planned to pay for was approved by whom? By the pilots. We have their official approval of our approach in this particular bill. The flight attendants approved of it, and begged for it. The executives of the airlines are for it. The municipal associations, the tourism associations—I am getting boiled up.

We have held this bill up on the floor for 1 week on the motion to proceed. Why? On account of procedural Mickey Mouse nonsense, or—there is no better word—constipation. Everybody wants to add this or that measure onto it. We have to get Amtrak. No. We have to get benefits. No. We have to have a stimulus bill. No. We have to get this. Sure, let's take care of all those issues, but in order.

It is unforgivable to stand around here now for a week just on a motion to proceed. Objection just occurred when the distinguished ranking member of the committee and chief cosponsor said let's move to it, debate it, and listen and learn about these amendments, and vote them up or down; that is all. But we apparently have a minority. I am ready to vote, because I think I have some votes. Being in the minority does not surprise me, with all the undercurrents and the lobbying going on by the contractors. We read in Roll Call yesterday that when I am talking on the floor to an empty Senate, the lobbyists are back talking on individual treatment to the Senators.

Should I have to go around and call on the 99 other Senators and explain this bill to them and get past the lobbyists? What has the Government come to in a time of crisis? Let's move on. Don't wait until 5 o'clock and maybe then file some amendments and maybe have some more cloture and some more delay.

This bill, from its origin, should not have been called airline safety but airline stimulus. Ironically, this crowd will go forward with any kind of stimulus.

We are under limited time. We are on the motion to proceed.

The PRESIDING OFFICER. The Senator is informed that his 1 hour of cloture has expired.

Mr. HOLLINGS. I ask unanimous consent that I continue with an additional hour from any other Senator, that I proceed for another few minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I will conclude with a thought I just expressed about stimulus.

This measure would stimulate the airline industry—exactly what we are trying to do all over America. When you get people traveling, when you get them on the airlines, when you get them in the hotels, when you get New York going again, and when you get all of these other places back to normalcy, the best way to stimulate the airlines is to get safety for them.

What the bureaucracy has done up here with the procedural hangups is to give $15 billion to keep the airlines alive and then guarantee that they go broke by not giving them the safety and, therefore, ensure that the traveling public is not on the planes.

This is the best way I know of to not just stimulate the airlines and air travel but to stimulate the economy. Please come forward. Let's move on this particular bill.

I thank the distinguished Senator from Delaware and the Senator from Alaska for indulging me the extra moments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

DEVELOPING A BALANCED ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I thank the Chair. I will try to be brief to accommodate my colleagues who are seeking recognition.

I would like to call attention to a release that came out of the majority and the chairman of the Energy and Natural Resources Committee, Senator JEFF BINGAMAN, indicating that at the request of the majority leader, Senator DASCHLE, the chairman of the Energy Committee, Senator BINGAMAN, suspend any further markup of energy legislation for this session of Congress. I emphasize ''this session of Congress.'' That sounds pretty definitive to me. Instead, I quote the release:

> The chairman will propose comprehensive and balanced energy legislation that can be added—

I emphasize ''can be added.'' It doesn't say ''will be added;'' it says ''can be added''—

> by the majority leader to the Senate Calendar for potential action—

It doesn't say ''action;'' it says ''potential action.''

I certainly have the highest respect for the majority leader. I notice that this is very carefully worded. It says that it ''can be added;'' it doesn't say ''will.'' Not that there is a proposed action but ''potential action.''

Very frankly, that is not good enough for me. I will ask the majority leader to specifically respond as to whether or not he intends to develop a balanced energy bill. I question the word ''balanced'' because that means no input from the minority, no input from the Republicans, an effort to circumvent the committee of jurisdiction, the Committee on Energy and Natural Resources, of which I am the ranking member. I question how it could be balanced.

So I urge the leader to address specifically whether he will take up and introduce an energy bill, and whether or not it will be placed on the calendar, and whether or not we will have sufficient time to offer amendments on the issue of fairness and equity in the contribution of the minority.

I would also add, the reason for this action, apparently, is twofold. One is the question of jurisdiction. In other words, there are other committees involved. There is the Committee on Finance, on which I serve, relative to tax implications associated with an energy bill. And as you tax forgiveness, accelerated depreciation, here is obviously the role of the Committee on Environment and Public Works in certain areas—perhaps the Committee on the Judiciary. But clearly, the majority of the jurisdiction is within the Committee on Energy and Natural Resources.

We have been working a long time on this. We began and introduced a bill early in the session, early in February, as a matter of fact. We have been working with Senator BINGAMAN on his comprehensive bill. We were committed to try to report out, tomorrow, Senator BINGAMAN's expedited bill on energy infrastructure, which I support.

I do not know the rationale. I can only assume that perhaps the leadership thought there was not the votes in the committee to block certain amendments that might come up or perhaps the majority thought there is not the support in the Chamber to stop an energy bill.

I think it is interesting to note that the public polling indicates about two-thirds of the individuals polled nationwide support an energy bill; polling on the contentious issue of ANWR is about 64 to 36 in favor.

So as we address what is behind this shroud of sudden reluctance to pursue an energy bill, one can only deduce that perhaps they did not want to give the President a victory. The President,

as we know, presented an energy package very early, an energy task force report, and it worked to try to get that through.

We have held numerous hearings. We have had hundreds of witnesses. We are about at the altar, so to speak, and suddenly the rug has been pulled out from under the authorizing committee.

Another point that was brought up is that this might be contentious; there might be differences of opinion. That is what the amendment process is all about. We need a vote. We need a vote, an up-down vote on an energy package. We need an up-down vote, in a democratic manner, on the proposed amendments that would be offered.

So I would first encourage the majority leader to reconsider his action and let the committee do its work and report out a bill and schedule it for action on the floor. If he does not, I would ask that he consider giving us the assurance that his bill will go on the calendar prior to adjournment; that we will have time to take up amendments and debate it in its entirety.

Mr. President, I am going to conclude my remarks—and I see another Senator seeking recognition—but I will be directing further remarks later on tying in, if you will, how terrorism is funded, and the realization that written statements from bin Laden, who we all agree is the perpetrator, to a large degree, behind much of the terrorism, are directly related to his appeal to many of the Muslims relative to the issue of our increased dependence on Mideast oil and his belief that the United States owes Muslims $36 trillion as a payback for ''the biggest theft in history,'' and that is the purchase of cheap oil from the Persian Gulf.

Bin Laden claims that the United States has carried out ''the biggest theft in history'' by buying oil from Persian Gulf countries at low prices. According to bin Laden, a barrel of oil today should sell for $144. And based on that calculation, he said the Americans have stolen $36 trillion from Muslims; and they owe each member of the Muslim faith $30,000.

There might be some motivation there, but there is certainly a communication of consideration.

I yield the floor and thank my colleague who is seeking recognition, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak as in morning business and that my time will count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, as it turns out, I am pleased to be speaking immediately after the Senator from Alaska and thank him for the sentiments he shared with all of us. It is not the first time we have heard these sentiments, but it is a message he has delivered consistently.

I have been in this body less than a year, as a new Member of the Senate. I came to the Senate as an old Governor, as did the Presiding Officer. And we, as Governors, tend to be more anxious to get things done. We are not so much interested in rhetoric, not so much interested in symbolism; we want results. We are not interested in process. We want product.

Before I ever got into politics, before I moved to Delaware, I was a naval flight officer. I finished up my tour of duty in 1973. I moved to Delaware to go to the University of Delaware Business School on the GI bill.

One of my first memories being in Delaware, 28 years ago, literally this month, was sitting in line to buy gasoline for my car because we were in the midst of an energy crisis—embargo—at the time and it was tough to buy gasoline.

I thought, 28 years ago, we needed an energy policy for our country. Twenty-eight years later, we still need an energy policy for our country. We did not have one then; and we do not have one now.

We have learned a number of difficult lessons coming out of the tragic events of September 11, but, for me, one of them is that, more than ever, we need a comprehensive energy policy that will reduce our reliance on foreign oil, that will enable us to provide more energy from within our own country—some of it from corn that is grown in Indiana, some of it from soybeans that are raised in Delaware, some of it from wind, and even some that is harvested from the Sun. We should seek energy from a variety of sources, as well as from the over 500 years of coal beneath the ground of this country, and from nuclear powerplants that provide roughly 20 percent of the electricity in this country.

And in addition to producing new energy sources, we need to conserve energy. There is so much we can do to conserve energy, and not just with moving from internal combustion engines in our cars, trucks, and vans to hybrid-powered vehicles, to eventually, this decade, fuel cells. We can literally go out today and buy, off the shelf, air-conditioners that use half the electricity that most of the air-conditioners in our homes use. The same is true for the furnaces that will warm our homes this winter.

The question before us now is, How do we proceed to an energy bill? How do we take it up? I have been urging my leadership, for months now, to take up an energy bill. My guess is, before I finish, my leader will regret having ever put me on the Energy Committee, but I want us to debate and report to this body, and to debate in this Chamber, an energy bill. I want to have a chance to do it this month. I want us to have a chance to vote up or down on Senator MURKOWSKI's proposal of opening up the Arctic National Wildlife Refuge. I want us to have a chance to vote on a whole host of other issues. But I want us to debate them, and vote on them, and move on. I do not want the debate to be, in what form do we bring the bill to the floor? Do we go through the Energy Committee? Do we then go through the Finance Committee, and then the Environment and Commerce Committees because they have jurisdiction over different parts of the bill.

I want to get the bill to the floor. And as we do, I want to make sure that the Senator from Alaska, the Senator from Delaware, the Senator from Indiana, and others, have every opportunity to amend that bill in ways that are germane to the legislation that is before us. Debate them, vote them up or down, and move on.

As it turns out, there is probably a lot more on this front that we agree on than we disagree on. One of the ways to find that out for sure is to have the debate.

I pledge to my colleague from Alaska and my colleague from Indiana to do my dead-level best within the Democratic caucus, within the Energy Committee itself, and with my own leadership to make sure we have the opportunity to have fair and open debate on the amendments and a policy that we can then work out with the House and send something to the President to sign.

We may actually have a chance of coming closer to producing a comprehensive energy policy by taking the approach Senator DASCHLE has now suggested. We may actually have a better chance of getting to the debate and the adoption of an energy bill than we would have had if we had gone to regular order. I was not so sure of that 24 hours ago, but having thought it through, I think we may enhance the chances for those of us who want a comprehensive energy policy.

I ask all of my colleagues to work across the aisle, within the committees of jurisdiction, and in the Chamber, and have a good debate this month or next month and be ready to cast the tough votes and to move on.

I yield the floor and 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. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask that I be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANWR

Mr. MURKOWSKI. Mr. President, I call attention to some of the comments made in this Chamber earlier today relative to the issue of taking up a national energy security bill before this

body. I spoke a little earlier on the floor today and indicated that, clearly, it is in the national interest that we in the Senate proceed with an energy bill—report it out, bring it to the floor, and vote on amendments in an orderly manner.

As I further indicated earlier, the majority leader has indicated that it is his intent to develop an energy bill—in his words, a ''balanced bill''—and it would be introduced by the majority leader. Of course, this excludes the process associated with the committee reporting out a bill.

Further, in the discussion that has taken place today, the issue of ANWR came up as the bone of contention. I want to address a couple points because there is a good deal of misunderstanding around this issue. There was a reference today that the accident that occurred when a bullet penetrated the pipeline earlier this week was proof that we should not rely on increasing the supply of oil that would traverse through that pipeline.

I remind my colleagues that that pipeline is about 28 years old. It has provided the Nation with 25 percent of the total crude oil produced in the United States for that period of time. That volume has dropped from 25 percent to 17 percent. The pipeline capacity was a little over 2 million barrels a day previously, in the early development of the Prudhoe Bay oil fields, that flowed through that pipeline. Today, with the decline in Prudhoe Bay, it has dropped a significant amount, to roughly 1 million barrels a day. But it still supplies this Nation with 17 percent of the total crude oil produced in this country.

Now, to suggest that this firing by a very high-powered rifle penetrated the pipeline is not quite accurate because it has been shot at numerous times. It is half-inch, high-tensile steel. It is my understanding that this particular firing—a blast of five bullets—penetrated an area where there is a valve and, as a consequence, because of pressure in the pipeline, there was a significant leak, a spillage. The question of whether there is any permanent damage done has been addressed in the cleanup. There was no movement of any oil into any water or streams in the area. The security group of Alyeska found the incident as a consequence of the notification of a drop in pressure. They went out with helicopters and not only found the leak but identified and arrested the perpetrators. You can criticize anything, but the system did work. Everything is subject to, obviously, the exposure of terrorist activity, but in this particular instance this was a fellow who was extremely drunk, bored, or he lost his mind, and he simply decided it would be fun to start firing at the pipeline.

That pipeline has been bombed; bombs have been wrapped around it. It has been wrapped with hand grenades, shot at, and it suffered exposure of numerous earthquakes over the 27 years and it continues to be one of the wonders of the world. So to suggest that somehow this bullet-piercing accident is somehow questionable relative to the integrity of that pipeline is an expression of very little knowledge—factual knowledge—on behalf of those who suggest that somehow the pipeline can't be trusted for additional flowthrough if indeed ANWR is developed.

I am going to conclude, as I promised my friend from Pennsylvania that I would be brief, with an explanation of some of the more common myths associated with the ANWR issue. I hope we can get ANWR up before this body and vote on it up or down in conjunction with an energy bill. That is the democratic process. Clearly, that did not prevail in the Energy and Natural Resources Committee because I can only assume the votes were there to report out a bill with ANWR in it. I can only assume the votes are in this body to pass an energy bill with ANWR in it. Polling seems to indicate nearly 60 percent of the American public support opening ANWR as a significant contributor to reducing our dependence on imported oil.

Some say there is an insufficient amount of oil. Some say it is only a 6-month supply and not nearly enough to justify exploration. That is nonsense. The U.S. Geological Survey, experts who have studied the 1002 ANWR area, estimate that between 6 and 16 billion barrels of oil are economically recoverable; 10 billion barrels is equivalent to what we would import from Saudi Arabia over a 30-year period; 10 billion barrels is the equivalent of what we import from Iraq for a period of 50 years.

We are importing a million barrels a day from Iraq and enforcing the no-fly zone. We are taking the oil, putting it in our airlines, bombing some of the targets in Iraq, and have for some time. They take our money, pay the Republican Guard, develop a missile capability, and aim it at our ally, Israel.

Maybe that is a short synopsis of foreign policy, but nevertheless I think one can conclude that is the ultimate outcome.

We do not know what is in ANWR because we have never been allowed to determine through modern exploration, through seismic exploration, specifically what is available. Only Congress can authorize it.

What is the extent of the area? It is interesting because ANWR is about 19 million acres—about the size of the State of South Carolina. The proposal is to allow exploration on 1.5 million acres. The House-passed bill, which is H.R. 4, has limited that to 2,000 acres. That is the size of a small farm in the entire State of South Carolina—the wilderness, if you will, as a comparison.

Prudhoe Bay was supposed to produce 10 billion barrels. It is on its 13 millionth barrel today. It is absurd to think ANWR is only a 6-month supply of oil. That is to assume ANWR is the country's only source of oil; that there is no oil produced in Texas, or Louisiana, offshore, or no other oil is being imported into the country. The American people are wise enough to see that argument just does not hold oil, if you will.

Clearly, the potential for this country's domestic supply is ANWR, and the abundance associated with the likelihood of a major discovery is second to none identified in North America. It is almost like wondering if you have a strategic petroleum reserve in your own backyard, but if you do not know, and if you do not have the ability to develop it, you really cannot use it.

What is required in development? Very little. We need authorization by Congress. The House has done its job. The House passed a bill. H.R. 4 includes ANWR. It is a challenge to the Senate to do its job.

Some say it will take as long as 10 years before the oil is flowing and that is too long to make a difference. If the previous President had not vetoed the budget reconciliation bill in 1995, today ANWR would be open, or if the oil was not there, it might have been a park. We could have been less dependent on foreign oil, and our energy future would look a lot more certain if, indeed, we had taken that action back in 1995, but we could not overcome a Presidential veto.

We built the Pentagon in 18 months. We built the Empire State Building in a year. Industry says if they make a discovery, they can develop and get oil online in somewhere between 18 months and 2½ years, depending on our will to give them the authority within the environmental parameters to do it safely.

Some people say our energy policy is misguided; we need to focus on natural gas. We found 6 trillion cubic feet. Let's use gas. Recognize that America moves on oil. Our planes, our ships, our trains move on oil.

In response to the September 11 attack, we are preparing now for a long, sustained war. Are we going to count on unstable governments in the very part of the world where we are fighting to assure our energy security? We need to begin at home with energy solutions found within our borders, and if we make the commitment to authorize the opening of this area, I assure my colleagues it will be very symbolic. It would send a very solid message to that part of the world were we to continue to increase our dependence on imported oil.

About 67 percent comes from foreign sources, a majority of that from the Mideast. Fighting a war uses a lot of energy. Mr. President, 450,000 barrels of petroleum products were estimated to be used daily, and that was through 582,000 soldiers in the Persian Gulf war. It is estimated we are using over 500,000 barrels a day currently in this conflict.

Some say it is America's Serengeti, its mountains; it is deserted; it is beautiful. Again, it is the size of the State of South Carolina. It is 19 million acres. Can we open it safely? Yes.

Some say we can get the energy from the National Petroleum Reserve in Alaska; that is why it was established. That is wishful thinking because actually just 15 percent of that entire coastline is open for exploration. Just 3 years ago, the Federal Government closed vast amounts of NPR to protect the birds that live in the lakes. If you look at the model and lakes over NPR, that is where bird life is. There are very few lakes associated in the ANWR area.

Finally, there is a concern of the Porcupine caribou and the Gwich'ins, but no one mentioned what is happening on the Canadian side and involvement of the Gwich'ins who are participants in putting up land for lease.

There was an extraordinary article in the Vancouver Sun newspaper indicating the Gwich'ins are benefiting greatly from oil and gas exploration because Canada expanded its oil and gas leasing program to include testing exploratory wells, et cetera.

The bottom line is there seems to be a great fear suddenly to take up an energy bill, with no particular explanation, particularly when the administration has encouraged Congress to take it up, particularly when the House has done its job, and now we are advised by the majority leader that the committee of jurisdiction, the Energy and Natural Resources Committee, is going to suspend any further markup on energy legislation for ''this session''—this session.

I have a press release that states that instead the chairman will propose comprehensive and balanced energy legislation. The chairman will. It does not say with the participation of the committee or the minority or the Republicans. It says the chairman outside the parameters of the committee.

It further says ''the comprehensive and balanced legislation that can be added''—it does not say ''will be added;'' it says ''can be added''—''by the majority leader to the Senate calendar for,'' it says, ''potential action.'' It does not say ''action.''

Mr. President, I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY COMMITTEE SUSPENDS MARK-UPS; WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

At the request of Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman, It has become increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

Mr. MURKOWSKI. I encourage again the majority leader to reflect on this action, give us the assurance he will take it up during this session and allow sufficient time for Members to provide for amendments, provide us with an opportunity to have an up-or-down vote on contentious issues, and that we meet our obligation as the Senate, as the House of Representatives has done, in addressing what is in the national security interests of our Nation, and that is the passage of the comprehensive energy bill.

I thank my colleague from Pennsylvania for allowing me this extra opportunity to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A LOYAL ALLY

Mr. MILLER. Mr. President, I rise today to offer thanks and praise for a world leader who has been as stalwart and as loyal an ally for the United States as anyone could ever ask.

These past few weeks, British Prime Minister Tony Blair has gone above and beyond the call of duty for America. He has left no doubt that we will be able to count on him and his country over the long haul.

To paraphrase his own words, he was with us at the first and he will stay with us to the last.

He was there in the gallery of the House of Representatives when President Bush made his moving and forceful speech to this Nation in a joint session of this Congress.

He was there at Ground Zero in New York City, witnessing the destruction with his own eyes and mourning what he called ''the slaughter of thousands of innocents.''

He was there in Pakistan, near the dangerous heart of this war, reassuring a nervous Pakistani President that he made the right decision in choosing the United States over the Taliban regime.

Since September 11, Tony Blair has served valiantly as our voluntary ambassador to the world.

In London, Berlin, Paris, New York, Washington, Brussells, Moscow, Islamabad, New Delhi, and Geneva, Blair has rallied international leaders and built a coalition of support for the United States. He has done so with a diplomacy, eloquence and strong resolve reminiscent of Winston Churchill during his finest hours.

In his latest brilliant stroke, Blair acted swiftly when he saw Osama bin Laden's videotaped speech Sunday night. Blair immediately summoned a reporter from the Arabic network to his office at 10 Downing Street and taped his own strong rebuttal to bin Laden. It aired on the same day, on the same Arabic network.

It should not be surprising that Blair would rise to the occasion as ably and powerfully as he has. The British have a tough, resolute attitude when it comes to defending themselves. They are willing to take risks on the battlefield. They are willing to risk casualties for the greater good. They are the ones you want on your side in times like these.

He was with us at the first, and he will stay with us to the last, he said. For that, we owe Tony Blair our deepest gratitude. We could not ask any more of him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I ask unanimous consent that I be permitted to speak up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL GOVERNMENT NEEDS STRUCTURAL REORGANIZATION OF THE FEDERAL GOVERNMENT

Mr. SPECTER. Mr. President, I have sought recognition to discuss the pending emergency caused by the horrific terrorist attacks on September 11. There is a need for some structural reorganization of the Federal Government in accordance with the recommendations of a number of distinguished commissions which have studied these problems and in accordance with our own findings, as we have worked through the matters in the Senate Intelligence Committee and the Senate Judiciary Committee. There is also the need for legislation to expand the powers of law enforcement on terrorists.

With respect to the newly created Office of Homeland Security, it is my thought there needs to be a structure whereby the position is made a Cabinet position. The Federal Government is fortunate to have secured the services of former Governor Tom Ridge of Pennsylvania to take on this responsibility. For the moment, the office has been created in the executive branch by an Executive Order, and I believe former

Governor Ridge is correct when he says, even though other Government officials may not necessarily listen to him if there are turf battles, they certainly will listen to the President. That, I do believe, is true, as former Governor Ridge has represented it.

When we talk about homeland security and that function, we are talking about something which needs to be institutionalized in order to go beyond the term of any President, to go beyond the term of any person who is in charge of that Department, and that, in accordance with our structure of Government, requires legislative action, in my judgment. This is something which we will have to work through with President Bush, with former Governor Ridge, and with the executive branch. However, I offer these thoughts as many Members of Congress are now considering this issue and considering legislation.

Representative THORNBERRY has already introduced legislation in the House of Representatives. Senator LIEBERMAN is working on similar legislation. Senator ROBERT GRAHAM of Florida is working on legislation, as well. My staff and I have been in the process of working on legislation which I am not yet prepared to introduce, but at the conclusion of these remarks I will ask that draft copies of two bills be printed in the RECORD.

We have had a number of very distinguished commissions analyze these problems. We have had the Hart-Rudman Commission analyze the problems directed to a secure national homeland. That commission pointed out that the keys to prevention are the following tools: 1. diplomacy; 2. U.S. diplomatic, intelligence, and military presence overseas; 3. vigilant systems of border security and surveillance. In order to enhance the effectiveness of the third key, the Hart-Rudman Commission recommended creating a national homeland security agency which would consist of the Coast Guard, the Customs Service, the Border Patrol, and FEMA, the Federal Emergency Management Agency. The legislation I am submitting today, which is in draft form, would adopt the recommendations of the Hart-Rudman Commission.

There has been another distinguished commission, the Brown-Rudman Commission, which has studied the issues of intelligence and has come up with a method and a procedure for streamlining and restructuring the intelligence community.

One of the considerations is that in many Departments of the Federal Government, there are smaller intelligence agencies, for example, in the Departments of Treasury, State, Agriculture, and many other Departments.

At the present time, there is no effective way for dealing with all of these various Departments. The recommendation of the Brown-Rudman Commission was to consolidate and centralize, to give greater authority and power to the Director of Central Intelligence. The Director is charged not only with the operation of the Central Intelligence Agency, but also with the oversight of all the intelligence functions in the United States.

Now, there has admittedly been some gaps and some failures—some major gaps and some major failures—in these turf battles. During the 1995–1996 session of Congress, I had the privilege of serving as the Chairman of the Senate Intelligence Committee. I served in that position for 2 years, in addition to the 6 other years of service on the Intelligence Committee. There is a term limit of eight years on the Intelligence Committee. During the course of that work, I saw the turf battles among the various agencies and became very deeply involved in the issue of weapons of mass destruction, finding that there were dozens of agencies dealing with that issue.

In the Intelligence Authorization Act for Fiscal Year 1996, a commission was created to study weapons of mass destruction. The commission was chaired by former CIA Director John Deutch, and I served as the Vice Chairman of that commission. During the course of the commission work—work that was very similar to that of the Hart-Rudman Commission, the Rumsfeld Commission, and the Brown-Rudman Commission—we noted the difficulties accorded to all of these important activities. It was the judgment of that commission that the structure be given to the Vice President of the United States on the ground that he or she—whoever the Vice President may be—would be the only individual, except for the President, who could handle intelligence coordination and the kinds of turf battles which are inevitable when there are numerous intelligence agencies at the Departments of State, Defense, Treasury, and Justice.

So, it is my thought that we need to address the intelligence function so that we have the appropriate coordination and so that we do not have somebody on the FBI Watch List who enters the United States, buys an airplane ticket, and later becomes a terrorist, such as those that were part of the massive attack on September 11.

The legislation which I suggest seeks to accomplish a structure for homeland security and also revises the intelligence functions of the U.S. Government.

I ask unanimous consent to submit the text of a draft bill—and I emphasize that it is a draft because we are working on this with quite a number of Members—entitled ''Homeland Defense Act of 2001.'' I ask that this draft bill be printed in the CONGRESSIONAL RECORD at the conclusion of these remarks. I further ask unanimous consent that the text of a draft bill—and again, I emphasize draft because we are still working on it entitled ''Intelligence Reform Act of 2001'' be printed in the CONGRESSIONAL RECORD at the conclusion of these comments.

There being no objection, the draft bills were ordered to be printed in the RECORD, as follows:

S. —

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 ''Homeland Defense Act of 2001''.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY.

There is established an executive department of the United States to be known as the Department of Homeland Security.

SEC. 3. SECRETARY OF HOMELAND SECURITY.

(a) SECRETARY OF HOMELAND SECURITY.—There shall be at the head of the Department of Homeland Security the Secretary of Homeland Security, who shall be appointed by the President by and with the advice and consent of the Senate.

(b) DUTIES.—Subject to the authority, direction, and control of the President, the duties of the Secretary shall be the following:

(1) To plan, coordinate, and integrate United States Government activities relating to homeland security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crises and emergency planning.

(2) To work with State and local governments and executive agencies in protecting United States homeland security, and to support State officials through the use of regional offices around the country.

(3) To provide overall planning guidance to executive agencies regarding United States homeland security.

(4) To conduct exercise and training programs for employees of the Department and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(5) To annually develop a Federal response plan for homeland security and emergency preparedness.

(c) MEMBERSHIP ON NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following new paragraphs (5) and (6):

''(5) the Secretary of Homeland Security; and

''(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.''.

(d) PAY LEVEL.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

''Secretary of Homeland Security.''.

SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO DEPARTMENT OF HOMELAND SECURITY.

The authorities, functions, personnel, and assets of the following entities are hereby transferred to the Department of Homeland Security:

(1) The Federal Emergency Management Agency, the ten regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The Border Patrol of the Immigration and Naturalization Service, which shall be maintained as a distinct entity within the Department.

(4) The elements of the Immigration and Naturalization Service (other than elements

covered by paragraph (3)) responsible for enforcement functions.

(5) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(6) The Critical Infrastructure Assurance Office and the Institute of Information Infrastructure Protection of the Department of Commerce.

(7) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

SEC. 5. ESTABLISHMENT OF AGENCIES AND OFFICES.

(a) AGENCIES.—The following agencies are hereby established within the Department of Homeland Security:

(1) AGENCY FOR PREVENTION.—The Agency for Prevention, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(2) AGENCY FOR CRITICAL INFRASTRUCTURE PROTECTION.—The Agency for Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department to coordinate efforts to address the vulnerability of the United States to electronic or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the date of the enactment of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the date of the enactment of this Act.

(I) Supporting and overseeing the management of the Institute for Information Infrastructure Protection.

(3) AGENCY FOR EMERGENCY PREPAREDNESS AND RESPONSE.—The Agency for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the date of the enactment of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the date of the enactment of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Centers for Disease Control.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(b) OFFICES.—The following offices are hereby established within the Department:

(1) OFFICE OF SCIENCE AND TECHNOLOGY.—The Office of Science and Technology, which shall advise the Secretary regarding research and development efforts and priorities for the agencies established in subsection (a).

(2) OFFICE OF NATIONAL ASSESSMENT.—The Office of National Assessment, which shall assess and analyze all intelligence relating to terrorist threats to the United States.

SEC. 6. REPORTING REQUIREMENTS.

(a) BIENNIAL REPORTS.—The Secretary of Homeland Security shall submit to Congress on a biennial basis—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) ADDITIONAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(1) assessing the progress of the Department of Homeland Security in—

(A) implementing the provisions of this Act; and

(B) ensuring the core functions of each entity transferred to the Department are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this Act.

SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.

The Secretary of Homeland Security shall establish and maintain strong mechanisms for the sharing of information and intelligence with United States and international intelligence entities.

SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Secretary of Homeland Security shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Department of Homeland Security comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Department using funds that are available for obligation for a limited number of years.

SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary of Homeland Security shall—

(1) ensure that the Department of Homeland Security complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect six months after the date of the enactment of this Act.

S. —

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 ''Intelligence Reform Act of 2001''.

TITLE I—INTELLIGENCE MATTERS

SEC. 101. ANNUAL DETERMINATION OF INTELLIGENCE PRIORITIES AND PLAN FOR EXECUTION OF INTELLIGENCE PRIORITIES.

(a) ANNUAL DETERMINATION OF PRIORITIES BY NATIONAL SECURITY COUNCIL.—Section 101(b) of the National Security Act of 1947 (50 U.S.C. 402(b)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) determine on an annual basis the priorities of the United States with respect to the collection, analysis, and dissemination of intelligence.''.

(b) ANNUAL PLAN FOR ADDRESSING PRIORITIES BY DIRECTOR OF CENTRAL INTELLIGENCE.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) prepare on an annual basis a plan for addressing the priorities of the United States with respect to the collection, analysis, and dissemination of intelligence as identified by the National Security Council in the most recent annual determination of such priorities under section 101(b)(3);''.

SEC. 102. MODIFICATION OF POSITIONS AND RESPONSIBILITIES OF DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.

(a) ABOLISHMENT OF CURRENT POSITIONS AND ESTABLISHMENT OF NEW POSITIONS.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) There is a Deputy Director of Central Intelligence for the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) There is a Deputy Director of Central Intelligence for the Central Intelligence Agency, who shall be appointed by the President, by and with the advice and consent of the Senate.''.

(b) DUTIES OF NEW POSITIONS OF DEPUTY DIRECTOR.—Subsection (d) of that section is amended to read as follows:

''(d) DUTIES OF DEPUTY DIRECTORS.—(1)(A) The Deputy Director of Central Intelligence for the Central Intelligence Agency shall assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act.

''(B) The Deputy Director of Central Intelligence for the Central Intelligence Agency shall act for, and exercise the powers of, the Director of Central Intelligence during the Director's absence or disability or during a vacancy in the position of the Director of Central Intelligence.

''(2) The Deputy Director of Central Intelligence for the Intelligence Community shall, subject to the direction of the Director of Central Intelligence, be responsible for coordinating the collection and analysis of intelligence by the elements of the intelligence community other than the Central Intelligence Agency, the Federal Bureau of Investigation, and the elements of the intelligence community within the Department of Defense.

''(3)(A) The Deputy Director of Central Intelligence for the Central Intelligence Agency takes precedence in the Office of the Director of Central Intelligence immediately after the Director of Central Intelligence.

''(B) The Deputy Director of Central Intelligence for the Intelligence Community takes precedence in the Office of the Director of Central Intelligence immediately after the Deputy Director of Central Intelligence for the Central Intelligence Agency.''.

(c) CONFORMING AMENDMENT.—Subsection (e)(2) of that section is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

''(B) The Deputy Director of Central Intelligence for the Central Intelligence Agency.

''(C) The Deputy Director of Central Intelligence for the Intelligence Community.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. MODIFICATION OF COMPOSITION AND RESPONSIBILITIES OF NATIONAL INTELLIGENCE COUNCIL.

Subsection (b) of section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended to read as follows:

''(b) NATIONAL INTELLIGENCE COUNCIL.—(1) There is within the Office of the Director of Central Intelligence the National Intelligence Council (in this section referred to as the 'Council').

''(2) The Council shall be composed of the following:

''(A) The Director of Central Intelligence, who shall act as chair of the Council.

''(B) The Director of the Federal Bureau of Investigation.

''(C) The Deputy Director of Central Intelligence for the Intelligence Community.

''(D) The Deputy Director of Central Intelligence for the Central Intelligence Agency.

''(E) The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

''(3)(A) The staff of the Council shall consist of the following:

''(i) Such staff of the National Intelligence Council as of the date of the enactment of the Intelligence Reform Act of 2001 as the Director of the Central Intelligence shall assign to the Council.

''(ii) The Community Management Staff.

''(iii) Such other senior analysts within the intelligence community, and substantive experts from the public sector or private sector, as the Director shall appoint to the Council.

''(B) The Director shall prescribe appropriate security requirements for staff appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers unnecessary for this purpose.

''(4) The Council shall have the following responsibilities:

''(A) To develop a program to improve the human intelligence capabilities of the Government, and in particular the human intelligence capabilities with respect to terrorism, including operational guidelines for activities under the program.

''(B) To develop a program to improve the collection and analysis by the Government of information on economic, science, and technology matters, including the use of open sources.

''(C) To carry out such other duties relating to the intelligence and intelligence-related activities of the Government as the Director considers appropriate.

''(5) The Director shall, on an annual basis, submit to Congress a report on the program under paragraph (4)(A). Each report shall include a description of activities under the program during the preceding year. Each report shall be in unclassified form, but may include a classified annex.''.

SEC. 104. MODIFICATION OF PARTICIPATION OF DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

''APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

''SEC. 106. (a) CONSULTATION WITH DCI IN CERTAIN APPOINTMENTS.—In the event of a vacancy in a position referred to in subsection (b), the head of the department or agency having jurisdiction over the position shall consult with the Director of Central Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

''(b) POSITIONS.—Subsection (a) applies to the following positions:

''(1) The Director of the National Security Agency.

''(2) The Director of the National Reconnaissance Office.

''(3) The Director of the National Imagery and Mapping Agency.

''(4) The Director of the Defense Intelligence Agency.

''(5) The Assistant Secretary of State for Intelligence and Research.

''(6) The Director of the Office of Nonproliferation and National Security of the Department of Energy.

''(7) The Assistant Director, National Security Division of the Federal Bureau of Investigation.''.

SEC. 105. ASSESSMENT OF EFFECTIVENESS OF CURRENT TECHNICAL INTELLIGENCE CAPABILITIES.

(a) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report containing a comprehensive assessment of the effectiveness of the current technological capabilities of the United States Government for the collection and analysis of intelligence. The assessment shall address, in particular, the collection of intelligence in cyberspace and the effect of new or emerging communications technologies on the collection and analysis of intelligence.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE II—PROLIFERATION MATTERS

SEC. 201. COORDINATION FOR COMBATING PROLIFERATION.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 101 the following new sections:

''NATIONAL DIRECTOR FOR COMBATTING PROLIFERATION

''SEC. 101A. (a) ESTABLISHMENT OF POSITION.—There shall be within the Executive Office of the President a Deputy Assistant to the President for National Security Affairs who shall be known as the 'National Director for Combating Proliferation' (in this section referred to as the 'National Director').

''(b) RESPONSIBILITIES.—(1) The National Director shall—

''(A) advise the President and Vice President on proliferation-related matters, through the Assistant to the President for National Security Affairs; and

''(B) serve as Chair of the Council on Combating Proliferation established under section 101B.

''(2) In carrying out paragraph (1)(B), the National Director shall—

''(A) have the primary responsibility within the executive branch of Government for ensuring the development of policy with regard to proliferation and export controls;

''(B) development of a detailed plan for Federal agencies to address the full range of proliferation-related issues and activities, including integrated strategies for technology development and acquisition, resource allocation, reducing the threat from the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act), intelligence collection and analysis, and domestic response;

''(C) work with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies in accordance with paragraph (4);

''(D) consult with Congress on the plan developed under subparagraph (B); and

''(E) ensure that the requisite legal authorities are in effect to act against proliferation-related threats.

''(3)(A) The Director of the Office of Management and Budget shall establish a separate National Defense budget subfunction for proliferation-related activities in the President's budget.

''(B) The Director of the Office of Management and Budget, working with the National Director and the head of each proliferation-related agency, shall establish a Government-wide database on budget execution of proliferation-related activities and develop goals and standards to evaluate those activities annually.

''(C) The head of each proliferation-related agency shall designate a senior proliferation budget manager.

''(D) No funds made available under the budget subfunction for proliferation-related activities may be reprogrammed or transferred without the prior approval of the National Director and the Director of the Office of Management and Budget.

''(E) In this paragraph, the term 'proliferation-related agency' means any of the Federal agencies specified in section 101B(b)(1)(A).

''(4) In carrying out responsibilities under this subsection, the National Director shall work through the Assistant to the President for National Security Affairs to ensure coordination with overall national security policy and planning.

''COUNCIL ON COMBATTING PROLIFERATION

''SEC. 101B. (a) ESTABLISHMENT.—There is established an interagency group to be known as the 'Council on Combatting Proliferation' (in this section referred to as the 'Council'), which shall be headed by the National Director for Combating Proliferation.

''(b) COMPOSITION.—(1) In addition to the National Director, the Council shall consist of 8 officials, as follows:

''(A) Six officials described in paragraph (2), of which number one each shall be designated by the heads of the following Federal agencies from among its employees:

''(i) The Department of State.

''(ii) The Department of Defense.

''(iii) The Department of Energy.

''(iv) The Department of Justice.

''(v) The Department of Commerce.

''(vi) The Central Intelligence Agency.

''(B) One senior official of the Office of Management and Budget.

''(C) One senior employee of the Office of the Vice President.

''(2) Each individual designated under paragraph (1)(A) shall be a senior official of the respective Federal agency who has responsibility for proliferation-related matters and who occupies a position or holds a rank to which the individual was appointed by the President, by and with the advice and consent of the Senate.

''(3) In addition to the membership of the Council provided for in this subsection, the National Director may invite other officials in the executive branch to participate in a nonvoting capacity in meetings of the Council.

''(c) FUNCTIONS.—The functions of the Council are to—

''(1) improve coordination between Federal agencies having responsibility for proliferation-related matters;

''(2) ensure close coordination and consultation between the National Director and those agencies; and

''(3) support the National Director in the development of a government-wide plan for the development, acquisition, and deployment of technology for combating proliferation by coordinating technology requirements of individual agencies.

''(d) STAFF SUPPORT.—The Council may employ and fix the compensation of staff personnel without regard to the provisions of chapter 51 and 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 staff personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title. In addition, upon request, the National Security Council shall detail to the Council such staff personnel as the Council may require.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 101 the following new items:

''Sec. 101A. National Director for Combating Proliferation.

''Sec. 101B. Council on Combating Proliferation.''.

SEC. 202. ANNUAL CONSOLIDATED REPORT ON COUNTER-PROLIFERATION ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) ANNUAL REPORT.—Beginning not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a consolidated report updating (since submission of the last report under this section or, in the case of the initial report, since the last relevant report to Congress) the nature of the threat of the proliferation of weapons of mass destruction and evaluating the progress achieved by the United States in responding to that threat.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An update on nuclear proliferation in South Asia, including United States efforts to conclude a regional agreement on nuclear nonproliferation.

(2) An assessment of what actions are necessary to respond to violations committed by countries found not to be in full compliance with their binding proliferation-related commitments to the United States.

(3) An update on the nuclear programs and related activities of any country for which a waiver of sections 669 and 670 of the Foreign Assistance Act of 1961 is in effect.

(4) An update on the efforts by countries and sub-national groups to acquire chemical and biological weapons, and a description of the use of such weapons, if applicable.

(5) A description of any transfer by a foreign country of weapons of mass destruction or weapons of mass destruction-related material and technology.

(6) An update on efforts by the United States to achieve several specific nuclear proliferation-related goals, including the entry by the United States into multilateral negotiations with other nuclear states to reduce the nuclear arsenals of all foreign countries.

(7) An update on the acquisition by foreign countries of dual-use and other technology useful for the production of weapons of mass destruction.

(8) A description of the threats posed to the United States and its allies by weapons of mass destruction, including ballistic and cruise missiles, and the proliferation of such weapons.

(9) A description of the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament.

(10) A review of all activities of United States departments and agencies relating to preventing nuclear proliferation.

(11) A requirement that the Department of Defense, the Department of State, the Department of Justice, the Department of Commerce, and the Department of Energy keep the congressional committees having oversight responsibilities for the respective department fully and currently informed about the nuclear proliferation-related activities of such department.

(12) A description of the efforts to support international nonproliferation activities.

(13) An update on counterproliferation activities and programs.

(14) A description of the activities carried out in support of counterproliferation programs.

(c) REPEALS.—The following provisions of law are hereby repealed:

(1) Section 620F(c) of the Foreign Assistance Act of 1961.

(2) Section 51(c) of the Arms Control and Disarmament Act.

(3) Section 735 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113).

(4) Section 308(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182).

(5) Section 1097(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

(6) Section 1321(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

(7) Section 721(a) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (Public Law 104–293).

(8) Section 284 of the National Defense Authorization Act For Fiscal Year 1998; Public Law 105–85).

(9) Section 51(a) of the Arms Control and Disarmament Act.

(10) Section 601(a) of the Nuclear Non-Proliferation Act of 1978.

(11) Section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95–242).

(12) Section 1505(e)(1) of the Weapons of Mass Destruction Act of 1992 (Public Law 102–484).

(13) Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(14) Section 1603(d) of the National Defense Authorization Act For Fiscal Year 1994 (Public Law 103–160).

TITLE III—OTHER MATTERS

SEC. 301. GRADUATE PROGRAM IN LANGUAGES AND CULTURES OF NATIONS PROVIDING HOME OR SUPPORT FOR TERRORISM OR ORGANIZED CRIME.

(a) IN GENERAL.—The Secretary of Homeland Security and the Director of the Federal Bureau of Investigation shall jointly enter into an agreement with one or more appropriate institutions of higher education to provide for one or more programs of education leading to the award to individuals referred to in subsection (b) of masters degrees or doctoral degrees in the languages, culture, or both of foreign countries that provide the home for or otherwise support terrorism or organized crime.

(b) INDIVIDUALS ELIGIBLE FOR PARTICIPATION IN PROGRAMS.—Individuals eligible to participate in a program of education under subsection (a) are as follows:

(1) Personnel of the Department of Homeland Security designated by the Secretary.

(2) Personnel of the Federal Bureau of Investigation designated by the Director.

(3) Such other personnel of the Federal Government as the Secretary and Director shall jointly designate.

(c) FOREIGN COUNTRIES.—The Secretary and Director shall jointly specify the foreign countries to be covered by the program or programs of education under this section.

(d) ADDITIONAL REQUIREMENTS.—The Secretary and Director may, in consultation with the institution of higher education concerned, establish such additional requirements for the award of a degree for a program of education under this section as the Secretary and the Director jointly consider appropriate.

EXPANSION OF LAW ENFORCEMENT ACTIVITY

Mr. SPECTER. Mr. President, I will further discuss briefly the terrorism legislation which we expect to come to the floor later today. I have a reservation of some 30 minutes on the unanimous consent agreement which will be propounded later by the majority leader, but I think a few comments are in order at this time.

I have no doubt that there is a need for expanded law enforcement authority. That has been demonstrated by the fact that offenses of terrorism do not have the availability of electronics surveillance which other offenses can employ. This is demonstrated by the fact that there have been significant failures under the Foreign Intelligence Surveillance Act and that the Attorney General has represented a need to have additional detention for aliens who are subject to deportation.

When the Senate Judiciary Committee held a hearing two weeks ago yesterday, I questioned Attorney General John Ashcroft on the record about the scope of the Anti-Terrorism bill. The bill did not delineate the Attorney General's needs for law enforcement. Attorney General Ashcroft commented that what the Department of Justice had in mind was the detention of aliens who were subject to deportation. It may well be that there is existing authority for the Attorney General to accomplish that, but if additional authority is necessary, then I think the Congress is prepared to give that additional authority. However, the bill as drafted, did not so delineate the detention to those subject to deportation.

Attorney General Ashcroft further made representations about the need to change the Foreign Intelligence Surveillance Act. He said before looking to use content there would be a statement of probable cause. Again, in reviewing the specific legislation, that was not present in the bill, so there had to be a revision of the text of the bill.

The Senate Judiciary Committee had only an hour and 20 minutes of hearings, two weeks ago yesterday. The Constitutional Law Subcommittee had hearings last Thursday morning. I have grave concerns that there has not been sufficient deliberation that would establish a record and withstand a constitutional challenge in the Supreme Court of the United States. I will expand upon this point during the course of the consideration of the bill later today or tomorrow morning and will cite the Supreme Court decisions which have struck down acts of Congress where a sufficient showing of the deliberative process has been lacking.

In my judgment, that has been an overextension, a usurpation, by the Supreme Court of the United States of the separation of the powers. For the Supreme Court of the United States, in effect, to tell Congress that Congress has not ''thought through'' legislation that is part of the congressional function, that legislation violates a specific term or provision of the Constitution, that it is vague and ambiguous in violation of the due process clause of the 14th Amendment, or that Congress has run afoul of some other constitutional provision, then so be it. However, it seems to me an extraordinary stretch of judicial authority for the Supreme Court to say that the Congress has not been sufficiently deliberative, and that only the Supreme Court of the United States can gauge what is sufficiency on the deliberative process. That is the case law.

In the absence of hearings and in the absence of a record, there is a concern on my part that the legislation will withstand constitutional muster. There is no doubt there is a need to act with dispatch.

In my judgment, and I have communicated this to the Chairman and Ranking Member of the Senate Judiciary Committee, we could have held a hearing three weeks ago. We could have worked on a Friday or Saturday. That is not beyond the workload of the Senate. Perhaps, we could have held closed sessions on confidential material. Also, we could have marked up the bill, undergoing the usual deliberative process—the Senate Judiciary Committee works on bills of much lesser importance—and then have had it reported to the floor. Instead, the bill lay unproduced and held at the desk for action under Rule 14 without that customary committee hearing process, committee deliberation, and committee markup in executive session.

I thought, in the absence of any other Senator in the Chamber, that it would be appropriate to make a few comments in that regard at this time.

But there is no doubt that there is a very heavy overhang on Washington, DC, at the present time as a result of the September 11 terrorist attacks. That very heavy overhang really exists, as I see it, across the country. I felt this when Senator SANTORUM and I went to Somerset County, Pennsylvania on September 14, 3 days after the September 11 attack. Although there had been no casualties on the ground, 40 Americans had lost their lives in that ill-fated plane, and there was a great urgency in hearing from Washington, D.C. alongside a great sense of concern.

Earlier today I went to Pennsylvania to meet with the Pennsylvania Business Roundtable. Again, there is a sense in the air of a heavy cloud over America, which we have to work through. I am confident that we will. I believe the Bush administration has done an excellent job in organizing an international coalition and not acting precipitously, but rather, acting very carefully. I believe Osama bin Laden will be brought to justice.

In the interim, as we look through the kinds of problems which law enforcement faces, I think it is important for Congress to have acted with dispatch—really even earlier than that. However, that could be done only with appropriate regard for constitutional rights. We can have deliberation, with hearings and analysis, get the job done for law enforcement, and protect constitutional rights at the same time. As we work through the very important issue of homeland security and the issue of reorganization of the intelligence community, I welcome comments from my colleagues on the draft legislation which I am submitting into the RECORD. It is going to require collaboration from many Members.

As I have said, Congressman THORNBERRY has already introduced legislation in the House; Senator LIEBERMAN and Senator ROBERT GRAHAM of Florida are working on it, as am I. I think from this we can structure some legislative changes which can better protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was not able to be here prior to the statement of the distinguished Senator from Pennsylvania. I would note both on the Intelligence Committee and on the Judiciary Committee his has been one of the most consistent and most clear voices on these issues. In fact, one of the things that disappointed me when we brought up the terrorism bill is the Attorney General was able to stay there only for part of the hearing. I was glad he was able to stay long enough for what was intended to be the first round of questioning, questioning from the senior Senator from Pennsylvania. He has a way of getting to the crux of the matter. I would have liked to have gone further on that.

These are serious matters. I get concerned when we have to rush things through without the kind of deliberation and scrutiny they deserve. The Senator from Pennsylvania has raised the obvious fact of making, for constitutional purposes, a record demonstrating legislative intent. Among all the suggestions he made, this is one to which we should pay the most attention. Sometimes as we rush—I say that as one who wants to get a terrorism bill up here and voted on, and hoping the House can do the same and we can get on to conference. But, frankly, we can spend a lot of time on this floor sometimes debating matters that are of minuscule moment and we would be better off if we did the kind of long-range thinking that he and others have discussed.

I think in the report, our former colleagues, Senator Rudman of New Hampshire and Senator Hart of Colorado, after September 11, after the fact, made everybody come and dust them off and say a lot of what happened was predicted here, and how we respond to it.

I worry sometimes also we think by passing a new law we will protect ourselves. We will go back, the Senate will go back—and I am sure the House will, too—and review the files of the Department of Justice, the FBI, and others for information that was there and perhaps not looked at nor acted upon prior to September 11. That is not to find scapegoats but to say: Was this a mistake? Had it been done differently would we have stopped this terrorist attack?

Sometimes we close the barn door after the horse has been stolen. We spend billions of dollars around this country so you cannot drive a car bomb into the lobby of buildings. In this case, the bomb came through the 80th floor of the building.

We should look at this matter very carefully, find out where mistakes were made prior to the 11th—and there were—find out what is needed, and I suspect it will not be just new laws but new ways of doing things to take care of it.

On the question of better use of computers, certainly the better use of translators, if you have after the fact

the Attorney General and the FBI Director having to go on public television saying, please, we need some people and we will pay $35 or $40 an hour to translate Arabic material or whatever other languages, somebody has to ask the question: Why weren't you doing that before?

There are so many things we have to do. But I hope people listen to the Senator from Pennsylvania. I intend to. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SECURITY ACT

Mr. McCAIN. Mr. President, I hope that in about an hour we will be moving to the Airport Security Act since those 30 hours will then be close to expiration.

I want to clarify a statement that I made on the floor earlier. I do oppose nongermane, nonrelevant amendments. I announced that when this bill was first—we thought it was going to be considered. But I want to point out that I have been in negotiations and discussions with various Members who are concerned about those individuals who have been directly impacted by Federal action, closing down the airways and the airports, including Reagan National Airport which just recently reopened.

I think if we can reach an agreement, scale back dramatically the original proposals, that we could come to some agreement and attach that to this bill. But it would have to be acceptable to a large majority of the Members of the Senate.

Although I oppose nongermane amendments, I also think we need to act on the issue of those who are directly affected by Federal action as a result of the shutdown of the airlines across this country.

I wanted to make that clear.

I continue to hold discussions on both sides of the aisle to see if there is a way we can come to agreement and thereby have it as a part of this legislation, particularly since the administration has not made a commitment at this time to have it on any pending vehicle.

I wanted to clarify my position on the issue.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. The Senate is considering under cloture the motion to proceed on S. 1447.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to proceed for 5 minutes as if in morning business but with the time applying against the clock on cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR MIKE MANSFIELD

Mr. LEAHY. Mr. President, today is one of the days I have had kind of a bittersweet experience. For me, the bittersweet experience was going to the funeral of the former distinguished majority leader of the Senate for 16 years, Mike Mansfield; bitter because you never want to see such a person and such a giant's life come to an end; sweet though because he had 98 very fulfilling years.

At the end of those 98 years, we listened to the tales from his family, associates, and others who reminded all of us what a great man he was. The irony is that Senator Mansfield would not have let any one of us talk on at such length and be so praiseworthy about him here on the floor. He was very modest. But I thought of the wonderful moments that could remind each other—those of us who had the privilege of serving with Senator Mansfield and those of us who came later—of what a great man he was.

I first met Mike Mansfield when I was Senator-elect. I came in here as a 34-year-old prosecutor. The terms actually overlapped. I came into this building I used to visit as a law student. But now I carried this mantle of U.S. Senator, and I was probably far more nervous than I once was as a law student.

Senator Mansfield was one of the first people I got to see. I remember him inviting me into his office. He asked if I wanted some coffee. My nerves were shaky enough at that point, I didn't need it, but I said: Of course. He poured it out and handed it to me. He asked me about my life, and all that. I was trying to ask questions.

I always called him Mr. Leader. But I remember one thing he said was: You are going to be here at least 6 years. You may be here a lot longer. But remember, in the Senate we keep our word. And if you commit to something, if you tell another Senator you are going to do something, then always keep your word, even if it turns out that politically it is not going to be helpful for you because it is the only way we can operate in this body. We do it on trust.

He also said: The other thing is, if you vote on something, and afterward you think you cast the wrong vote, don't worry about it. I guarantee you, the issue will come up again, and you will get to vote the right way.

He was right on both occasions. I have cast votes that afterward I thought: That was kind of a dumb thing to do. I will wait for another time to bring it up. It will come back up, and I can vote the right way.

But I do remember what Senator Mansfield said: Keep your word. You always keep your word.

We had some real giants serving in the Senate at that time. I remember Senator Mansfield, when things would get bogged down in this Chamber, would come through and sort of tap a few people on the shoulder and suggest they come in the back room; and then we would pass a great deal of legislation in that back room, as Senator Mansfield would puff on his pipe, and with very few words he would get warring parties to seek peace and move on with the Nation's business.

He was very nice to my family. He used to give a speech every year to the caucus, saying: There is no seniority. There is no juniority. We are all equal. He gave that speech one day, and Senator Abourezk of South Dakota, who, like me, was one of the most junior Members here, stood up and said: Mr. Leader, I was so impressed with that speech, especially as one of the most junior Members, that there is no seniority, no juniority. Senator Mansfield thanked him for his statement, and Senator Abourezk said: Because of that, could I borrow your limousine and driver tonight? Senator Mansfield took the pipe out of his mouth and, with a quiet smile, said: No.

There were certain limits, but then, when I was a young Senator, he loaned that limousine to my wife Marcelle and me and our three children to go to a movie premier and then to drive elsewhere to meet the cast afterward.

I recall so many times, when I was stuck here late in this Chamber and I could not get home to my family, that my children would remind me, when I came home and apologized: Remember that wonderful evening Senator Mansfield let us take his car and even use the telephone in it.

He would do things like that. He cared very much about those of us who had young children. One, he remembered the names of the children who would come in here with us. Even a few months ago, when I ran into him at an event, we started talking, and he immediately asked: How is Marcelle? He started naming the children. What a remarkable person.

He taught Senators that you have certain responsibilities. There are only 100 of us at any given time to represent the country, but within responsibilities you can have personal relationships across the aisle.

I remember Hugh Scott, traveling with both of them on the plane and them puffing on their pipes. But those personal relationships made the Senate work so well.

I remember the great speech he gave in the Leader's Lecture Series in the Old Senate Chamber. It was the speech

he was going to give on a Friday afternoon on November 22, 1963. As he walked in this Chamber to give it, he was told that President Kennedy had been shot. But he gave it in the Old Senate Chamber, and it was just as new as it would have been then, just as responsive.

He said: We have to lower the level of partisanship. We have to work together—of course, not give up our principles—this is not a unibody of opinion—and have the personal relationships that make it work.

He spoke in many ways. He was from a different era of the Senate, but in many ways a better era, where individual Senators, person to person, would work out problems. I think today, as I have seen so many Senators come together on some of these problems since the terrible events of September 11, Senator Mansfield would be proud of us for doing that.

People sometimes ask me what I consider the greatest thing about being a U.S. Senator. I always say one of the greatest was having Senator Mansfield here as leader when I came to the Senate. I have served wonderful leaders in both parties, but what he did to help all of us, as new Senators—to talk with us, to advise us, to work with us, to make us feel we belonged; and then to ask us to make sure others felt they belonged—was unique. The country was better for his service in the Senate.

I think life has shown that each one of us, whether we are leader or not, has the privilege of being 1 of the 100 people in this Chamber who serve our Nation of a quarter of a billion people. And we owe great responsibilities to each other and to the country. That is a great legacy.

So I say it was bittersweet to be there. But it was wonderful to celebrate such a full, full life, a life that so few people ever equal. So I bid adieu to a dear friend.

I yield the floor.

Mr. SARBANES. Mr. President, I rise today to pay tribute to the life of a great American, former Senate Majority Leader Mike Mansfield, who passed away on October 5 at the age of 98.

Senator Mansfield's legacy as a Member of Congress will leave a shadow as long as his very life. Born in New York, the son of Irish immigrants, in 1903, Michael Joseph Mansfield experienced tragedy at an early age when his mother died when he was only 3. Sent to live with relatives in Great Falls, MT, Senator Mansfield soon began a lifetime of hard work, first in the family grocery store, then enlisting in the Navy before his 15th birthday, and later, when the Navy discharged the young Senator Mansfield after discovering he was underage, serving in the United States Army and Marine Corps, all before the age of 20. In 1922, Senator Mansfield returned to Montana and began working as a ''mucker'' in the copper mines near Butte, MT. Five years later, he met Maureen Hayes, to whom he would be married from 1932 until her death just last year.

It was his wife that encouraged Senator Mansfield to continue his education, first at the Montana School of Mines then completing his high school education through correspondence courses. In 1930, he left the copper mines and enrolled in the University of Montana where he later became a professor of Far Eastern and Latin American history and political science after completing graduate work at the University of California at Berkeley.

Although he did not follow a traditional path, Senator Mansfield's education provided him with the background that would allow him to become one of Congress' foremost experts on foreign affairs. After losing his first bid for elected office, Senator Mansfield was elected to the House of Representatives in 1942 and was immediately assigned to the Foreign Affairs Committee. Just two years later, then-Representative Mansfield was sent on a confidential fact-finding mission to China by President Franklin Roosevelt, returning in 1945 to report on the state of that nation. In 1952, he narrowly defeated an incumbent to win a seat in the Senate where he was again called upon to use his expertise on the Senate Foreign Relations Committee, completing another fact-finding trip, this time to Indochina, and serving as a representative to the Manila Conference.

Outside the realm of foreign affairs, Senator Mansfield quickly rose through the ranks of Senate leadership, first as party whip in 1957 and becoming the Democratic Majority Leader just four years later in 1961. In his 16 years as Majority Leader, Senator Mansfield helped steer the Nation through some of our most difficult times. After President Kennedy's assassination in 1963, Senator Mansfield delivered a eulogy at a Capitol Rotunda memorial service that was broadcast across the country and helped all Americans mourn the loss of our great President. Senator Mansfield was a vocal critic of our Nation's involvement in the Vietnam War, and warned three administrations, from Eisenhower to Johnson, about the extent of U.S. military actions there. Although his position on the Vietnam War strained his relations with the Johnson administration, he was able to work with the President on passage of landmark civil rights legislation. The turmoil of that era was immediately followed by the Watergate scandal that resulted in the resignation of President Nixon and shook the faith of some Americans in our government. But throughout all of these trying times, Senator Mansfield led the Senate with quiet determination that exemplified his service in Congress.

And that truly is how we will remember Senator Mansfield. Through the most difficult of times, Senator Mansfield led this great body with a sense of purpose and integrity. He put his trust in the rules and procedures of the Senate to reach a result that was right for the American people. He encouraged Committee Chairmen to lead Senate debate on bills under their jurisdiction, and inspired young Senators to make their voices heard on the floor. He delegated responsibility to others, making the Senate a more democratic place, instead of a body dominated by the ''old guard.'' And when the Senate failed to live up to the high ideals embodied in the Constitution, Senator Mansfield would say so. It has been reported many times in the past few days that Senator Mansfield nearly resigned his position as Majority Leader in 1963. Following President Kennedy's assassination, Senator Mansfield put that speech aside, but delivered the remarks in 1998 as part of a lecture series in the Old Senate Chamber. We would be wise to remember those words now, and to follow Senator Mansfield's example of thoughtful consideration and respect for others in the difficult times we face today.

Senator Mansfield's service to our Nation did not end with the 16 years he spent as Majority Leader. His expertise on Far East matters led very different Presidents, Jimmy Carter and Ronald Reagan, to choose him as their ambassador to Japan. Ambassador Mansfield spent 11 years in this difficult diplomatic post. After leaving Tokyo in 1987, the Japanese ambassador to this country predicted the Ambassador ''could have run for prime minister and won.'' Leaving public service, Senator Mansfield would still not retire and served as a senior advisor on East Asian affairs to Goldman, Sachs until his recent death. He remained active in policy matters and the Senate remained close to his heart as he attended the Senate's weekly prayer breakfasts on a regular basis.

Mike Mansfield brought to the United States Senate some of the best characteristics of Montanans, he addressed issues in a straight-forward, honest way, never forgot the people that put him in office, provided a calming influence in good times and bad. In a turbulent and uncertain time, Senator Mansfield was a beacon of dignity, common sense, intelligence, and above all, wisdom. I would like to offer my condolences to his daughter, Anne, his granddaughter, and his many friends and admirers here in Washington and in his beloved home State of Montana.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

CONSIDERATION OF AN ENERGY BILL

Mr. BINGAMAN. Madam President, I want to just make a few brief points regarding an announcement I made last evening about how we would try to proceed through the remainder of the session to get consideration of an energy

bill. I indicated in that announcement that the majority leader had asked me to work with other Senators on the Energy Committee, as well as Senators on other committees, to put together a proposal that could be brought to the floor by the leadership for consideration, and that in light of that, we would not proceed to try to mark up a bill in the Energy Committee, as I expect probably there will not be markups of other portions of a proposed energy bill in some of other committees that would have jurisdiction.

First, as I understand it, the majority leader's assignment was clear. He wants the Senate to be in a position to move to consideration of an energy bill in a timely fashion. And it was his view that this process of putting a bill together, and hopefully on a consensus basis, involving input from all Senators—Democrats and Republicans—was the best way to do that.

We will now have an opportunity to deal with some of the energy issues that cross committee jurisdictional lines; and there are many of those. I think it is clear to people that many of the energy issues also involved the Environment and Public Works Committee. There are clearly issues involving the Finance Committee regarding energy-related tax incentives or incentives for use of particular types of energy. All of that, of course, would be expected to be part of a larger piece of legislation with which the Senate would deal.

Second, I want to respond to a couple of the comments that were made earlier in this Chamber by some of my colleagues, particularly on the Republican side of the aisle, indicating that they believed this was partisan and this would make the consideration of energy in the Senate a partisan issue.

I see it as just the opposite. I am interested in the input from all Senators. I think those on the committee know I have invested a substantial amount of time, in the past several months, seeking and having individual meetings with Senators on both sides of the aisle to discuss some of these difficult issues.

My hope is that we can put together a piece of legislation that will reflect the provisions around which we can form a consensus; and some of those will come from the Republican side of the aisle and, certainly, some will come from the Democratic side of the aisle.

My colleagues on the committee are aware we have made that effort to work in a bipartisan way. I see no disadvantage to any member of the committee from the procedure the majority leader has proposed. If there are good ideas related to energy policy, of course, the first choice would be to try to have them included in the bill the majority leader brings up for consideration. If those ideas are not included in that package, for whatever reason, any Senator, whether Democrat or Republican, would be in a position to offer those as an amendment.

I don't see anyone being disadvantaged by the procedure the majority leader has proposed. I was disappointed to hear in one of the statements this morning a somewhat colorful account of how this decision was supposed to have been made. That purported account was not accurate in any respect, as far as I know. The decision was simply made by the majority leader that if we proceeded in this way, in his view, this process would hold out the best chance for us to get an energy bill considered by the Senate and passed in a timely fashion. On that basis, it is advisable for all Senators to support the decision of the majority leader to try to move ahead on a bipartisan basis. That will certainly be my best effort in the committee.

I look forward to working with all colleagues, both on the Energy Committee and with other committees that claim jurisdiction and have jurisdiction on different aspects of a comprehensive energy bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I ask unanimous consent to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION SAFETY

Mr. TORRICELLI. Madam President, I am sensitive to the desire of Members of the Senate to avoid extraneous issues in this debate. The need for airline security is self-evident. The failure of confidence in our Nation's airlines is having a devastating economic impact on the country and its economy.

I am certain Members of the Senate will understand that to those I represent, indeed to millions of other Americans around the country, railroad or bus or other modes of transportation safety are not only not extraneous, they are central. Three hundred thousand residents of New York and New Jersey cross the Hudson and East Rivers every day to their homes and places of business. Indeed, a significant multiple of the number of people who fly on airplanes every day is on these commuter trains. I cannot suggest to them that somehow their lives or their fortunes are less important than those who are on airplanes.

It appears to me the debate in the Senate to concentrate exclusively on airplane safety is based on the assumption that terrorists will accommodate us by choosing the same means, employing the same strategy to strike our country that they used previously. Why is it that I doubt they will be so accommodating?

There is nothing about an airplane that somehow makes it more vulnerable than a bus or a train or, for that matter, a powerplant or a reservoir. But as this legislation is focused on transportation and the assurance of safety and security, it must, therefore, by necessity, include other modes of transportation, particularly when those other modes are utilized by millions and millions of Americans and where the exposure to potential danger is so enormous.

I will use for illustration simply those that are utilized by my own State of New Jersey because I know them so well. I suspect the arguments I will share with the Senate could be made by the Senators from California or Massachusetts or Illinois or Florida, Missouri, or a host of other States that have large metropolitan areas.

In Penn Station in New York, through which hundreds, thousands of New Jersey residents travel every week, there are six tunnels that began construction in 1911. The four tunnels under the East River and those under the Hudson are 2½ miles long. As I suggested, they accommodate 300,000 people.

In August the State of New York, by a strange coincidence, issued a public report which concluded the tunnels are ''woefully inadequate to deal with a major fire, accident, terrorist attack or other emergency situation.''

The report went on to explain that the tunnels lack escape routes for the up to 2,000 people who can ride on a single commuter or Amtrak train. They are without anything but the most basic of ventilation and do not even have standing water pipes which today would be required in even the most modest of such facilities under current construction rules.

The chart on my left illustrates for a major tunnel that can accommodate up to 2 trains and can have 2,000 people on every train, the kind of ventilation that is used is small, singular fans. If there were for some reason a fire on this train because of a terrorist act, it would not begin to be adequate to help the escaping passengers.

The second chart illustrates something even more troublesome: For the 2½-mile tunnel under the Hudson River, accommodating tens of thousands of commuters every day, a single spiral staircase through which 2,000 people would have to climb 90 feet while firefighters were using it as the only entrance to get to a burning train. It would not happen. Indeed, they would be lost.

The greatest illustration of this is that the published plans of the fire department call for using a locomotive to tow the burning train out of the tunnels with passengers on board. It is assumed they could not exit.

I use New York and New Jersey as the illustration. Were I to speak about train access from southern New Jersey to Philadelphia, I could make the same arguments. There would be the same vulnerability; only the numbers would be lower. Indeed, I could also make the same arguments about the Baltimore tunnels, built in 1877, tunnels for which 150-mile-per-hour trains must now slow to 30 miles per hour to traverse.

I could be talking about Washington, DC, itself, where the tunnels along

Union Station by the Supreme Court annex, carrying 50 to 60 trains a day, were constructed with the safety designs of 1907.

In response to these concerns and those of Chicago and San Francisco and St. Louis and a host of other cities, Amtrak has proposed a multibillion-dollar security and safety plan.

First, $471 million for additional police, bomb-sniffing canine units, and bomb detection systems for luggage. It is essential to get to even the minimum standards we are now using for the airlines.

Second, $1 billion for the structural and safety improvements that I just outlined in tunnels across the Nation.

Third, $1 billion in capacity enhancements to rail, bridges, and switching stations, which are necessary to support the massive increase in ridership that rails are now receiving across the country.

The daily Acela Express in the Northeast alone has had an increase in ridership of 40 percent to 50 percent per day. It cannot be accommodated as people move from airlines that are not operating at full capacity, to trains that are now operating beyond capacity.

For example, Amtrak has had to add 608 seats on 18 Metroliners and Acela trains just to accommodate this demand between Boston, New York, Philadelphia, Baltimore, and Washington alone.

Madam President, like my colleagues, I understand our obligation to the Nation's airlines. They are the backbone of our economy. We owe it to the American people to put an armed Federal marshal on every airplane that flies in this country. We dare do no less. I believe the necessity of federalizing the check-in and inspection system is now manifest. It is also clear to me that in every aspect of air transportation, the need for security needs to be enormously enhanced. But it would not be responsible—indeed, I could not in good faith represent my constituents in New Jersey—to not simultaneously demand that all other modes of transportation receive equal protection. To protect our aircraft and leave vulnerable targets on other major transportation that carry not as many people but more people, not with the same degree of vulnerability but potentially greater vulnerability, would not be right. It would not be defendable, and I could not explain it to the people of New Jersey, who have already lost 2,000 or 3,000 people from the terrorist attacks on the World Trade Center. We refuse to lose yet another citizen, and I refuse to have another citizen of New Jersey live in vulnerability such as those who lost their lives on September 11.

I want my colleagues to know—and indeed I put them on notice—that we will insist that this Senate deal with the broader issue of transportation security in this country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1447 AND S. 1510

Mr. DASCHLE. I ask unanimous consent that the Senate now proceed to S. 1447 and that the majority leader, after consultation with the Republican leader and the chairman and ranking member of the Commerce Committee, may turn to the consideration of S. 1510, and the bill be considered under the following time limitation: That there be 4 hours equally divided for debate on the bill to be equally divided between Senators LEAHY and HATCH or their designees; that 30 minutes of the Republican time be allocated to Senator SPECTER; that there be a managers' amendment in order to be cleared by both managers; that the only other amendments in order be four relevant amendments to be offered by Senator FEINGOLD or his designee on which there shall be 40 minutes for debate on each, with 25 minutes under the control of Senator FEINGOLD and 15 minutes under Senator LEAHY's control, on which there shall be votes on or in relation thereto; that if at the conclusion of the time for debate on this bill the managers' amendment has not yet been adopted, it be agreed to; that the bill be read the third time, and the Senate vote on final passage of S. 1510.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, reserving the right to object—I do not intend to object—I thank the leader and the leadership for working with me to make it possible to take up some amendments on the floor. These amendments directly address issues that were brought up at the only hearing on this issue in the Senate Judiciary Committee, a hearing held in the Constitution Subcommittee which I chair. I think it is good for the body, and the bill, that we consider the issues that were raised in the hearing. We should have the debate, have the votes, and resolve these issues in public.

I thank you.

Mr. MCCAIN. Reserving the right to object, I ask the majority leader, in light of the fact it is very unusual in a unanimous consent agreement to say after consultation between both leaders and managers, then they move to the antiterrorism bill, why not just have a unanimous consent agreement to go to third reading and final passage of the bill, and then go to the antiterrorism bill?

Mr. DASCHLE. If I could respond to the distinguished Senator from Arizona, we would get bogged down on the aviation security bill again. If there is time in which we are in quorum calls, it seems to me we could more productively use that time, given the time constraints under which we now have agreed to take up the counterterrorism bill, to use that time more productively.

Mr. MCCAIN. May I continue to ask the majority leader, suppose we just had a scenario, for example, out of my imagination, that immediately a so-called Carnahan amendment is proposed which would then occasion a filibuster or a cloture motion. Then we might be in that scenario almost immediately. Is that possible, I ask the majority leader?

Mr. DASCHLE. It is possible, certainly, I agree with the Senator.

Mr. MCCAIN. In fact, it may be even likely. I am very concerned about this unanimous consent agreement. Because I think what we will do is have an immediate presentation of the Carnahan amendment which will tie up the Senate to prevent us from further consideration of amendments and final consideration of the aviation security bill, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. DASCHLE. I again propose the unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, before the clerk reports, let me thank all of our colleagues. I know this has been a very difficult, extremely contentious matter, and I appreciate very much the support of all of our colleagues. While he dislikes it when I do it, I especially again thank my colleague, Senator Reid, for all of his effort and work getting us to this point. I thank Senator LOTT for his corroborative effort.

I appreciate, again, the work we have been able to do to get to this point. I thank all Senators and yield the floor.

AVIATION SECURITY ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1447) to improve aviation security and for other purposes.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1854

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator from

Arizona and myself, Senator HUTCHISON of Texas, Senator ROCKEFELLER of West Virginia, and Senator KERRY of Massachusetts, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. MCCAIN, Mrs. HUTCHINSON, Mr. ROCKEFELLER, and Mr. KERRY, proposes an amendment numbered 1854.

Mr. HOLLINGS. I ask unanimous consent 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.''

AMENDMENT NO. 1855

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mrs. CARNAHAN, for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, and Mr. WYDEN, proposes an amendment numbered 1855.

Mr. DASCHLE. I ask unanimous consent 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.''

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion on the amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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, hereby move to bring to a close the debate on the Daschle amendment No. 1855 to S. 1447, the Aviation Security bill.

Harry Reid, Bob Graham, Bob Torricelli, Jean Carnahan, Jeff Bingaman, Maria Cantwell, Richard J. Durbin, John Kerry, Jay Rockefeller, Mark Dayton, Ben Nelson of Nebraska, Evan Bayh, Tim Johnson, Russell Feingold, Kent Conrad, Tom Daschle, Bill Nelson of Florida, Edward M. Kennedy, Barbara A. Mikulski, and PAUL WELLSTONE.

Mr. DASCHLE. Mr. President, I announce to all our colleagues there will be no more rollcall votes today. Details about tomorrow's schedule will be made available a little later in the day.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, I spoke yesterday about the need for the Senate to act on behalf of the workers in the airline industry—those men and women who lost their jobs as a result of the September 11 attacks. The time to act is here and now.

My amendment is designed to provide assistance to those who were laid off as a result of the September 11 attacks and the corresponding reductions in air service. They include employees of the airlines, airports, aircraft manufacturers, and suppliers to the airlines.

Using the framework of the Trade Adjustment Assistance Act, this legislation provides income support, job training, and health care benefits for these laid off workers.

This amendment extends unemployment compensation for 20 weeks, after eligible employees have exhausted their State's unemployment benefits.

It also provides for job training, so that those unable to return to the airline industry can acquire new skills.

Many laid-off workers and their families will face the frightening prospect of losing their health insurance. The legislation that I am proposing would enable families to continue their health insurance by reimbursing COBRA premiums for 12 months.

We know that some workers may not be eligible for extended health coverage through COBRA. Therefore, my proposal also enables States to provide Medicaid coverage for those workers and their families.

Lastly, my amendment acknowledges that the unemployment compensation program is imperfect. Many workers who lose their jobs are not eligible for any assistance under current law.

Under my proposal, those who are ineligible for their State's unemployment insurance programs would receive 26 weeks of income support. These payments are designed to mirror unemployment compensation.

This legislation is not a panacea. It is a first step. We acted quickly to shore up the airline industry. That was appropriate. But that legislation did nothing for the 140,000 who are being laid-off despite the assistance provided in the stabilization package.

There are other Americans who have also lost their jobs due to the slowing economy. Their needs should be addressed as part of the economic stimulus package. But, we must act now to assist employees of the airline industry who have suffered immediate, abrupt layoffs of enormous proportions.

The amendment I have proposed has broad support. The nation's Governors have asked Congress to pass it.

The major airlines support this assistance for their former employees. Republican and Democratic Senators support it.

Now is the time to act. The Senate ought to pass this measure now and move on to our other pressing business.

I have reached across the aisle in crafting this proposal. The amendment has three Republican co-sponsors: Senators BROWNBACK, FITZGERALD, and GORDON SMITH.

I have also scaled back my original legislation to make it more attractive to my colleagues. The total cost is $1.9 billion—half the cost of the original package.

The amendment includes an offset so this package of benefits is entirely paid for.

Let me assure my colleagues that it is not my intention to slow consideration of the important airline security legislation. I am a co-sponsor of the airline security bill and am eager to see it pass the Senate. We need to institute permanent security measures and restore Americans' confidence in the safety of air travel.

I have been ready, and eagerly awaiting the opportunity, to debate this amendment for the past week. And I am ready to go to a vote right now.

So for those concerned about delay of the airline security bill I hope that you agree we should vote on this proposal tonight. I am not interested in delay. I am interested in helping workers. I would have liked both the airline safety bill and the worker relief packaged completed last week instead of being subjected to a filibuster.

I am aware of comments that some believe that this amendment should not be considered as part of the airline safety bill, but rather should be considered later, as part of other legislation. But that is precisely what I was told over two weeks ago. I originally proposed to provide relief to laid off airline workers at the same time as we provided relief to the airlines.

I did not offer my amendment then because the leadership of both houses of Congress had reached agreement on the airline package and we had to pass the bill immediately.

We all agree that airline security legislation is extremely urgent. So is relief to airline workers. It is time to show some urgency on behalf of the men and women in the airline industry.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman of the committee for the usual cooperation and bipartisanship which he has displayed on many occasions in the past in his duties as chairman of the Commerce Committee. It has also been my pleasure to have had the opportunity to work with him, including on this very important piece of legislation. Perhaps the distinguished chairman and I have not worked on a bill that is more important and significant as this one.

This bill would significantly enhance aviation security by making the Federal Government directly responsible and accountable for the screening of airline passengers and their baggage. Although there are many other parts of this bill that are intended to improve security, the shift in responsibility for passenger screening is the most profound. But nothing less is required given that the events of September 11 have forever changed how we view air

travel. Unfortunately, we have learned a hard lesson that we face an enemy that is willing to sacrifice itself and thousands of innocents to obtain its ends. Aviation security has now become a critical element of national security, and this requires a fundamental change in our approach. Congress must act to ensure that safety and security remain our foremost concern.

To handle and coordinate all aviation security matters for the Federal Government, including the new screening functions, the bill creates a new, high-level position within the Department of Transportation (DOT). Nevertheless, there would be close coordination with other Federal agencies, particularly those involved in law enforcement, intelligence and national security. Cooperation among Federal agencies will be just as important to our effort to safeguard aviation as it will be in our larger battle to root out and destroy terrorist networks. Accountability is also important, and when it comes to aviation security, there will not be one Federal official to serve as the focal point for all our efforts.

This bill includes numerous other provisions designed to improve aviation security. For example, the Federal air marshal program is broadly expanded, and airports are required to strengthen control over access points to secure areas. In addition, cockpit doors must be strengthened and flight crews would be given up-to-date training on how to handle hijacking situations. The bill would also take steps to ensure that our Nation's flight schools are not being used by terrorists. For the current fiscal year, airports would be given the flexibility to use Federal airport grants to pay for increased costs associated with new security mandates.

I know that some of my colleagues may have concerns about the Federal Government assuming the burden of screening hundreds of millions of airline passengers each year. As a proud fiscal conservative, I do not advocate this move lightly. But the attack last month was an act of war, and we must respond accordingly. As a matter of national security, passenger screening can no longer be left to the private sector. I am one of the most ardent proponents of free enterprise and the entrepreneurial spirit of America. However, this is not an area where decisions should be driven by the bottom line. The Federal Government does not contract out the work of Customs agents, the Border Patrol, the INS, and many other agencies that perform functions similar to the screening that we are dealing with here. We should not contract out the screening of airline passengers.

By the way, recently there was a CNN poll taken where people could instantly respond as to whether screening employees should be done by Federal employees or contracted out. Eighty-seven percent of the hundreds of thousands of people who responded to that CNN poll said the Federal Government should assume that responsibility.

It is also a question about whether the Department of Justice or Department of Transportation should have the authority in this matter. In all candor, one of the reasons is because of the lack of success in the past of some of the programs and implementation of some of the recommendations that were made by the Department of Transportation Inspector General, the GAO, and others. That will be a subject of debate as we consider this legislation.

The present legislation gives DOT the authority to fire or suspend any screener and prohibit him or her from returning to screening duties regardless of any civil service employment laws to the contrary. Furthermore, screeners would also be prohibited from striking. To offset some of the additional costs to government, airlines would be charged a security fee based upon the number of passengers they carry.

Because there are many small airports across the country that may not need a full complement of screeners throughout the day, the Department of Transportation would have the option of requiring smaller airports to contract out the screening work to State or local law enforcement officials. This could only be done if the screening services and training of local officers are the same and the Federal Government reimburses the airport. There would also be some flexibility for DOT to adopt different security measures at smaller airports depending upon airport conditions and the level of airline activity.

I know that some people may be concerned about the transition period if we do move to full Federal control over the screening process. Some believe that screening services may suffer if current employees and companies know that they will be phased out in the coming months. The bill addresses this concern by giving DOT the flexibility to make whatever arrangements are necessary to ensure security in the interim. For example, DOT could enter into new, short-term contracts with screening companies that provide for upgraded services while at the same time compensating the companies, and perhaps employees, for the temporary nature of the new arrangement.

I would also point out that the average turnover, because of the low pay in salary and benefits, at major airports is 125 percent per year. At one airport it is as high as 400 percent per year, but that is because the people who now are employed as screeners can make more money by going down and working at a concession at the same airport.

So let's have no doubt about the transience, the documented transience of these people who work there, who are good and decent, fine American citizens, but they are low paid, and they are ill-trained. That is not their fault. I want to make that perfectly clear.

The Commerce Committee has held several aviation security hearings over the last few years, including one 3 weeks ago. We have repeatedly been told by the DOT Inspector General, the General Accounting Office, and many others that there are flaws in our aviation security systems, especially in the area of passenger and baggage screening. Although we addressed some of these concerns in legislation enacted last year, we clearly must go much farther now. Anything approaching the status quo is no longer acceptable. It is vital that aviation security be provided by professional individuals who are well paid, well trained, and well motivated.

The events of the past few days underscore the need for us take action immediately. Our military strike against terrorist bases increases the risk of another terrorist attack on our own soil. While more than aviation is threatened, we know all too well it is an area that terrorists have targeted before and something they have gone to great lengths to learn about.

Aviation is more important than ever to our economic and social well-being. We cannot avoid the tough choices when it comes to security. The traveling public needs to have its confidence restored in the safety of flying. Federal control of the passenger screening process and greater oversight of other aspects of aviation security can get our aviation industries back on track. Anything less than a full Federal effort would be an abrogation of our duties as lawmakers.

There was a poll taken yesterday by ABC which I would like to refer to, ABC News.com. The question was: Are you worried traveling by airplane because of risk of terrorism? Forty-two percent of the American people today still are worried about traveling by airplane because of risk of terrorism.

There was a meeting in New York City the day before yesterday. According to the Wall Street Journal:

> Lawmakers are eager to resolve the dispute partly because they are being told by business leaders and even Federal Reserve Chairman Alan Greenspan that airline security is central to restoring consumer confidence and getting the economy back on track. In a meeting at the New York Stock Exchange yesterday, about 20 executives urged Mr. Hastert and House Minority Leader Richard Gephardt of Missouri to take drastic action quickly. ''The consensus was that the whole system has to be federalized,'' one House aide said.

It is very clear that we need to act. I am very disappointed it has taken us a couple weeks before we could get this bill up on the floor of the Senate.

Senator HOLLINGS and I would be more than happy to consider amendments, in addition to the present ones. I want to point out that there would be some added expense associated with increasing security, but I would also like to point out that security has obviously become paramount.

So, Mr. President, I again thank Senator HOLLINGS, the chairman of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina, the chairman of the committee.

Mr. HOLLINGS. Mr. President, the events of September 11 forever changed how we feel about the security of our world, our Nation, and our families. We are wrestling with tough issues here: Balancing safety and security—against convenience and the tradition of our free, open, and democratic society.

But one thing is clear. We need to make our skies safe. The American people deserve it—and they demand it.

Securing our skies is becoming a Federal responsibility that needs the full resources of Federal law enforcement, immigration services, and intelligence agencies. Making our skies safe is a complicated endeavor that we cannot leave just to the airlines and the private sector.

We do not contract out our Nation's defense or law enforcement to private security guards. Likewise, we must not contract out the security of our nation's skies or the vulnerable structures and people on the ground.

The American people are willing to contribute to the cost of making our skies safe. A recent poll of 900 people found that 68 percent of Americans are willing to pay $25 per airline ticket to increase security.

By those standards, airline passengers will find our plan to be quite a bargain.

I have worked closely with Senators MCCAIN, ROCKEFELLER, HUTCHISON, and many others in a bipartisan effort to fix what has been a long-standing problem in aviation security. I believe the legislation we developed will close our current vulnerabilities and create new safeguards to stop those that would harm our American way of life.

Our legislation will professionalize the more than 18,000 screeners in our Nation's airports who are now employees of the airlines and private screening companies. We will give the screeners better training and advanced security equipment.

Our bill will increase the number of Federal Air Marshals on both international and domestic flights. It will enable the Transportation Department to deploy Federal Air Marshals on every flight.

Our legislation mandates cockpit doors and locks that cannot be opened during flight by anyone other than the pilots. The new cockpit doors will be able to withstand forced entry. With our pilots safe, they can better keep our nation's passengers safe.

These measures also will help restore Americans' confidence in the safety of our airlines. When passengers feel safe, they are more likely to fly, which will revitalize tourism in America—and the local economies that rely on it.

The terrorist attacks last month demonstrated that airline safety is an issue of national security. Other countries have had extraordinary success using the tactics called for in this legislation. Our American citizens deserve the same.

Mr. President, right to the point, let me thank Senator MCCAIN, our ranking member, Senator HUTCHISON of Texas, who is the ranking member on our Aviation Subcommittee, and Senator ROCKEFELLER. We have banded together in sort of an emergency situation.

Right to the point, a lot of this could be done, and should be done, and was to be done under present law. For example, you could get an order for securing the cockpit. I called the distinguished Secretary of Transportation 2 days after the 11th—on that Thursday—and I said: I am going to have a hearing. But do not wait for hearings. Let's secure that cockpit. You can order that immediately. You can order marshals.

Now, what have we seen? Three weeks after 9–11 we find a plane being apparently taken over on its way from Los Angeles to Chicago. The fellow was distraught and upset, mentally sick, but he charged the cockpit. So the cockpit was opened, and the pilot immediately called about a hijacking, and the passengers had to overpower him.

First, why weren't there marshals on that plane? We have an authority right now for marshals. What I am trying to say is, somehow, somewhere this administration has to work just as diligently—and they are to be commended on their diligence on correlating a coalition abroad—they have to correlate a coalition here in the country; and we have not done that.

This bill, in other words, is absolutely urgent because they seemingly want to wait for this intramural to work its way out with respect to the fixing of accountability and authority here. And that is what we are all for, in a bipartisan fashion agreed upon. We do not want to just hire a bunch of people. That isn't the problem. The problem is absolute security.

This war is not a military war. And the headlines are misleading: so many aircraft carriers; so many B–2 bombers; so many this; so many helicopters; so many that. The truth is, if you are going after terrorists who are spread amongst 50 countries—and they are zealots, they are fanatics—if you are going after them, you have to go on sort of an individual way; and it is an intelligence war.

Now, No. 1, if we had secured that cockpit, then you save the F–15 that was necessary. Are we going to have F–15s flying all over everyone's domestic flight; have military flights on top, domestic flights on the bottom? Is that America? Is that what we are going to have? Absolutely not.

So how do you forestall that? Secure the cockpit. But they have not done it. Boeing said within 2 weeks they could retrofit all the doors in their airplanes, until you get a steel or a kevlar door put on such as they have in Israel. But they are waiting on studying and studying and everything else.

Our first conference—I say this advisedly—dismayed me, when we conferred with the administration authorities on this particular bill. They were talking about its implementation 9 months to a year—can you imagine that—literally. That is what has gotten this Senator disturbed and exercised, along with the Senator from Arizona, about the urgency. We don't want to have F–15's and everybody in the Guard and everybody in the Air Force flying over all the domestic flights in America.

So you secure that cockpit and there is one thing they know: They are not going to run it into a building. And if it is a hijacking, that pilot doesn't open the door but he calls wherever he is going to land immediately, and have law enforcement there. You wipe out the expense and the calling up of the F–15 pilots and the expense of the F–15 planes.

These are the kinds of things that ought to be done immediately, but they are not being done. I am introducing and pressing for it on this bill. I don't want to have to agree to any set-aside for another bill. There is too much procedural intramurals going on. We have been agreeable, agreeable, agreeable.

And in that context, I guess I have to, with a smile, say I don't mind being a little disagreeable in order to get this one done.

I emphasize again the intelligence. Suppose you had someone and you were with the intelligence of one of these Middle East countries, be they Muslim or not, and you had information, you know it, whatever it is, but if you finger ''X'' on a watch list and know if it can get through now, that is the communications, it isn't high tech—high tech, everybody wants to get bam, bam, bam and you have the computer, and it immediately goes in. No. You have the Central Intelligence Agency not telling the FBI because they are afraid of a leak, and it will reveal their source.

I saw this 40 years ago when I served on the Hoover commission investigating the Central Intelligence Agency. That is just inherent. What you want to do is protect your sources. So do you give the information ahead and give it to unreliable sources and everything? While the FBI is absolutely reliable, certainly the screeners aren't, the ones we have. Everybody will agree to that. So you have to have high-tech personal, professional. It has to be a federalization where we can check these people, recheck them, not have any labor difficulties.

I supported President Reagan on the controllers. You can't have them striking and negotiating and everything else. This is a war of intelligence. The people at the airports, if they are going to stop would-be terrorists, have to be positioned to receive that watch list

information. And they are not going to be giving it to them until our Government can guarantee they are secure. That is just bluntly put.

In that light, the President of the United States has to get in not whether we are going to get first the Amtrak, no; we have to do the seaports, no; we have to do benefits, no; we have to do counterterrorism and get into all of these procedural things. He has to tell the country to bug off, relax. You are not going to get a heck of a lot of information. I am your President. I have a team and we are working and if we can get this bin Laden fellow, you might know of it days or weeks afterwards. We might get him but we might not want to reveal how we got him for a period of time.

That is the kind of war we are in. You don't have to satisfy this media crowd and everything else like that that wants the story of the day, the headline. This is a war not to be run on the 7 o'clock news. They can relax, take weekend leave and everything else of that kind and, like the President says, go to Disney World. But forget about all this information to be had.

We need this bill. We can't tarry around. We need professionalism in it. It is not like the Israelis have, where intelligence is the outer rim, but it goes all the way down, as I have said before, to the person vacuuming the carpet in the middle of the aisle of the plane, because that person, with access to the plane itself, could put in a weapon like we found a bunch of these cardboard cutters and everything else of that kind, as we are finding in some other planes now on a diligent inspection.

My distinguished colleague from Texas is here. I will yield because she has been a leader for several years on this particular score. I am grateful for her leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from South Carolina for all the work he has done. He is chairman of the Commerce Committee; I am the ranking member of the Aviation Subcommittee. We have worked very well together and crafted a bipartisan bill that would address the issues of aviation security.

As Senator MCCAIN said earlier today, the people of our country are not going back to the airlines. This is causing a rippling effect throughout our economy. We need to stem the flow of job losses by getting the airlines back in business so the hotels will fill up, people will rent cars again and people will be able to go about their business in as normal a way as possible.

The last thing on Earth we want is to have the economy be so shaky that we are unable to gear up the national defenses that we know we need.

We have men and women putting their lives on the line as we speak for our country, for our freedom. For us not to do the right thing and get our country back on an even keel after this terrible incident of September 11 would be unthinkable. That is why all of us are working to come to an agreement on this bill.

We are 95 percent in agreement. There are a few issues on which we disagree. Most people know what these are. But what we cannot afford in this legislation is to put extraneous amendments on it. This is not the kind of bill that should be a Christmas tree where you have this amendment and that amendment and somebody's pet project. This is too important. This is aviation security for our country. It is for the people who are going to airports, people who are flying. People are afraid right now. I don't think they should be, because in all the flying I have done since September 11, and it has been every single weekend and also flying around during the weekend, I have been on a lot of flights that are half full. These flights were very safe. People are going all out to make flying safe.

The bottom line is, the people are not coming back. The planes are half full. It is going to take aviation security legislation to get us back on track.

We need to stop the process arguments. We need to stop the extraneous arguments. We need to say: I understand Senator CARNAHAN wanting her bill. I do understand that. It is a very important bill. At some point in the next few weeks, we will take up her bill. We will take up other kinds of legislation also. I want to support Amtrak security, but if it is not going to be agreed to totally, it is not going to go on this bill. I hope it can. But if it can't, then we are going to complete aviation security. That is the bottom line.

I am very pleased to work with Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, and many others who have taken the position that we must do aviation security.

What this bill is going to do is give us more air marshals. I introduced the bill for air marshals the week of September 11, but we still have not acted on adding air marshals. The President has done it on his own with emergency powers, but that is not an answer. We want a long-term solution. We want people to know there is a stable, seamless aviation security system in our country with air marshals, with screeners who are qualified, with supervisors who are qualified, all of which are law enforcement personnel. And we want to reinforce cockpit doors so that no pilot will have to worry about security in the cabin. The pilot should be focused on flying the airplane safely. We should not ask him to do anything else.

Now is the time to act. We need to finish this bill. I hope we can go to cloture right away. If we are going to go to cloture, let's do it tomorrow, or even tonight. Let's stay and finish all of the extraneous things and get on with this bill. We have legitimate disagreements. Let's get on with it and determine how much is going to be federalized. I have one position, and maybe someone else has a different position. Those are legitimate. Let's argue it, debate it, vote and go on.

The bottom line is that we are 95 percent in agreement; it is time to have aviation security for our country, for our citizens, and for our economy.

I thank the Senator from South Carolina. I yield the floor.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may follow Senator MURRAY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the chairman of the Commerce Committee for bringing this bill to the floor. Aviation security is a critical measure. I agree with the Senator that we have to do this right and we need to pass this bill. It is critical. It is critical to the American public that we bring this bill up, move it forward, and get it passed, and reassure our constituents in the country that air travel is safe because we have done our part as well.

I have come to the floor to speak on behalf of the more than 100,000 American workers who are now facing layoffs as a result of much of what has happened in the last month. For weeks, these workers have been waiting for this Senate to pass a workers assistance package, and today we finally have an amendment on the floor to help them. I have come to the floor to speak on behalf of that amendment and encourage its immediate passage.

For many of our workers, the clock is ticking. In fact, this Friday, 10,000 Boeing workers are going to receive notice that they are going to lose their jobs. They are very concerned about how they are going to feed their families, get health care, and how they are going to pay their mortgages. They need the Senate to take action.

Just look at the layoffs that have been announced so far. On September 15, United Airlines announced it was laying off 20,000 workers. On the same date, Continental announced it was laying off 12,000 workers. On September 17, US Airways announced it was laying off 11,000 workers. On September 18, the Boeing Company announced up to 30,000 layoffs. On September 19, American Airlines announced 20,000 layoffs. On September 26, Delta announced another 13,000 layoffs. These aren't just layoffs; these are people—people with families, people who are in our communities, people who are very frightened and insecure about their future. They are workers who are losing their jobs every day, and they need our help.

In my home State of Washington, we are really feeling the impact because of these layoffs in the aviation and aerospace industry. The Boeing Company

plans to lay off 30,000 employees, as I said: That is 30 percent of its workforce. By the Christmas holiday season, I will have at least 10,000 of my constituents out of work. And it is not just Boeing; hundreds of suppliers across the Nation will be impacted as well.

The clock is ticking. This Congress has still not passed a workers assistance package. I urge my colleagues to support the Carnahan amendment so we can help those workers. Congress, as we all know, has taken care of the airlines by passing $15 billion in assistance. I supported that package because it was the right thing to do. Getting the airlines back up and running quickly helped us avoid further layoffs.

We have also recognized that we have a responsibility to help the many workers who are losing their jobs through no fault of their own. So far, this Congress has not provided any help for the 110,000 airline workers and their families who will be laid off or the 30,000 Boeing workers who will be laid off. These workers have to put food on the table; they need to make car payments and pay their rent or their mortgage. They are losing their jobs, and they need our help. The Carnahan amendment will help them.

In fact, these efforts are even more important today given the underlying problems we are having with the U.S. economy. Before September 11, our economy was teetering on the edge of recession. Unemployment is currently at 4.9 percent, and that is the highest level in over 4 years. Some economists are now predicting that unemployment will reach 6.5 percent by the middle of next year. Every one of us will have families in our States who will be impacted by this.

Even worse, these economic problems are affecting workers in all of the related industries, and we have heard from them—the travel agents, hotel and restaurant employees, caterers, car rental companies, and many more; the slide will keep moving. We are now working with the Senate and the House on a stimulus package that is intended to help our broader economy. Some predict the pricetag will be as high as $75 billion.

I want to make sure we meet the needs of the men and women, the moms and dads, who are facing layoffs right now. We need to adopt the Carnahan amendment to assist our displaced workers.

The amendment will provide an additional 20 weeks of cash payments to airlines and aircraft manufacturing employees who lost jobs directly as a result of September 11. For individuals who are laid off but who do not qualify for State unemployment assistance, our bill will provide unemployment benefits for 26 weeks. This will mean so much to those who are very worried about losing their homes and feeding their families in the coming weeks and months. Our amendment will also provide worker training benefits for laid-off employees and for those threatened by layoffs, so that they are better equipped and more confident and can find a new job as we see the economy and where it develops in coming years.

Finally, this amendment will provide 12 months of COBRA health insurance payments for our affected workers. This is really critical for our families who need to know that their loved ones are not losing their health care along with their jobs. No one in our country should live with that fear right now.

I urge my colleagues to adopt this much-needed amendment. The clock is ticking, and these workers facing layoffs cannot wait. We have to move forward and get these workers the help and give them the confidence they need now. I urge our colleagues to vote for this workers assistance package, to move the underlying bill and do what we need to do to get this economy back on track so that our country can be confident again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be brief. I feel as though every day I have been speaking on the same issue. I think I am a cosponsor of the Hollings airline safety bill. It is a fine bill. I ask unanimous consent, in case I am not, to be a cosponsor of the Carnahan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, first of all, I say to Senator HOLLINGS I can do this in 1, 2, 3 order.

Senator MURRAY, I appreciate her statement. She has an awful lot of hard-pressed workers in her State. I appreciate her advocacy for working families in Washington.

To Senator HOLLINGS, he has given enough speeches to deafen all the gods about how the industry gets back on its feet when people feel safe to fly, and aviation safety is the first priority. He is absolutely right, and this is a critically important piece of legislation. I look forward to passing it. We will have passed an important piece of legislation for our country.

Then the third point I want to make is that I heard the Senator from Texas—and I am sorry she is not here now, so I won't go into big debate. I heard her talk about the need to not have extraneous amendments, and then I heard her reference the Carnahan amendment. I will tell you something. The 4,500 Northwest employees who are out of work right now believe they are extraneous. They believe they are central—central to their families, central to our communities, central to Minnesota, and central to our country.

I would like to say to Senators who are opposed to this amendment or blocking this amendment, if you were to have a poll—I am just about positive of this—anywhere in the country and asked whether or not people think in addition to our helping the industry we ought to help employees, 90 percent of the people would say, ''Of course.'' Of course, you should help working families. You helped the industry; now you should help the employees and, of course, this should be a priority. As a matter of fact, one of the biggest criticisms—and there are not a lot of criticisms people have right now about what we are doing in the Congress—one of the criticisms is how can you bail out the industry and not help the employees? When I hear my colleagues say this is an extraneous amendment—tell that to the men, women, and children who are hurting right now.

We help people when they are flat on their backs. We provide the support to them. The Carnahan amendment does three things scaled down. I wish it was even more comprehensive, but it is extremely important. It extends the unemployment benefits, it provides the job training, and it provides—the Senator from Massachusetts is always the leader on health care issues—up to 12 months 100-percent payment of COBRA payments, which employees cannot afford when they are out of work otherwise.

This is a lifeline for these employees. It is extremely important. It is the right thing to do. Frankly, if this is the dividing line between Democrats and some Republicans, so be it. I would rather there be 100 Senators who are for this. I sure do not mind having a spirited debate about whether or not we should be helping these employees. I sure do not mind being on their side. That is what they expect from us.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Chair. Mr. President, it is somewhat extraordinary that so many weeks after the events of September 11, in the immediate days thereafter, almost all of the relevant personnel within the aviation industry—the people who fly the planes, the screeners, the people at the airports responsible for security, the flight attendants—all of them came forward and said we need a Federal system with Federal employees and Federal standards that guarantees the safety of our aircraft access and our airways.

Here we are, after this extraordinary outpouring of emotion and genuine bipartisanship within the Congress that came together to pass $40 billion immediately, and that united to provide a clear statement of the will of the American people expressed through the Congress with regard to our reaction to those events in a series of measures on which we found the capacity to come to the floor of the Senate and vote as one, here we are now weeks later still procrastinating over when we are going to have a final vote, or how we are going to get to a final vote on the question of aviation security.

It seems to me extraordinary that at a moment when we are trying to prove to a lot of countries the virtues of democracy we are struggling in the greatest deliberative body on the face

of the planet—as we are often referred to or even like to call ourselves—we are struggling to find the capacity to have a vote, to let the votes fall where they may. Let them fall where they may.

Some people do not like the Carnahan amendment. I am amazed that they would call extraneous assistance to people who went to work on one morning and found out a few hours later their jobs were gone. I wonder how one can call extraneous a flight attendants who got on a plane after the events of that day to help people get back to their homes or locations from where those planes flew, to return them, and then got home and found after taking that risk they got a pink slip, their job no longer existed.

Mr. President, 140,000 aviation employees have lost their jobs since September 11. How anybody can suggest that for those people who did not have the opportunity to plan for a layoff, for those people who did not have the savings put away because of these events that clearly altered their lives in such a dramatic way, that we are not going to find it in our capacity, even as we bail out the airlines to the tune of billions of dollars, that we somehow are not prepared to extend health care benefits to them by paying their COBRA premiums or making training available to them to find another job or find additional unemployment compensation once the State unemployment compensation has run out.

That is not extraneous. That is fundamental to who we are as a people and to the kind of reaction we ought to spontaneously summon as a consequence of the events that happened.

I also hear my colleagues talking about the need to have some kind of boost to the economy. We have had a rather sizable tax cut which enormously benefited those people at the upper end of the income scale, but for some 28, 29 million Americans who pay most of their taxes through the payroll tax, they did not get any break.

For a lot of Americans, the best way to begin to bring back the economy as fast as possible is to give people the ability to spend money, to give them the ability to pay their bills and do the things that people do which will have the most profound impact in terms of stimulus at this point in time.

For those who look at the tax cut side of the ledger—and we have all embraced those tax cuts over the course of the past months in one form or another—the fact is certain kinds of business tax incentives and certain kinds of monetary efforts—for instance, lowering the interest rates at this point in time—are simply not going to make a difference in the rapid restoration of the economy. We could lower the interest rates to zero at this moment and it is not going to affect the creation of a new plant or the investment in some new business where that business is already affected by an intense overhang of excess capacity. For somebody who built their plant in the last year and a half, of course, that has a negative effect.

What you have to do is use up that capacity. Most of that, most people would agree, is going to take place on the demand side and the consumer side, and we have to face that.

It seems to me, both as a matter of fairness and common sense about how we are going to deal with the economy under these circumstances, providing assistance under the Carnahan amendment is the proper way to address the needs of 140,000 people who were summarily thrown out of work as a direct consequence of the events that took place, and I might add not just as a direct consequence but also to some degree as a calculated effort by some of the airlines to position themselves differently from where they were positioned prior to September 11.

Every one of us on the Commerce Committee and on the Aviation Subcommittee, those of us who have been following this issue for a period of time, know the aviation industry was already a significant percentage off, maybe 30 percent and in some cases more, prior to September 10. What we are seeing now, even after we have taken taxpayer dollars and provided billions of dollars to help bail out the airline industry, they are reducing capacity and adjusting the numbers of flights and the number of personnel well beyond the impact of September 11.

So if it is okay and appropriate—and many of us believed it was—to help bail out that industry because of the impact that industry has on a whole set of other downstream industries: the car rental industry, the restaurant industry, hotel, entertainment, a lot of things are tied to getting people back into airplanes, at the same time as the health and long-term welfare of that industry is being sought, we ought to be looking at the health and long-term welfare of those employees who have suffered as a consequence of both of those linked facts.

I think it is critical we pass the Carnahan amendment, as a matter of fairness to those workers.

Let me also say something about the aviation bill itself. I have heard from a number of pilots who have privately contacted me in the course of the last weeks to tell me stories that have not necessarily reached the public about why it is so critical to have this national standard applied to our employees. When you walk up to any counter anywhere in the country and talk to the people who check you in and talk to them about why they think it is important, you will really gain a much stronger understanding of the virtue of having this national system of employees who are accountable to one standard, accountable across the country to one system, and who work with an esprit de corps and with an expertise that provides those people flying on our aircraft the sense of safety they both want and deserve.

I think most of us who have been following this issue for a long time are convinced it is only when you have that kind of system and not a sort of disparate, multiheaded effort that stems from the contracting out of various airports all across the country to the low bidders for those particular airports, we know that by virtue of the imperatives of the bottom line and the structure of the airlines themselves and the way in which that has been managed that there has been an incentive to find employees that do not cost a lot, that do not require a huge amount of training, do not require a huge amount of supervision because that costs a lot more money for airlines that have already been in difficult straits. Unless we raise the pay level of those employees, the training level, the supervisory level, and the standards to which they are supervised and under which they have to work, we are not going to have that kind of control.

Senator HOLLINGS, again and again, has referred to El Al. El Al is a classic example of a security system that has escaped the kind of terror we witnessed on September 11. It does so because of the layered structure of government input that guarantees a standard which can be adhered to and which is accountable to those standards.

If we want to get people back in our airplanes to the levels they were previously and to even greater levels as we go down the road, we need to make certain we have the highest standards possible, the greatest accountability possible, and the broadest supervisory standards, with accountability, that we could put into place. The American people demand nothing more and they deserve nothing less.

Ultimately, if we are doing less than that, we leave ourselves open to the possibility that not in the next weeks—I do not believe that will happen in the next weeks or even the next months—but when people begin to relax a little bit, as is normal, when you begin to back off because you have these different companies and you do not have the kind of standardization that we are seeking, that is when someone will once again look to find the weakness in the system.

Even as we talk about the airlines, I want to reiterate what a number of us have said on a number of different occasions. It is not just the airlines that require standards with respect to security. Our trains are exposed and our buses, as we have seen, other forms of transportation. If we are truly in the kind of conflict we have described to the American people—and we are—and if indeed threats are possible down the road as we proceed forward—and they are—and all of us know that, then it behooves us to try to minimize the potential exposure to the American people with the maximum return in effectiveness.

We currently have the National Guard, the FBI, marshals. You walk

into an airport today and you have this conglomerate of people who are there. Why? Because everybody knows what we have before them in terms of that screening system is inadequate. What we need to do is guarantee those marshals can be on the aircraft not waiting at a screening section; that the Guard can be doing what the Guard may be called on to do in the course of the next months; that the FBI and the other personnel can be following up on leads and preventing rather than guarding our airport entrances, and the only way we will ultimately have the kind of esprit de corps that we need is to build the supervisory capacity and supervision and accountability that we have within the INS, within the Border Patrol, the Coast Guard and all of those other security measures that we take at other levels.

I hope the Senate, within the next 24 hours, will finally vote on this legislation. I thank the Senator from Arizona and the Senator from South Carolina for their leadership on this on the Commerce Committee. I am pleased to be an original author and cosponsor with them of this legislation, but I am frustrated we cannot have a series of votes and let the votes fall where they may. If the Carnahan amendment deserves a majority of support from the Senate, then it should receive it. If it does not, then we move on, and we have a final vote on the question of aviation security. We need to get this done, and we need to get it done now. We should have had it done previously. I hope in the next hours the Senate will end this process of procrastination and restore the sense of unity and purpose and urgency that has guided us to this moment.

I yield the floor.

Mr. MILLER. Mr. President, I rise in support of Senator CARNAHAN's amendment regarding assistance for airline workers. As Senator CARNAHAN has described, her amendment would provide much needed help to workers in the airline industry who have been laid off as a result of the horrific events of September 11, and such help is desperately needed.

The need to help these workers is an issue that we failed to address when we gave $15 billion in aid to the airlines. Yet these airline workers need immediate temporary assistance in order to find new jobs. Delta Airlines, based in my home State of Georgia, has already cut 13,000 jobs. And this is not the end of the layoffs; many more Americans are going to be affected.

The approach to this problem outlined in Senator CARNAHAN's amendment is a measured and moderate one. It addresses only the most immediate needs of these workers: The need for unemployment benefits, the need for continued health insurance coverage, and the need for job training so that they can begin to again contribute to our Nation's economy. In addition, the benefits provided in this package are temporary; they in no way would be taking on permanent responsibility for a new group of Americans. Finally, the provisions of this amendment are narrowly crafted to apply only to those workers who lost their jobs as a direct result of the attacks of September 11 or due to security measures taken in response to the attacks. We would, therefore, not be providing assistance to those who are the victims of the general economic downturn.

In short, this is a sensible, middle-of-the-road approach to one the most pressing problems we face as a result of the September 11 attacks. It makes good sense to address this issue now, and I urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the distinguished manager and I have a couple of amendments, if I could ask the indulgence of the Senator from Texas.

Mr. HOLLINGS. Mr. President, I ask that the pending Hollings-McCain amendment be considered agreed to and the motion to reconsider be laid upon the table, that the amendment be considered original text for the purpose of further amendments, and that the Daschle-Carnahan amendment 1855 remain in its current status as a first-degree amendment.

Mr. GRAMM. Reserving the right to object, I'm not sure I understand the unanimous consent request. Could you repeat it.

Mr. HOLLINGS. I ask consent that the pending managers' amendment, the Hollings-McCain amendment be considered agreed to and the motion to reconsider be laid upon the table, that the amendment be considered original text for the purpose of further amendments and that the Daschle-Carnahan amendment No. 1855 remain in its current status as a first-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1854) was agreed to.

AMENDMENT NO. 1857

Mr. HOLLINGS. I have an amendment on behalf of the Senator from Vermont, Senator LEAHY, which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEAHY, proposes an amendment numbered 1857.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 49, United States Code)

At the appropriate place, insert the following:

SEC. ___. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"§ 44938. Immunity for reporting suspicious activities

''(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

''(b) APPLICATION.—Subsection (a) shall not apply to—

''(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

''(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

"§ 44939. Sharing security risk information

''The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.''.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44939 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''44938. Immunity for reporting suspicious activities.

''44939. Sharing security risk information.''.

Mr. LEAHY. Mr. President, I am pleased that the Senate will accept my amendment to improve aircraft and passenger safety by encouraging airlines and airline employees to report suspicious activities to the proper authorities.

In addition, this amendment requires the Department of Justice and the Federal Bureau of Investigation to share security risk information with the Federal Aviation Administration and airport or airline security officers.

I want to commend Senator HOLLINGS and Senator MCCAIN for their good work on this airport security legislation. I support the Hollings-McCain Aviation Security Act and believe this amendment improves an already excellent bill.

The Leahy amendment provides civil immunity for airlines and airline employees who report information on potential violations of law relating to air piracy, threats to aircraft or passenger safety, or terrorism to the Department

of Justice, Department of Transportation, a law enforcement officer, or an airline or airport security officer.

This civil immunity would not apply to any disclosure made with actual knowledge that the disclosure was false, inaccurate or misleading or any disclosure made with reckless disregard as to its truth or falsity.

In other words, this amendment would not protect bad actors.

According to press reports, two of the suspected September 11, 2001, terrorists were on an FBI watch list. Both the Secretary of Transportation and the Attorney General, however, testified before Congress that the FBI, the INS, and the Department of Justice do not currently supply these watch lists to the FAA or to the Nation's airline carriers to match up passenger lists with potential threat lists.

It is time for that policy to change. This amendment requires the Attorney General to establish procedures for notifying the FAA of the identity of known or suspected terrorists.

Monday's Wall Street Journal reported that the National Commission on Terrorism has stressed the importance of more effective coordination and dissemination of security information including the FBI's watch list of potential terrorists and their associates.

Indeed, the Wall Street Journal reported:

> A government-created task force recommended ways to plug what historically has been one of the most glaring loopholes in aviation security: a lack of clear-cut procedures to circulate timely information about potential threats to airlines and airports.

My amendment will put those needed procedures into place by requiring the Attorney General, in consultation with the Deputy Secretary for Transportation Security, which is created in the underlying bill, and the Director of the FBI, to establish procedures to notify the FAA and airport or airline security officers, of the identity of persons known or suspected to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.

Finally, the amendment requires the Attorney General to report to Congress on the implementation of the procedures to identify these suspected or known hijackers or terrorists.

I believe the Leahy amendment will improve aircraft and passenger safety and provide the flying public with greater security. Indeed, this amendment has the support of the U.S. Chamber of Commerce among others.

I thank Senator HOLLINGS and Senator MCCAIN for accepting this amendment.

I ask unanimous consent that this article from the Wall Street Journal, entitled, ''U.S. Task Force Proposes Ways For Sharing Security-Risk Data With Airlines, Airports,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 8, 2001]

U.S. TASK FORCE PROPOSES WAYS FOR SHARING SECURITY-RISK DATA WITH AIRLINES, AIRPORTS

(By Andy Pasztor)

A government-created task force recommended ways to plug what historically has been one of the most glaring loopholes in aviation security: a lack of clear-cut procedures to circulate timely information about potential threats to airlines and airports.

The recommendations submitted to Transportation Secretary Norman Mineta urge, among other things, creation of a ''federal security agency'' that would ''fundamentally'' improve integration of ''law enforcement and national security intelligence data.''

The proposed entity, supported in concept by the White House as well as congressional leaders, would be responsible for directly passing on such threat information to senior security personnel at each airline and airport. Officials of the Federal Aviation Administration have acknowledged that they only received partial information from the Federal Bureau of Investigation.

''We have access to the names that the FBI gives us,'' but don't ''normally have access'' to the full ''watch list'' of potential terrorists or their associates assembled by the bureau, U.S. immigration officials and other law enforcement agencies, Monte Belger, the FAA's acting deputy administrator, told lawmakers last month.

Despite extensive debate over giving the FAA access to certain intelligence data, there was no resolution of that issue prior to Sept. 11. After the attacks, the FAA instituted some makeshift security procedures. Before any commercial jetliner can take off, airlines must check the names of all passengers against a lengthy and continuously updated ''watch list'' of names supplies by the FBI.

Paul Bremer, chairman of a blue-ribbon government panel called the National Commission on Terrorism, has stressed the importance of more effective coordination and dissemination of security information.

Since the FBI ''is in charge of catching criminals and prosecuting them,'' historically it has had some reluctance to quickly pass on potential evidence to the FAA or airlines. ''Part of the problem in the FBI is a cultural one,'' Mr. Bremer has said, adding ''we need to find a way [such information] can be disseminated'' more rapidly and predictably.

But in certain of its conclusions, the task force also appears to have been keenly interested in trying to minimize delays.

Citing ''an urgent need'' to find more efficient methods of moving people through the security system as passenger volume ramps up, the panel recommended ''a nationwide program for the voluntary prescreening of passengers.'' By issuing frequent travelers special credentials or checking their identities and backgrounds before they arrive at the airport, such travelers would be subjected to less scrutiny. That would allow security personnel to focus extra attention on other passengers. Meanwhile, a companion task force appointed by Mr. Mineta to recommend changes in onboard security systems stopped short of supporting some concepts previously proposed by the White House.

Members of this task force said ''while there may be value'' in installing video cameras designed to show pilots' activity in the cabin, ''we have no consensus on whether to proceed with this technology.'' The panel concluded that calls by President Bush to install double doors to cockpits were premature. Such a ''design will have limited applicability to most aircraft in the U.S. fleet'' partly because there isn't enough room between the current door and the flight deck to accommodate such a system, the task force concluded.

Mr. HOLLINGS. The amendment is agreed to on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont, Mr. LEAHY.

The amendment (No. 1857) was agreed to.

AMENDMENT NO. 1858

Mr. HOLLINGS. On behalf of the distinguished Senator from Nevada, Senator ENSIGN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. ENSIGN, proposes an amendment numbered 1858.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the Secretary of Transportation to appoint retired law enforcement officers to serve as air marshals)

At the appropriate place in the section relating to air marshals, insert the following subsection:

( ) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

Mr. HOLLINGS. We agree with the amendment.

Mr. MCCAIN. If we could withhold for 30 seconds to describe the amendment of Senator ENSIGN, it allows retired law enforcement officers or retired armed forces personnel to serve as Federal air marshals if the individual meets the background and fitness qualifications. I think this is a good amendment that will provide some highly qualified, trained and experienced individuals. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mr. MCCAIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAMM. Mr. President, it is my understanding, we now have of the underlying bill the Carnahan amendment, which is a first-degree amendment; is that correct?

The PRESIDING OFFICER. The Senator from Texas is correct.

AMENDMENT NO. 1859 TO AMENDMENT NO. 1855

Mr. GRAMM. I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1859 to amendment No. 1855.

Mr. GRAMM. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.)

Mr. GRAMM. I'm not going to spend a lot of time tonight talking about this amendment. We will have an opportunity to talk about it tomorrow. However, I do want to try to make a couple of points tonight.

First, I want to make a point we are trying to pass a bill on aviation security. In my opinion, this bill is far from perfect. It seems to me there are 100 Members in the Senate who believe we need to do everything we can do to act quickly and act efficiently in making air transportation safe again. We want the American people to be and feel secure and we want to get planes flying. Our economy is very much affected by the ability of Americans to travel, and in the process, to go about their business, because the business of America is business.

We now have a pending amendment, the Carnahan amendment, that has nothing to do with aviation security. I know some of my colleagues will argue that the amendment is meritorious. I have been somewhat amazed by the argument that we took action to ''bail out'' the airlines, and now it is time we do something for the employees of the airlines. I beg to differ. For the last 140 years, the distribution of resources in the American economy has been roughly 80 percent for labor and 20 percent for capital. There is no reason to believe that of the $5 billion of assistance we provided to give emergency relief for the limitations placed on the airlines on the 11th and the ensuing weeks, that approximately 80 percent of that money did not go directly to the benefit of people who worked for the airlines. In fact, the whole purpose of the funding was to prevent weak airlines from going broke and to try to stabilize the situation.

Now to come back and say we need another bill dealing with special benefits for people who work for airlines, it seems to me, approaches piling on. Quite frankly, I don't understand the logic that if you work for an airline, and I work for a travel agent, and we are both out of work, why you are more deserving of Federal benefits than I am. I don't understand the logic that treats people differently in unemployment compensation, and to carry over their benefits based on who they work for. That system makes no sense whatever to me.

I think it is important to note that the Carnahan amendment, at least by my rough and rugged calculations, would cost $95 billion a year if the same benefits were applied to everybody in the American economy, rather than simply being applied to people who work for airlines.

To sum up the points I want to make about the Carnahan amendment: One, people who work for airlines were the principle beneficiary of the $5 billion of direct aid and the $10 billion of loan guarantees. The whole objective was to try to keep airlines operating so they could provide service and so that employees would not be dislocated economically by losing their jobs. I don't understand the logic of an amendment that treats people who work for one private employer differently than people who work for other private employers, even though both may have lost their job as a result of what happened on the 11th.

I am not for the Carnahan amendment. I don't make any excuses for being opposed to it. I think it is bad policy. And quite frankly in this era of bipartisanship it looks awfully partisan to me. It seems to me since the decision has been made that we are going to offer extraneous amendments on the Aviation Security Act, both sides can play that game. My amendment is a straightforward amendment that opens up 2,000 acres of the Arctic National Wildlife Refuge for oil and gas production. In the process, it adds more oil reserves to America's proven reserves than 30 years of supply from Saudi Arabia. It would require the use of the best available technology for environmental protection. The provision has been adopted by a fairly substantial bipartisan vote in the House of Representatives.

One might ask, what does energy security have to do with the Aviation Security Act? My answer is it has a lot more to do with the Aviation Security Act than the Carnahan amendment. If we are going to vote on extraneous amendments that our Democrat colleagues want to vote on, then I want to vote on amendments that I think will benefit the country.

Quite frankly, I think nothing could do more to immediately bolster national security than enabling us to produce more oil and gas here at home at a price consumers can afford to pay to turn the wheels of energy and agriculture. So I wanted to come over today and offer this amendment.

Finally, let me reiterate, before I yield the floor and let our colleagues speak, my concerns about the Aviation Security Act. I think 100 Members are in favor of doing something here. But I think we should be trying to do something within two constraints: No. 1, how can we provide additional airport and aviation security in a way that will minimize the amount of time it takes to put it in place? And, No. 2, how can we do it in such a way as to maximize the effectiveness of the security we provide?

I personally believe we would have been well advised and the country would have been well served if we had allowed the President, in implementing this program, to decide when to use Government employees and when to use employees from the private sector and to pick and choose in such a way as to implement a program as quickly as possible that would be as effective as possible.

I think we have made a mistake by mandating that the people who are employed under this act in our major airports all be Federal employees. It seems to me that will add to the amount of time it takes to put the program in effect, and I think it is highly questionable that that kind of binding constraint on the executive branch of Government is aimed at making the system the most efficient possible.

I think we could have written a better bill had we allowed the President to do this within the two constraints of doing it as quickly as possible and having a system that is as effective as possible. The decision was made not to do that, to move ahead even though the President expressed a preference to have flexibility. The decision was made to move ahead by mandating Government employees.

I think that is not good public policy. I am not saying we would not be better off having a bill that is non-optimal than not having a bill. But I am simply saying, in this spirit of bipartisanship, it seems to me that the right way to have done this would have been to trust the President and give him the flexibility. That the bill did not do.

So in yielding the floor, let me reiterate where we are. We now have the underlying substitute as the pending bill. We have a first-degree amendment, the Carnahan amendment, and we have a second-degree amendment which would open a very limited area of ANWR, 2,000 acres. It would add to the oil reserves of the country the equivalent of 30 years of Saudi Arabian imports. And it would require that this oil and gas be produced with the best available technology.

I am sure Senator MURKOWSKI will speak about why this is something we should do, as the former chairman of the Energy Committee, if we are in fact going to consider the Carnahan amendment. Let me say if we simply decide to focus, as I believe we should, on aviation security, if we should decide to drop the Carnahan amendment, I would be willing to pull down this amendment. But if we are going to deal with extraneous matters, then we ought to be dealing with extraneous matters, in my opinion, that are more related to the crisis we face than is the Carnahan amendment.

So if we are going to press ahead with that amendment, then I am going to press ahead with voting on ANWR. I understand the rules of the Senate. The majority leader has filed cloture on the Carnahan amendment. I will vote against cloture. I hope cloture will be

denied. But if cloture is adopted, then my amendment to the Carnahan amendment will fall. But I will offer it again as a first-degree amendment.

I want to reiterate, if we are going to get in this business of dealing with extraneous amendments, which I think is a mistake—I think under the circumstances that, on a united basis, we ought to move ahead with aviation security—but if we are going to get into these extraneous amendments, then I think everybody ought to have the right to get into them. I cannot imagine anything that would be more important that we could do tomorrow on the floor of the Senate than to adopt a House-passed provision that, on a very limited basis, would open ANWR and would add more proven oil reserves to the Nation than 30 years' supply from Saudi Arabia.

I appreciate the Chair's indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with Senator CARNAHAN in urging the Senate to provide some important relief for workers and workers' families whose loss of jobs were directly related to the terrible terrorist attacks which took place here earlier in September.

I think all Americans have been struck by a variety of different emotions in these recent weeks. I absolutely found them inspiring, almost beyond description in so many different ways. Obviously, the extraordinary loss of life was breathtaking in its scope and its impact on so many families. But we saw absolutely extraordinary heroism by many individuals who never, probably, considered themselves to be heroes or heroines. I think that has been emblazoned on the minds of people all over this country, and really all over this world. It will be a proud part of our Nation's character and history.

Something else we have seen is extraordinary acts of generosity towards our fellow citizens. Americans are a generous people. I think all of us have seen, in small, personal ways as well as in large ways, the scope of these contributions to the Red Cross, the contributions of blood, doctors running down to hospitals—so many different acts of generosity. That really is the background of the time we are meeting. It is true of the time we are meeting here this evening.

In the immediate wake of the tragedy, this institution responded to the challenge to our transportation system, our airline transportation system. In a very short period of time, because of the nature of the emergency, because there had been direct governmental intervention, where airlines were closed down, we took action in order to try to provide some relief to that industry. We took those steps, and we are very hopeful they will be enough to make sure that industry will continue to play an important role in our national economy.

Now we took care of management during those actions. They are going to make sure their salaries are going to be paid. The management of the airline industry was taken care of, some of them in extremely generous ways. But we believed at the time we had to take that kind of action.

Now what are we being asked to do under the Carnahan amendment? All we are saying is, fair is fair. We have taken care of the management in the airline industry, we have taken care of the airline industry, now we are talking about being fair to the workers in the industry. Fair is fair. The American people understand fairness. That is what the Carnahan amendment is basically all about. It is reflected in unemployment insurance, COBRA assistance and training. But it is about fairness.

Those workers include the reservation personnel, customer service personnel, flight attendants, baggage handlers, mechanics who fix the planes, the workers who clean the planes, the food service workers, the shuttle drivers—you could go on and on.

One hundred and twenty thousand of them have been thrown out of work—not because of their failure to perform good services, not because they were not working hard, and not because they weren't producing, but because of terrorist acts. On the one hand, we have taken care of management. The Carnahan amendment says we are now going to try to take care of the limited group, the workers. Fair is fair. Americans understand it. We are using the first vehicle to be able to do it. Some of us would have preferred that we did it at the time of the airline action, but so many of the voices that are opposed to this tonight said: Oh, no. We can't do that now. We shouldn't do that at this moment. We have to look out for the airlines. When we bring it up, they say: No. It is an extraneous matter.

Americans understand what is happening. More than 120,000 of these workers expect someone to speak for them. And the someone who is speaking for them will be the Members of Congress, the Senate, in a bipartisan way, I might add, with this amendment. In a bipartisan way we are going to speak for those workers.

That is what this debate and discussion is all about. Let us get to the business of voting on this measure. Let's get to the business of completing the action on airport security. Then let us go ahead and deal finally, hopefully, in the next 2 weeks with the economic package to look after other workers who are also suffering.

I am always interested when I listen to voices on the other side complain about unemployment insurance. We should really understand that workers have already indirectly paid into the unemployment compensation. Do we understand that? Workers pay into unemployment compensation. I am not sure how much management paid in and how much they paid at the time that we took care of the airline industry. And I voted for it and I support it. But we are talking about a major aspect of this program being extended unemployment compensation. Workers pay into unemployment compensation over a long period of time. Because we have been blessed with a strong economy, with strong price stability, economic growth, and low inflation, there has not been the necessity for unemployment compensation. But it is part of the safety net that has been accepted and supported in our society.

I know there are people who are opposed to that in this body as well, and continue to be opposed to it. But it is there. Workers pay into it. They need it. They need it at a time such as this when they have lost their jobs. This is a very modest program. It is unemployment compensation where workers receive a small percentage of what they otherwise would have received had they been able to retain their jobs. It helps them to maintain health insurance.

All of us understand the dangers. Every family understands the dangers if they lose their health insurance and what kind of additional pressure that puts on the families. For lower income families, it helps them in terms of buying into Medicaid—a very modest program in terms of the training for those who understand, as the persons did whom I talked with last night in Boston. They had been laid off when Eastern Airlines collapsed. They are now laid off by US Airways. They said they were going to try as people in their middle years to take the training programs that are out there to try to find a different sector. They just believe they have to start in a new area and a new career.

I look forward to the vote. The American people know this is relevant. It is absolutely essential. They can understand when you take care of the management, as we have, and take care of the industry, that workers have been a part of that whole process. If it had not been for those terrorist attacks, probably 95 percent of those workers would have been working either today, tonight, or tomorrow. As a direct result of that attack, these individuals have lost their livelihood.

The question is whether we are going to be responsive in a measured, modest way that will permit them to at least hold their families together for a short period of time until they can either find the training or be recalled to work. That is the least we can do for working families in this country.

I hope cloture will be obtained on this particular amendment.

The airline industry suffered enormously in the September 11 terrorist attacks. Congress has already made billions of dollars in federal relief available to the airlines. And now it is time for us to give urgently needed relief to the thousands of airline workers who have also been financially devastated by this tragedy.

The men and women who worked for the airlines and airports deserve our help today. We know that layoffs in the airline industry alone are expected to total about 120,000 workers. American Airlines and United have each announced layoffs of 20,000 workers. Continental, Delta, Northwest, and US Airways have each announced layoffs of more than 10,000 workers. Workers with smaller airlines have been hit even harder. Spirit has laid off 30 percent of its workforce while ATA is laying off about 20 percent of its workers.

We need to do more for workers like Penny Bloomquist of Minnesota. She was just laid off from her dream job as a flight attendant for Northwest Airlines. After working a range of different jobs while raising her children, Ms. Bloomquist sacrificed mightily to enroll in Northwest's six-day a week training program. Instead of living her dream today, she is instead selling off many of her belongings.

The Carnahan-Kennedy amendment will provide much-needed relief for Ms. Bloomquist and thousands of workers like her. Extended unemployment insurance benefits, job training benefits, and health care coverage will be available to airline workers, for workers who build our airplanes, and for airport workers, including airline food service employees. Only those workers who lost their jobs as a direct result of the attacks of September 11 or security measures taken in response to the attacks will be eligible for these benefits.

Fair is fair. Congress treated the airlines fairly, and now we must treat the workers fairly. Tens of thousands of other airline employees deserve unemployment insurance benefits. They deserve job training assistance. They deserve fair health care coverage, and they deserve it as soon as possible.

Under our amendment, workers who have exhausted their 26-week eligibility for state unemployment insurance would be eligible for additional weeks of cash payments funded entirely by the federal government.

This amendment will also provide unemployment insurance benefits to airline workers who are not currently eligible for state unemployment benefits. Workers who do not meet their State's requirements for unemployment insurance would receive 26 weeks of federally financed unemployment insurance.

The amendment will provide job training benefits to get people back to work. Workers who are not expected to return to their jobs in the airline industry will be eligible for retraining benefits. Other workers who are not expected to return to their original jobs, but who may find some alternative job in the airline industry, will be eligible for training to upgrade their skills.

Our amendment will also provide health care benefits to laid off airline and airport workers. Too often families cannot afford to pay to continue their health coverage after layoffs. They are forced to choose between health care and other basic family needs. In fact, almost 60 percent of the uninsured today have lost their job in the past year.

For airline workers who are currently covered under their employer's health plan, the federal government will reimburse 100 percent of their COBRA health care premiums. Workers who did not receive health care through their employers will be eligible for Medicaid, with the federal government covering 100 percent of the premiums.

We also need to do more for workers in other industries—especially the travel, tourism, hospitality, and restaurant industries that have been hit so hard. Last week, the Labor Department announced that unemployment claims climbed to the highest level in nine years. New claims for unemployment increased by 71,000 to a total of more than 528,000 in just one week.

Relief for these workers must be a significant part of the economic stimulus legislation that Congress will soon take up. These workers have lost their jobs with little, if any, severance pay, and little, if any, health insurance. We cannot abandon these workers and their families.

These attacks have also jeopardized the nation's overall economic health. In New York City alone, the overall cost of the World Trade Center attack could be as much as $105 billion over the next two years. Nationally, the Department of Commerce recently reported our worst quarter of economic growth in over 8 years.

Expanding Unemployment Insurance is one of the most effective ways to get our economy moving again. Unemployed workers have to spend every penny just to feed their families and pay their rent. So, for every dollar we give to unemployed workers, we expand the economy by more than $2.15. We must do all that we can to strengthen our economy.

Helping workers during a slowing economy is good economic policy. The unemployment insurance system will be critical to the nation's recovery and economic strength.

Historically, Congress has ensured extended benefits for each recession since the 1950s. Surely as we face this national crisis we should do the same for today's workers. If we act soon to provide extended benefits nationally, we will avoid the mistakes of the early 1990s. At that time, we waited the better part of a year to act. At the same time, hundreds of thousands of workers exhausted their benefits.

This time must be different. We need to act now. Not only will millions of workers be directly helped financially, but according to a recent study commissioned by the Department of Labor, unemployment insurance with the federally extended benefits reduces the number of workers who become unemployed. By improving and extending unemployment insurance, history shows that we will have a shorter, less severe recession.

Good unemployment benefits will help workers bridge the gap between jobs, and put money in their hands. Unemployed workers will spend these unemployment benefits, rather than save them. If fact, the DOL study concluded that unemployment insurance, with its extended benefits, mitigates 15 percent of the loss of GDP that otherwise would occur during a recession. We need this stimulus for the economy.

Every day we delay, more workers suffer. Working men and women are waiting for this help. We owe it to them to act, and we will have the chance to do just that one the economic stimulus legislation that we soon take up.

The issue before us now is relief for airlines workers. A strong airline industry is critical to the national economy. We need to keep the airlines flying—but we also must provide critical assistance for the airline workers who lost their jobs, and now is the time to do that.

I urge my colleagues to stand up for airline workers by passing the Carnahan-Kennedy amendment to give these workers the genuine relief they need.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I came down to the floor this evening to reiterate the comments of my friend from Missouri, Senator CARNAHAN, and the comments that the Senator from Massachusetts, Mr. KENNEDY, made in expressing the frustration about the lack of progress on the aviation security bill and the need to immediately consider worker assistance in this amendment.

We have spent a week now simply on the motion to proceed to consideration of one of the most important bills that we need to pass this year. Every day that we wait, critical measures to enhance the American public's confidence in the aviation system are not enacted—and, thus, economic activity dependent on this sector is not generated.

We have no time to waste. The issues that divide us are not terribly far apart. Like my colleague from Missouri, I don't want to slow this bill down. I had wanted to see both the security provisions and the worker assistance dealt with during the consideration of the airline assistance package that we passed several weeks ago. But people told us to wait, and do it after we pass that package.

So I think it's time that we all step back and reflect on the importance of these measures. I call on my colleagues to reconsider these differences that remain and get down to actual consideration of this bill, and the Carnahan amendment.

I would like to thank Senators HOLLINGS and MCCAIN for putting together an aviation security measure that will give this country the confidence to fly again. In the wake of the September 11 attacks, Senators HOLLINGS and MCCAIN began to work on this package immediately.

The package they put together I call on my colleagues to support:

First, it expands the air marshal program, improves passenger-screening requirements in our airports, and provides for hijacking training of flight crews.

It requires more background checks for flight school students, strengthens cockpit security, and increases perimeter security at our Nation's airports.

And, it will bring the passenger screening function under Federal control, something I believe is a necessity for restoring public confidence that a well trained, well paid, and more integrated security workforce is on duty at airports in every corner of this Nation.

We have a long way to go in bringing the passengers back, but I am confident they will come back.

I would like to thank Senators CARNAHAN, KENNEDY, and Majority Leader DASCHLE for their hard work on this legislation, particularly their effort to include airline worker assistance. It is a strong first step in easing the blow to workers in the aviation industry who will be greatly impacted.

I appreciate my colleagues' leadership on this issue and their willingness to include aircraft manufacturing workers who are about to suffer the severe impacts of others in the industry. We should have done this 2 weeks ago. That is why we cannot afford to wait.

The Carnahan amendment will help thousands of families who are facing economic turmoil. These are people who are suddenly left holding numerous household bills that they will soon be unable to pay. They have mortgages, car payments, credit card debt, utility bills, and school loans. What thousands of them won't have much longer is a job.

Major U.S. airlines expect to cut more than 100,000 jobs this year alone and tens of thousands have already received pink slips. The September 11 attacks affected all of us very deeply. We should think about the individuals who have directly lost their economic security as a result of these events.

In my State, the Boeing Company recently announced it will be forced to lay off 20,000 to 30,000 workers by the end of 2002. Those are just numbers of direct jobs that will be lost in the airline and aircraft manufacturing industries. The overall economic toll will be far greater.

For Boeing workers, notices will be sent on October 12—just 2 days from now—to inform them that in 60 days they will be out of a job. So that means that on December 14—less than 2 weeks before Christmas—a significant number of workers in my State are going to be jobless.

While dealing with how to meet their bills, the average Boeing worker who elects to continue to try to cover their health care coverage—their family medical and dental—will have to pay nearly $850 per month. That is $850 a month on top of other bills that unemployed workers are going to have to face.

These layoffs will certainly mean hardship for thousands of individual families, but they will also create a serious economic ripple effect in my State—the State of Washington—and nationwide.

The Seattle Times recently reported that the Boeing layoffs alone will take $1.76 billion out of the economy in regions of the country where the layoffs occur. More than 70 percent of those layoffs are expected to happen in Washington, which means a loss of $1.29 billion to our region's economy.

The economy is already reacting with uncertainty resulting from the many layoffs and the fear of layoffs. Consumer spending currently accounts for two-thirds of our economy. Yet consumer confidence in September fell to its lowest level since January of 1996. We can take a step—a giant step—in shoring up consumer confidence if we let the workers in the most impacted sector know, by passing this legislation, that they will not fall through the cracks.

The fact is, unless we do something to instill greater consumer confidence in the aviation system, it will be difficult to sustain our larger economic growth. That is why it is so important that we act now.

Our economy works best when people are working. When they lose their jobs, they need help to manage their unemployment, train for new jobs, and make an easy transition to new careers. This amendment will provide the financial assistance, job training, and health care coverage for thousands of workers in the airline and aircraft manufacturing industries—workers who are losing their jobs as a result of terrorism.

The time to provide the workers relief is now, and in this bill. We have already provided, as many of my colleagues have said, the airline industry with billions of dollars to keep them flying. That was the right thing to do to bolster the economy and to maintain as many jobs as possible, but the workers who are the heart of the industry deserve equal treatment, and that includes the workers in the airline manufacturing industry.

We cannot take care of the corporate needs and shareholder needs and not the needs of American workers who are the backbone of our economy. Our economy was built by their muscle and their minds, and it is a product of their hard work and creativity that continues to drive us.

We cannot allow terrorism to transform our economy from a rising tide that can lift all boats into a rising storm that threatens to capsize American workers. We need to provide them with a lifeline to health care coverage, unemployment benefits, and job training.

Again, I call on my colleagues to support the Carnahan amendment and the overall airline security legislation. America is watching us and asking us to act now on both of these measures.

I yield the floor, Mr. President.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending Carnahan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1860

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator SNOWE of Maine and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Ms. SNOWE, proposes an amendment numbered 1860.

Mr. MCCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize national emergency powers of the Deputy Secretary for Transportation Security)

On page 5, line 13, strike the closing quotation marks and the second period.

On page 5, between lines 13 and 14, insert the following:

''(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

''(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

''(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

''(C) To establish uniform national standards and practices for transportation during a national emergency.

''(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

''(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

''(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

''(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

''(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).''.

Mr. MCCAIN. Mr. President, this is a national emergency responsibilities amendment, where the Deputy Secretary will have responsibilities for coordination amongst various agencies. I think it is a good amendment, and I urge its adoption.

Mr. HOLLINGS. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1860) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I do not see any more pending business, so pending the appearance of the majority leader or the whip, I suggest the absence of a quorum.

Mr. HOLLINGS. Mr. President, will the Senator withhold suggesting the absence of a quorum?

Mr. MCCAIN. I withhold.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask colleagues to find out the disposition of the leadership and how they want to wrap up because we are ready to go. But pending that, I will say a word about another concern I have.

(The remarks of Mr. HOLLINGS are printed in today's RECORD under ''Morning Business.'')

Mr. HOLLINGS. I see the distinguished Senator from New York is here. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank the chairman of the committee who has done such a tremendous job of leadership in the wake of the terrible attacks of September 11. I commend him and the ranking member, the distinguished Senator from Arizona, and thank them for their tireless work and their constant reminders of the challenges we face and the sacrifices that are needed.

I rise in support of the chairman's hard work on behalf of this bill, and I particularly appreciate the inclusion of the clear understanding that we have to face a direct threat to our national security and we have to do it by joining together and establishing a commonsense set of solutions to the problems now before us.

The Aviation Security Act the chairman has worked so hard on is the result of many years of his labors and understanding of the difficulties we confront. I certainly commend him and thank him for his hard work.

I also rise as a cosponsor of the Carnahan amendment to provide critical assistance to airline workers and those in aviation-related industries who were laid off as a direct result of the terrorist attacks.

At the time we considered the so-called airline bailout bill, many of us made very clear in our statements on the floor that we were disappointed that some concerns for the workers who were going to lose their jobs were not included in the bailout bill. We come today to reinforce our deep concern and to ask our colleagues to support the Carnahan amendment.

The numbers are overwhelming. We know that 100,000 workers have been laid off in the airline industry. At least 30,000 more have been laid off in airline manufacturing. We are concerned that if the American traveling public and visitors from overseas don't resume flying, as I urge everyone to do—I have flown numerous times already, and I encourage everyone to begin again to travel for business and pleasure—if for whatever reason that return to the air is delayed, then the numbers will undoubtedly grow.

Many of these airline workers are based in New York. They have been supporting our air transportation system out of JFK and LaGuardia. They have been literally handling some of the busiest air traffic corridors in the world. We know that reductions in flight schedules at both of these airports have put thousands of New Yorkers out of work: pilots and flight attendants, baggage and passenger service representatives. This has had a ripple effect throughout New York.

For example, in Syracuse, in upstate New York, a call center for US Airways that had been there for many years was shut down, throwing more than 400 employees out of work.

These airline and aviation-related industry layoffs are not just numbers. They represent the lives and livelihoods of hard-working Americans. I have heard many stories, as my colleagues have, of the hardships that are being imposed because out of the skies on September 11 came these dreadful, horrible acts of terrorism, where people who were willing to commit suicide brought about the deaths of thousands and thousands of our fellow citizens and people from all over the world and also wreaked havoc on our airline industry and the economy in general.

I hope as we consider this Aviation Security Act, for which I support and again thank the chairman and the ranking member, we will also support Senator CARNAHAN's amendment. Her aid package for dislocated workers is modeled after the successful trade adjustment assistance. It will allow airline workers to extend their unemployment insurance while they receive needed job training and support services or while, hopefully, they wait to be called back to work because we will all start flying again.

This amendment will also enable families to receive health care benefits as they go through this difficult period.

No story more sums up the anguish and pain of the losses we are discussing and the need to improve security than one that comes out of JFK. A TWA flight attendant at that airport received her furlough notice while awaiting news of her husband, a New York City firefighter missing at the World Trade Center. New Yorkers and Americans have paid a very heavy price. We are summoning our resolve. We are preparing our responses individually and throughout our Nation. We are following the leadership of our President. We are supporting our men and women in uniform.

I urge my colleagues to support the act that Chairman HOLLINGS and Senator MCCAIN have crafted and support the Carnahan amendment on which she has worked so hard to pay some attention and provide assistance to those Americans who woke up on September 11 thinking that it was any other workday and went to bed on that terrible day knowing that they might lose their jobs as a result of this horrific attack.

I thank my colleagues and yield back the remainder of my time.

Mr. SARBANES. Mr. President, nearly one month has passed since the ferocious attacks of September 11th. Words remain inadequate to describe or define the event. Analysts are beginning to assess the immediate costs in economic terms. Someday, perhaps, historians will succeed in cataloguing, analyzing and calculating the losses. But some losses—families torn apart, communities devastated—will remain forever beyond calculation.

However, the tragic events of September 11th leave no question that our airport security system is in need of reformation. The ability of hijackers to ease through our Nation's airport screeners has created fear among the American public about flying and has led to a significant downturn in the travel and tourism industry. Around the country, air travelers now patiently wait in long lines after emergency security procedures have been instituted to prevent further tragedies. Thousands of employees, not only from the airline industry, but also well beyond it, have lost their jobs. During these difficult times, it is imperative that Congress act to protect Americans from future terrorism and to provide economic assistance to those left unemployed because of the horrendous acts of September 11th. I strongly support S. 1447 because it takes vital steps to strengthen our Nation's airport security system, to ensure safety for crews and passengers, and to bolster our economy.

Among the most important provisions in this bill is the federalization of airport security personnel. I support this plan because it is a clear solution to one of the most troublesome aspects of our current airport security operations: the failure of screeners to detect dangerous objects. The atrocities

of the recent terrorist attacks highlight the inadequacies of the current screening system. Under the system, airlines, subject to Federal Aviation Administration requirements, are responsible for administering screening of passengers and their carry-on luggage. Airlines generally contract out their screening responsibility to private security companies, often awarding contracts based upon the lowest bid rather than superior security systems. Allowing airlines such authority has resulted in a system that too often promotes lower costs over the safety of passengers.

Recent separate studies by the GAO and the DOJ's Inspector General revealed the serious inadequacies of the current screening system and causes for its failures. Among the problems noted by the IG report was the frequent failure of the airlines to conduct background checks of employees with access to secure areas and the ability of IG personnel to access secure areas without being challenged by security 68 percent of the time. The GAO report which concluded that screener performance in major U.S. airports was unsatisfactory, attributed the poor performance of security screeners to a high employee turnover rate, more than 100 percent per year at many airports—low wages, insufficient training, and inadequate monitoring of screeners.

Federalizing security operations throughout U.S. airports is the best answer for improving screener performance. It would raise wages, lower employee turnover, promote career loyalty among screeners, create uniform training among security personnel, and, as a result, strengthen the performance of screeners to discover dangerous objects. Once the Federal government ensures that screeners are performing their duties in strict adherence to the highest safety standards, the public will gain greater confidence in airport security. In light of the current campaign against terrorism, now is the time to incorporate this change. As a recent New York Times editorial stated, ''airports are a front line in the struggle against terrorism, and it no longer makes sense to delegate their policing to the private sector, which emphasizes low cost as opposed to security.'' I agree with this assessment.

I also want to underscore my support for Senator CARNAHAN's amendment to provide much-needed relief for the thousands of hard-working employees in the airline industry who have lost their jobs as a result of the horrific attack on our Nation on September 11th. This amendment will provide unemployment benefits, health care and training to airline industry employees who have been laid off due to the marked decrease in air travel in this country.

The airline industry has been most directly affected in the aftermath of the attack, but the ripple effect of the attacks is being felt throughout other industries as well. Hotel, travel, and tourism employees, who number in the hundreds of thousands, are at risk of losing their jobs due to the nationwide decrease in travel. In Maryland, tourism is a $7.7 billion industry. It means jobs for our people and revenues for our State and local programs. While we are moving vigorously to encourage travelers to come to Maryland this fall, a decrease in tourism is expected in the State, as it is nationwide. While it is crucial that we provide support to airline workers at this time, we should also remember the plight of the hundreds of thousands of other workers across the State of Maryland and the country whose livelihood may be affected.

The terrorist attacks of September 11th were intended to create fear in Americans and our way of life, including air travel. This legislation will help to ease fears about air travel and the state of our economy by strengthening our airport security system. In this regard, I urge the Senate to pass this legislation expeditiously.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYING THE BILL

Mr. HOLLINGS. Somehow, Mr. President, we have to get a grip on ourselves. We ended, at just the end of September, September 30—October 1 was the beginning of the fiscal year—with a deficit of $132 billion. No double-talk about on budget, off budget, or public debt and private debt, and all of that. We spent $132 billion more than we took in. We have been in a deficit position most of the year, when everyone was talking surpluses.

In August we had a briefing from the Congressional Budget Office to the effect that we were going to have a deficit of $104 billion for fiscal year 2002. And he updated that, some 10 days ago, and said: Rather than $104 billion, I am going to have to add about $120 billion to $140 billion. So we are looking at a deficit of at least $224 billion or $244 billion, for starters. That is without the $40 billion we passed in one stimulus measure; $15 billion for the airline measure; so $55 billion there.

There is on course—and everybody is agreed to—an amount, in general terms, on defense, in education, and emergency supplementals, and so forth, agriculture, of around $25 billion. And now they are talking about $75 billion; and that has been restudied, and rather than the President's $75 billion, it comes out to around $114 billion. So while we are talking about stimulus, we are going into an election next November with a deficit in excess of $300 billion, at least.

I am for paying the bill. I cannot get any support for a value-added tax. But when we started other wars we put in a special tax. I was reminded, of course, that when President Nixon came into office, he put in a 10-percent surcharge on imports. And the distinguished majority leader, Mike Mansfield, took my dear wife Peatsy and myself on a honeymoon to about nine countries in Europe to consult and console the heads of state on why this was necessary. So we went to Finland, Denmark, Norway, Sweden, France, England, Germany, Austria, Italy, Spain, Portugal, Morocco and we explained that.

We put on, in World War II, a tax. But we are going in two different dangerous directions. The right direction, of course, is to pursue the war; along with that pursuit, a coalition at the homefront of discipline, restraint, and sacrifice. When you go to war, you can't ask people to lay their lives on the line and then everybody else go to Disney World. We better sober up on our talk and particularly with respect to tax cuts. Further tax cuts is not going to stimulate but enhance the rich. So they are all getting together in a fine cabal about we are going to spend so much more and we are going to stimulate so much more with tax cuts. But they will have a motion to forgo and cancel out those tax increases in the outyears that they want to move fast forward. I want to put them on notice.

HONORING U.S. CAPITOL POLICE

Mr. WELLSTONE. Mr. President, I want to read this resolution to make sure it is now a formal part of the RECORD. It was adopted last night. I submitted this resolution on behalf of all Senators, but let's make sure it is a formal part of the RECORD:

Whereas the Capitol is an important symbol of freedom and democracy across the United States and throughout the world, and those who safeguard the Capitol safeguard that freedom and democracy;

Whereas millions of people visit the Capitol each year to observe and learn the workings of the democratic process;

Whereas the United States Capitol Police force was created by Congress in 1828 to provide security for the United States Capitol building;

Whereas, today the United States Capitol Police provide protection and support services throughout an array of congressional buildings, parks, and thoroughfares;

Whereas the United States Capitol police provide security for Members of Congress, their staffs, other government employees,

and many others who live near, work on, and visit Capitol Hill;

Whereas the United States Capitol Police have successfully managed and coordinated major demonstrations, joint sessions of Congress, State of the Union Addresses, State funerals, and inaugurations;

Whereas the United States Capitol Police have bravely faced numerous emergencies, including three bombings and two shootings (the most recent of which in 1998 tragically took the lives of Private First Class Jacob 'J.J.' Chestnut and Detective John Michael Gibson);

Whereas the horrific events of September 11, 2001 have created a uniquely difficult environment, requiring heightened security, and prompting extra alertness and some strain among staff and visitors;

Whereas the U.S. Capitol Police force has responded to this challenge quickly and courageously, including by facilitating the evacuation of all of the buildings under their purview, as well as the perimeter thereof;

Whereas the United States Capitol Police Department has since instituted 12-hour, 6-day shifts, requiring that officers work 30 hours of overtime each week to ensure our continued protection;

Now, therefore, be it

Resolved by the Senate, That—

(1) the Senate hereby honors and thanks the United States Capitol Police for their outstanding work and dedication, during a period of heightened security needs on the day of September 11, 2001 and thereafter;

(2) when the Senate adjourns on this date they shall do so knowing that they are protected and secure, thanks to the commitment of the United States Capitol Police.

I wanted that to be printed in the RECORD so we can get that to the officers who have provided us with this help. We owe a great debt to them.

EXECUTIVE BRANCH FUNCTIONING

Mr. BYRD. I ask unanimous consent to have printed in the RECORD a letter addressed to the Senate from the Vice President, together with two appendices, on the subject of the interaction of the Vice President's staff with the General Accounting Office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington, August 2, 2001.

To the Senate:

I am writing to inform you of certain actions undertaken by an agent of the Congress, Comptroller General David M. Walker, which exceed his lawful authority and which, if given effect, would unconstitutionally interfere with the functioning of the Executive Branch.

By memorandum of January 29, 2001, the President established the National Energy Policy Development Group (''Group''). The Group consists of six executive department heads (Treasury, Interior, Agriculture, Commerce, Transportation and Energy), two agency heads (Federal Emergency Management Agency and Environmental Protection Agency), three officers of the White House staff (Policy, Economic Policy, Intergovernmental), and the Vice President. The memorandum specified that the Group's ''functions shall be to gather information, deliberate, and as specified in this memorandum, make recommendations to the President.'' It called for the Group to submit to the President a near-term assessment and then a report setting forth ''a recommended national energy policy to help the private sector, and as necessary and appropriate State and local governments, promote dependable, affordable, and environmentally sound production and distribution of energy for the future.'' The Group issued its report on May 16, 2001. The President approved the report's recommendations, now commonly called the National Energy Policy.

The Comptroller General proposed to investigate the workings of the Group and sought certain information from the Vice President's staff. The first appendix to this Message is a chronology of the interaction between the Comptroller General and my staff on this matter. As a matter of comity, my staff furnished substantial information regarding the Group, providing written answers dated May 4, 2001 to questions concerning the Group, a copy of the Presidential Memorandum establishing the Group, and documents responsive to the Comptroller General's inquiry concerning costs associated with the Group's work. In response to separate requests from the General Accounting Office, executive agencies also have provided substantial responses concerning the roles of their agency heads on the Group.

On July 18, 2001, the Comptroller General sent to me a letter which stated that he was reviewing ''the process by which the National Energy Policy was developed'' and that the purpose of the letter was to ''demand'' certain documents. With regard to documents not already provided that the Comptroller General has demanded, statutory and constitutional reasons for not providing them are set forth in the second appendix to this Message. I am furnishing a copy of this Message, including its appendices, to the Comptroller General so that the copy will serve as the response to his letter of July 18, 2001 that he would receive under Section 716(b)(1) of Title 31 of the U.S. Code if that provision were applicable in this matter.

RICHARD B. CHENEY.

APPENDIX 1: CHRONOLOGY OF INTERACTION OF THE VICE PRESIDENT'S STAFF WITH THE GENERAL ACCOUNTING OFFICE

On April 19, 2001, Representatives John Dingell (D–MI) and Henry Waxman (D–CA) sent a letter to the Executive Director of the National Energy Policy Development Group (''Group''), asking a lengthy series of questions and asking for all records of the Group relating to its meetings. That same day, they asked the General Accounting Office (GAO) to initiate an investigation.

On May 4, 2001, the Vice President's counsel forwarded to Messrs. Dingell and Waxman answers from the Executive Director of the Group to their questions.

On May 8, 2001, a GAO Assistant Director faxed to the Office of the Vice President a request to interview Group officials and staff and for production of records and information.

On May 15, 2001, Representatives Dingell and Waxman sent another letter to the Executive Director of the Group, expressing dissatisfaction with the answers to their questions previously received and requesting more information and records, including all of the following relating to the Group:

''. . . correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored mater, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records of statements of accounts, and papers and things similar to any of the foregoing, however denominated.''

On May 16, 2001, the Vice President's counsel wrote to the GAO General Counsel, asking the Comptroller General to determine whether the proposed GAO inquiry was appropriate, in compliance with the law, and, especially in light of information already provided, a productive use of resources, and asking the GAO General Counsel for a statement of GAO's legal authority to conduct its proposed inquiry.

On May 22, 2001, Representatives Dingell and Waxman wrote to the Vice President's counsel stating that they were ''astounded'' that the GAO's authority had been questioned.

On May 25, 2001, the Vice President's counsel wrote to counsel for Messrs. Dingell and Waxman, reporting on the status of correspondence with GAO in the matter.

On June 1, 2001, the GAO General Counsel wrote to the Vice President's counsel, advising that the Comptroller General wished to go forward with the inquiry and citing as authority for the inquiry Section 712, 716, and 717 of Title 31 of the U.S. Code. The letter said that GAO would ''initially'' like to focus on:]

''1. Previously, you identified 9 meetings conducted by the NEPDG and indicated that each meeting was held in the White House Complex. For each meeting, we want to learn the name of each attendee, title, and office represented, as well as the duration of the meeting.

''2. Previously, you stated that 6 professional staff, referred to as the Group support staff, were assigned to the Office of the Vice President for the purpose of supporting the NEPDG. We want to learn their name, title, office or employer represented; the date on which that person began working for that office; and their responsibilities.

''3. Previously, you indicated that various members of the Group support staff met with many individuals to gather information relevant to the NEPDG work. For each interview or meeting, want to establish (a) its date and location, (b) the persons met with, including their name, title, and office or clients represented, (c) its purpose and agenda, (d) the information presented, (e) whether minutes or notes were kept, and (f) how members of the NEPDG or Group support staff determined who would be invited to the interviews of meetings.

''4. We are interested in learning whether the Vice President met with individuals to gather information relevant to the NEPDG and, if so, we want to obtain the same information listed in question 3 above.

''5. We are interested in obtaining the direct and indirect costs incurred by both the Vice President and the Group support staff.

''After discussing these questions with you, we would also like to arrange meetings with members of the Group support staff to discuss meetings they conducted and the process they used to develop information in support of the task force.''

On June 7, 2001, the Vice President's counsel wrote to the GAO General Counsel, advising that Sections 717 (which allows GAO to investigate agency implementation of statutes, but no performance of constitutional duties) and 716 of Title 31 of the U.S. Code

(which provides information collection procedures for otherwise-authorized investigations) provide no basis for the GAO inquiry, and that the limited authority of Section 712 (authorizing investigation of use of public money) would provide support for only one of the questions asked, relating to costs. The letter therefore stated that the Office of the Vice President would search for documents responsive to the GAO question regarding the direct and indirect costs of the Group.

On June 21, 2001, the Vice President's counsel sent a letter to GAO forwarding 77 pages of documents responsive to the GAO question regarding the direct and indirect costs of the Group.

On June 22, 2001, GAO sent to the Vice President's counsel a letter claiming to have broad authority to investigate under Sections 712 and 717 of Title 31 and indicating that GAO may issue a ''demand letter'' under Section 716 of Title 31 that could lead to litigation.

On July 9, 2001, in response to the request of Executive Branch lawyers for an opportunity to meet with the GAO General Counsel to see if a proper accommodation were possible, the meeting occurred, but no proper accommodation was reached.

On July 18, 2001, the Comptroller General issued a letter to the Vice President of the United States demanding documents as follows:

''1. Your counsel identified nine meetings conducted by the National Energy Policy Development Group (NEPDG) in his May 4, 2001, letter to the Chairmen and Ranking Minority Members of the House Committee on Energy and Commerce and the House Committee on Government Reform (hereinafter May 4 letter). We request records providing the names of the attendees for each meeting, their titles, and the office represented.

''2. In the May 4 letter, your counsel indicated that six professional staff, referred to as the group support staff, were assigned to the Office of the Vice President to provide support to the NEPDG. We request records providing their names, titles, the office each individual represented, the date on which each individual began working for such office, and the responsibilities of the group support staff.

''3. In the May 4 letter, your counsel indicated that various members of the group support staff met with many individuals to gather information relevant to the NEPDG work. We request records providing the following information with regard to each of these meetings: (a) the date and location, (b) any person present, including his or her name, title, and office or clients represented, (c) the purpose and agenda, (d) any information presented, (e) minutes or notes, and (f) how members of the NEPDG, group support staff, or others determined who would be invited to the meetings.

''4. We request records providing the following information with regard to any meetings the Vice President as chair of the NEPDG had with individuals to gather information relevant to the NEPDG. (a) the date and location, (b) any person present, including his or her name, title, and office or clients represented, (c) the purpose and agenda, (d) any information presented, (e) minutes or notes, and (f) how the Vice President or others determined who would be invited to the meetings.

''5. We request any records containing information about the direct and indirect costs incurred in the development of the National Energy Policy. To date, we have been given 77 pages of miscellaneous records purporting to relate to these direct and indirect costs. Because the relevance of many of these records is unclear, we continue to request all records responsive to our request, including any records that clarify the nature and purpose of these costs.''

The GAO has also made separate requests for information relating to the Group to various executive departments and agencies and has received responses.

On July 31, 2001, the Comptroller General and the Counsel to the Vice President spoke by telephone regarding the Comptroller General's letter of July 187, 2001 to the Vice President.

On August 1, 2001, the General Counsel of the General Accounting Office and the Counsel to the Vice President spoke by telephone regarding the Comptroller General's letter of July 18, 2001 to the Vice President.

APPENDIX TWO: REASONS

With regard to documents not already provided that the Comptroller General has demanded from the Vice President, the reasons for not providing them are as set forth in this appendix. The statutes under which the Comptroller General purports to act, Sections 717, 712, and 716 of Title 31 of the U.S. Code, do not grant the authority he purports to exercise. Moreover, if his misconstruction of the statutes were to prevail, his conduct would unconstitutionally interfere with the functioning of the Executive Branch of our Government.

Section 717 permits the Comptroller General at the request of a House of Congress, a congressional committee of jurisdiction, or on his own initiative to ''evaluate the results of a program or activity the Government carries out under existing law.'' The Comptroller General lacks authority under Section 717 to investigate the President's exercise of his constitutional powers. The National Energy Policy Development Group and its work constitute such an exercise. The Vice President and the other officers of the United States who serve on the Group act not pursuant to statute but instead only in relation to exercise of the President's constitutional authorities, including his authority to ''require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices,'' to ''take care that the Laws be faithfully executed,'' and, with respect to Congress, to ''recommend to their Consideration such Measures as he shall judge necessary and expedient.'' Further, the Comptroller General is not evaluating the ''results'' of the Group's work; he is attempting to inquire into the process by which the results of the Group's work were reached. Finally, the Comptroller General has not claimed that he is conducting the proposed investigation on his own initiative, and has instead stated that he is conducting it at the request of two Congressional committees, yet no Committee (as distinguished from two individual Members of Congress who serve as the ranking minority members of two committees) has made such a request to the Comptroller General.

Section 712, which permits the Comptroller General to investigate matters related to the ''receipt, disbursement, and use of public money,'' applies if at all only to his question concerning the costs of the Group's work. Documents that pertain to the costs of the Group already have been produced to the Comptroller General as a matter of comity. The narrow authority conferred by Section 712 does not provide a basis for his other questions.

Section 716 allows the Comptroller General to seek to compel production of documents only when he has the requisite need for the documents for a lawful inquiry conducted in accordance with Section 712 or 717. Because Sections 712 and 717 do not provide a basis for the Comptroller General's inquiries, and because Section 716 is not an independent source of authority to investigate, Section 716 provides no authority to demand or compel production of the Vice Presidential documents demanded. Moreover, the term ''agency'' as used in Section 716 does not include the Vice President of the United States, who is a constitutional officer of the Government.

If the Comptroller General's misconstruction of the statutes cited above were to prevail, his conduct would unconstitutionally interfere with the functioning of the Executive Branch. For example, due regard for the constitutional separation of powers requires respecting the independence of the President, the Vice President and the President's other senior advisers as they execute the function of developing recommendations for policy and legislation—a core constitutional function of the Executive Branch. Also, preservation of the ability of the Executive Branch to function effectively requires respecting the confidentiality of communications among a President, a Vice President, the President's other senior advisers and others. A President and his senior advisers must be able to work in an atmosphere that respects confidentiality of communications if the President is to get the good, candid advice and other information upon which wise decisionmaking depends. Note that while the Vice President is the President of the Senate, he also has executive duties and responsibilities in support of the President, as the Congress has by law recognized.

IN CELEBRATION OF HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, as we celebrate Hispanic Heritage Month in America, I believe it is utmost in our minds and hearts to remember the horrendous attack on our nation's financial center in New York City, and on the Pentagon, on September 11, 2001. Hispanic Americans I speak with are anxious to support our nation's every effort to rid this world of the incredible evil that carried out such an attack.

Hispanic Americans have answered our country's call to arms in every previous war, and they have distinguished themselves as some of our nation's most heroic fighters. As President George W. Bush recently reminded us, ''Hispanic Americans served with heroism in every major American military conflict.''

Many of my colleagues might not be aware of the fact that Hispanics in World War II were over-represented among Medal of Honor winners. I would like to remember two of these distinguished medal winners from New Mexico.

Joseph P. Martinez, born in Taos, New Mexico, gave his life for our country during World War II. In the Aleutians, finding himself in snow covered trenches, he chose to advance against the enemy in the face of severe hostile machine gun, rifle, and mortar fire. His example inspired others to advance in this difficult and dangerous climb.

After successfully and personally silencing several enemy trenches, he reached the rim where he was fatally wounded. The U.S. Army recognized Joe Martinez's valor beyond the call of

duty by awarding him the United States Medal of Honor.

In Vietnam, 22-year old U.S. Army Specialist Fourth Class Daniel Fernandez of Albuquerque, New Mexico, sacrificed himself to save four of his comrades. Fernandez vaulted over his wounded sergeant and threw himself on a grenade that was not noticed in time for the men around him to save themselves. This action cost him his life. Fernandez also received the United States Medal of Honor.

There are many more stories about Hispanic Medal of Honor winners. Our nation is proud to have men and women like these in our ranks.

This month, I want Americans to remember Hispanic veterans from World War I, World War II, the Korean War, Vietnam and Desert Storm. I can predict with great confidence that Hispanics in every service will earn more Medals of Honor, Distinguished Service Crosses, and Silver and Bronze Stars for valor in combat.

If these wartime contributions by Hispanics have been and will continue to be remarkable, those made on the homefront through lives invested in communities are equally deserving of our recognition and gratitude. On August 15, President George W. Bush visited Albuquerque for the grand opening of the Hispano Chamber of Commerce's Barelas Job Opportunity Center, a facility meant to help tear down barriers faced by Hispanics and others in finding employment or starting a new business.

Helping open this business development center, the President drew attention to the spirit of the facility, that of citizens asking what they could do to improve their community, and what they could do to help a neighbor in need. The President accurately and eloquently concluded that this was ''the spirit of America, captured right here in Albuquerque, New Mexico.''

I believe our President has it right. I am proud that the lives of Hispanic New Mexicans are vital evidence of the spirit of America as they invest themselves in families, schools, businesses, and churches. And New Mexicans recognize that these modern achievements build on a centuries-long legacy of Hispanic history in our state, earning us a peerless role in our nation's diversity.

In New Mexico, we know that Hispanics were on the scene even before the Mayflower set sail. The Hispanic influence in New Mexico shaping our architecture and culture has been significant since the arrival of Spanish explorer Don Juan de Onate near San Juan Pueblo in 1598, 22 years before the landing at Plymouth Rock.

When the national media today talks and writes a lot about the recent ''arrival'' of Hispanics on our national scene, they're recognizing a talented, spirited people New Mexico has known for a long time.

I have mentioned the opening of the Albuquerque Hispano Chamber of Commerce's Barelas Job Opportunity Center, marking the start of its important work to rebuild the economic viability of a deteriorated neighborhood and increase job opportunity.

I would like to mention other examples of commitment to community around our state, such as the Roswell Hispano Chamber of Commerce of Roswell, New Mexico. This group has been a unifying force in their community's economic development issues, and have long supported the Character Counts program to see that the six pillars of character, Respect, Responsibility, Trustworthiness, Citizenship, Fairness, and Caring, are taught early in the classroom.

On September 24, Mr. I. Martin Mercado, President of Mercado Construction in Albuquerque, received the national Small Business Administration's Minority Small Business Person of the Year Award. The son of Mexican immigrants, Martin is a wonderful illustration of the American dream, and of the important contributions that Hispanic-owned small businesses make to our economy.

Achievements of this kind throughout New Mexico have helped increase the number of minority-owned businesses in our state by more than 50 percent in the last five years. There are now more than 22,000 Hispanic-owned businesses in New Mexico.

As Hispanics gain long-overdue national recognition as a force that cannot, and should not, be ignored, we are reminded of countless stories like those I have mentioned. I believe that there is no better time to work for federal policies that ensure that small businesses, community organizations, and schools have the support they need to make decisions in favor of economic success and strong families. This is the spirit of America.

Finally, I appreciate the opening for a new era in U.S.-Mexico relations as Presidents Bush and Fox work to develop a partnership for prosperity across our shared border. Both nations have much to gain through the implementation of win-win policies on trade, immigration and the war on drugs. As we celebrate New Mexico's and America's Hispanic heritage, I hope we will continue to capitalize on our common ground with Mexico, making the most of new opportunities for trade and cooperation with our neighbor.

New Mexicans regularly enjoy and celebrate the centuries-long influence of Hispanic culture and traditions on our society. This month in which our nation recognizes the special contributions of Hispanic Americans finds our country united as never before to rebuild and defend this great land after a devastating attack. This in mind, there could be no better time to honor Hispanic Americans for valiantly serving the needs of nation and community, defending our freedom, bettering our economy, and building strong families, for this is the spirit of America.

New Mexico's largest newspaper recently rendered a broad tribute to Hispanic Americans. I ask unanimous consent that this September 23 Albuquerque Journal article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Sept. 23, 2001]

LIST A SOURCE OF PRIDE FOR HISPANICS AND AMERICANS

(By Dan Herrera)

The national celebration of Hispanic Heritage Month, which for some odd reason runs from Sept. 15 through Oct. 15, has been obscured by the overwhelming shock and sorrow created by the terrorist attacks of Sept. 11.

But Hispanic Heritage Month has never been that big a public spectacle, at least in these parts; instead, as elsewhere, the weekend-long beer-company-promoted Cinco de Mayo celebration has taken center stage among Hispanic-oriented celebrations.

In fact, it's hard to find many special Hispanic Heritage Month events in Albuquerque. Most notable is the free Chautauqua series now under way at the National Hispanic Cultural Center. Its opening performance, Jean Jordan as Queen Isabella, had to be delayed because of the attacks on the East Coast. History buffs can still catch several other shows. Call the center at 246–2261 for more information. I had a long conversation the other day with Ruben Salaz, author of ''New Mexico: a Brief Multi-history,'' about Hispanic Heritage Month. He believes New Mexico could reduce its shamefully high Hispanic student dropout rate by putting a greater emphasis in history classes on our state's long, proud past.

He's got a point. Learning about important figures with names like Juan de Onate, Diego de Vargas and Juan Bautista de Anza, all early governors of the Spanish colony of New Mexico who played especially important roles, alongside names like George Washington, Thomas Jefferson and Abraham Lincoln couldn't hurt. Students also might like learning more about historically important Indians like Pope and Cuerno Verde while they're at it.

New Mexico has always been much more than a stop along the trail ultimately leading to California and Manifest Destiny. But Hispanics also have played important roles in American history outside of New Mexico.

So, in recognition of this special month, here is an assortment of Americans you may not have known about or may not have known were Hispanic. There was a time not too long ago that nobody was counting, after all.

Most of the information was compiled using Salaz's information-packed book and another wonderful book called ''Hispanic Firsts: 500 Years of Extraordinary Achievement'' by Nicolas Kanellos, which contains a 372-page listing of accomplishments. Both belong in every library in New Mexico.

Joseph Hernandez: In 1822, the Whig party member from Florida became the first Hispanic representative in the U.S. Congress.

Octaviano Larrazolo: A New Mexico Republican, Larrazolo became the first Hispanic U.S. Senator in 1928.

Dennis Chavez: In 1944, the New Mexico senator, a Democrat, introduced the first Fair Employment Practices bill, which prohibited discrimination because of race, creed or national origin. The bill was defeated, but it was an important step toward the 1964 Civil Rights Act.

Bernardo de Galvez: A governor of Louisiana and brigadier general during the Revolutionary War, he fought British forces for

three years along the Gulf of Mexico and captured Mobile and Pensacola in 1781, forcing the British to fight the war on two fronts. Galveston Bay in Texas is named after him.

Jorge Farragut: A Revolutionary War hero who fought at the battle of Savannah and at the second defense of Charleston, he would be outdone by his son, David.

David G. Farragut: He became the first admiral of the U.S. Navy in 1866. As a Union commander during the Civil War, Farragut gained immortality during the victory at Mobile where, after being warned that the bay was filled with mines, said, ''Damn the torpedoes! Full speed ahead!'' Today, a guided missile destroyer bears his name.

Philip Bazaar: In 1865, he became the first Hispanic American to win the Congressional Medal of Honor.

Marcelino Serna: He was a soldier from Albuquerque who became the first Hispanic to win the Distinguished Service Cross in 1918 after single-handedly capturing 24 German soldiers. He reportedly was not recommended for a Medal of Honor because he was just a buck private and also could not read or write English well enough to sign reports.

Guy Gabaldon: The 1960 movie ''Hell to Eternity'' is based on this California's heroism in World War II, which led to the surrender of 2,000 Japanese soldiers on Saipan Island.

Luis Walter Alvarez: Alvarez was one of the most distinguished physicists in U.S. history. A member of the Manhattan Project, he is credited with the development of the triggering device for the first plutonium bomb. He flew in a B–29 following the Enola Gay to observe the atomic bomb explosion over Hiroshima. Among his many awards are the Nobel Prize and the National Medal of Science.

George Santayana: The poet-philosopher in 1889 became the first Hispanic writer to receive a Ph.D. from Harvard. In 1927 he became the first U.S. Hispanic to be awarded the Gold Medal from the Royal Society of Literature in London.

Lucrezia Bori: She made her debut at the Metropolitan Opera in New York in 1912 and became an operatic diva. She led the effort credited with saving the Met during the Depression.

Esteban Bellan: In 1871, Bellan became the first Hispanic professional baseball player in the United States. He was a black Cuban. Around the turn of the 20th century, when blacks were no longer allowed to play in the majors, teams often had to prove the ''racial purity'' of Hispanic players. Hispanics from Vernon ''Lefty'' Gomez, to Juan Marichal, to Rod Carew, to Sammy Sosa have long played star roles in professional baseball.

Jim Plunkett: Of German, Irish and Mexican descent, Plunkett was the first Hispanic Heisman Trophy winner and the first to start as quarterback in the National Football League.

Desi Arnaz: The first Hispanic television star and a network broadcast pioneer, along with his wife Lucille Ball, created one of the most popular series of all times: ''I Love Lucy.''

The entertainment industry is packed with stars who either had names that were not Spanish or changed their names to mask their heritage during times of prejudice. Some are Raquel Welch, Rita Hayworth, Anthony Quinn, Joan Baez, Linda Ronstadt, Vicki Carr, Richie Valens, Mariah Carey and Freddy Fender. I had one friend, a Deadhead, who never realized that Jerry Garcia of the Grateful Dead was Hispanic until I told him.

The list could go on and on, but you get the picture.

One thing to remember, though: While it may be Hispanic Heritage Month, that heritage is being celebrated by Americans.

RECOGNITION OF THE GOVERNMENT OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. SMITH of New Hampshire. Mr. President, the evil acts perpetrated on September 11, which took thousands of innocent lives in New York, Washington, D.C. and Pennsylvania, have brought out the best and worst in man. In the days following the terrorist attacks on the United States, Americans gained a clearer picture of who our friends were by their sincere words and by their actions. In particular, I applaud the Government of the Republic of China on Taiwan which quickly offered its assistance, support, and strong condemnation of terrorism.

Recently, I learned that the Republic of China on Taiwan has canceled here in the United States what should have been a great day of celebration for the Taiwanese people living in this country. The Republic of China's National Day was to have been held today, October 10, in order to honor and remember those who perished in the September 11 attacks. I am touched by the Republic China's actions and their sympathy for the victims.

Despite continual attempts by the People's Republic of China politically and militarily to threaten the Republic of China on Taiwan, that island nation has remained committed to democracy and has matured into a prosperous nation. On Taiwan's National Day, I believe Taiwan needs a greater international presence, and I support that island nation's desire to share its resources and ideas. This can only be done through Taiwan's inclusion into international organizations. As we struggle to recover from the catastrophic events of September 11, 2001, let us always be mindful of who America's true allies and friends are.

HONORING DEFENSE INTELLIGENCE AGENCY EMPLOYEES WHO LOST THEIR LIVES

Mr. WARNER. Mr. President, I rise today to honor the memory of seven employees of the Defense Intelligence Agency who lost their lives in the horrific terrorist attacks that befell our Nation on the morning of September 11, 2001, and to pay tribute to the duty and sacrifice these citizens have rendered in service to their country. Today, Vice Admiral Thomas R. Wilson, Director, Defense Intelligence Agency, will preside over a memorial service at Bolling Air Force Base for these innocent victims of terrorism. As part of the ceremony, the names of these brave citizens will be added to DIA's Patriots Memorial at the Defense Intelligence Analysis Center at Bolling, joining other members of DIA who were killed in service to their Nation.

As I read the biographies of these fellow countrymen, I was struck by the picture they paint of our great Nation, young and old, ethnically diverse, two veterans, family men and women. They represent the very fabric of America and embody the American values of opportunity and freedom. They also represent the finest traditions of selfless service to family, community, and Nation to which we all aspire. We mourn with their families.

I now call the roll of those seven citizens, members of the Defense Intelligence Agency, who died, in service to their Nation at the Pentagon on September 11, 2001: Rosa Marie Chapa of Springfield, VA; Sondra N. Foster of Clinton, MD; Robert J. Hymel of Woodbridge, VA; Shelley A. Marshal of Marbury, MD; Patricia E. Michley of Springfield, VA; Charles E. Sabin of Burke, VA; and Karl W. Teepe of Centreville, VA.

Rosa M. Chapa served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Chapa began her civilian career with DIA on November 23, 1997 and served with the Federal Government for over 30 years. Ms. Chapa was responsible for ensuring that critical manpower information flowed smoothly to automated management systems. Ms. Chapa is survived by her husband, Jose Chapa, and five children, Roger, John, Elza, Gracie, and Julie.

Sandra N. Foster served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Foster began her civilian career with DIA on August 27, 1978. Ms. Foster was responsible for conducting analysis and evaluations of the manpower and functional implications of plans and programs, and developing and executing complex resource management activities. Ms. Foster is survived by her husband, Kenneth Foster.

Robert J. Hymel served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Mr. Hymel began his civilian career with DIA on March 7, 1994 after retiring from the Air Force with over 23 years of active duty service. Mr. Hymel was responsible for DIA joint manpower issues that focused on military human intelligence management and organization. Mr. Hymel is survived by his wife, Pat Hymel and daughter, Natalie Connors.

Shelley A. Marshall served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Marshall began her civilian career with DIA on June 6, 1987. Ms. Marshall was responsible for budget formulation, budget execution, and preparing agency budget plans. Ms. Marshall is survived by her husband, Donn E. Marshall, and two children, Drake and Chandler.

Patricia A. Mickley served as a Senior Financial Resources Manager in the Office of the Comptroller, Deputy Comptroller for Program and Budget. Ms. Mickley began her civilian career

with DIA on August 2, 1998 after working as a Budget Analyst for the Department of the Air Force since 1980. Ms. Mickley was responsible for the development, presentation, and execution of detailed budget estimates with a primary focus on infrastructure financial management and the program/ budget interaction process. Ms. Mickley is survived by her husband, Joseph R. Mickley, and daughter, Marie.

Charles ''Chuck'' E. Sabin was a Senior Financial Resources Expert in DIA's Comptroller's office. Mr. Sabin started his career with DIA in August 1981 as an Accountant in the Financial Policy and Accounting Division, Comptroller. He was selected as a Defense Intelligence Senior Level in August 1999. Prior to arriving at DIA, he served several years with the Department of Army. He served for 31 years in Federal service. Mr. Sabin is survived by two sons, Charles E. Sabin Jr. and Paul Sabin.

Karl W. Teepe served as a Senior Financial Resources Manager in the Office of the Comptroller, Deputy Comptroller for Program and Budget. Mr. Teepe began his civilian career with DIA on September 3, 1991 after retiring from the Army with over 20 years of active duty service. Mr. Teepe was responsible for the development of the General Defense Intelligence Program budget. Mr. Teepe is survived by his wife, Donna, and his children, Adam and Wendy.

One cannot help but be moved by the tragedy that befell these victims and their families, as well as the thousands of others who suffered as a result of these despicable acts of terror at the Pentagon and the World Trade Center in New York. They all went about their daily lives that day, striving to have an honorable, decent life and toiling to provide for their families, their communities, and their country, each in their own way. None expected or deserved to experience the senseless terror that intruded upon our Nation on September 11.

There is an imperative that emerges from this tragedy. These brave men and women of the Defense Intelligence Agency, and their compatriots that also perished that day, must not be forgotten and must not have died in vain. Today, their names are engraved on a DIA memorial to courage and service. Today also, our Nation is united in purpose as seldom before in its history to rid the world of terrorism. It is a noble cause, destined for success, largely because these tragic losses have awakened a sense of justice and decency in our Nation and amongst civilized peoples around the world.

On behalf of a mournful, but grateful Nation, I extend heartfelt condolences to the families and loved ones of those lost, so tragically, on September 11. Together, we celebrate lives lived well and honorably. Together we mourn lives ended prematurely and families devastated by loss and grief. Together we unite to remember and muster the resolve to ensure, never again.

THE REPUBLIC OF CHINA'S NATIONAL DAY

Mr. JOHNSON. Mr. President, I rise today to thank President Chen Shui-bian of the Republic of China for his country's support of the United States in the aftermath of the September 11 attack on America. President Chen Shui-bian expressed his condolences to the American people and condemned the terrorist acts as shameful and cowardly. In a show of unity and shared mourning over this tragic event, President Chen Shui-bian ordered all government flags be flown at half mast for two days and asked all government offices in the United States to cancel their National Day celebrations.

Taiwan was one of the first countries to declare its unequivocal support and cooperation with the United States. Taiwan has also offered its resources to help in the worldwide fight against terrorism.

During this time of rebuilding and remembrance, it is important to recognize that Taiwan will be marking its National Day on October 10. The Republic of China on Taiwan is a true democracy which guarantees all the political freedom and civil liberty to its people. In addition, Taiwan is one of the most important economic players in the world. Despite its small population of 23 million people, Taiwan has financial resources surpassing those of many Western countries.

There are many challenges facing Taiwan and America. The United States must continue to encourage productive dialogue between Taiwan and the Chinese mainland to promote peace and security in the region. At the same time, Taiwan must be allowed to participate in international organizations that allow Taiwan's success to be emulated around the world. On Taiwan's National Day, I hope Taiwan and the Chinese mainland will one day be reunited under principles of freedom and democracy, thus leading to lasting stability and prosperity in the Asian Pacific Region.

CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS

Mr. BINGAMAN. Mr. President, I rise today in strong support of Senate Concurrent Resolution 74, legislation that explicitly condemns the bigotry and violence against Sikh-Americans that has originated as a result of the September 11, 2001 terrorist attacks on Washington, D.C. and New York City.

Let me begin by saying that I am deeply disturbed that such a resolution has to be introduced in our country. For more than 200 years America has treasured the freedoms held in the Constitution and the Bill of Rights, including the right of Americans to pursue the religion of their choice. Throughout those years, America has attracted individuals from around the world who found refuge from persecution for their religious beliefs. Sikh-Americans have made America their home for over one hundred years, and in that time they have significantly contributed to the vitality, prosperity, and harmony of the communities in which they live.

In the time that has passed since September 11, Sikh-Americans have been vocal in their support for Americans, both for those that lost their lives in the attack and those that now risk their lives in their attempt to bring to justice those that are responsible. But sadly, Sikh-Americans have been among the initial and repeated victims of hate crimes in the United States since the attacks, and they continue to suffer daily from actual violence and threats of violence. This comes in spite of unambiguous remarks by President Bush and Attorney General Ashcroft that any inappropriate activity emanating from either religious or ethnic intolerance would be prosecuted to the fullest extent of the law. It is distasteful to me that in our search for terrorist schemes, necessary though it is, some Americans have looked toward the most convenient and conspicuous available target to blame, that being individuals of Middle Eastern or South Asian descent whose appearance is considered different than the norm. As we learn more and more of the origins of these radical religious movements, it is important that we refrain from painting all religions and ethnicities with a very broad and indiscriminate brush. Although radical religious movements may share the name of a major religion, they clearly obfuscate the basic tenets and purposes of these religions, especially those related to tolerance, understanding, and peace.

In my own State of New Mexico, I am proud to say we have a large, energetic, and engaged Sikh-American population. They live throughout my State and contribute significantly to the professional, economic, and spiritual vitality of the communities in which they live. The jobs that they hold, whether they are doctors, lawyers, engineers, businessmen, educators, or social service providers, are essential to the social and economic welfare of the people in New Mexico. They always have been, and always will be, an integral part of their communities, and, accordingly, they have been treated in a manner that reflects their position in my State as friends, neighbors, and colleagues. That treatment should continue today, tomorrow, and in the future.

Over the years, Sikh-Americans have done much to make New Mexico a better place to live. They have created the 3HO Foundation, a non-profit organization dedicated to the service and teaching of the science of Yoga and mediation. The organization has served in a consultative manner to the Economic and Social Council of the United Nations since 1994. Sikh-Americans sponsor the International Peace Prayer Day, part of their effort to recognize

all human beings as equals and to establish egalitarian and democratic societies across the world. They contribute to charitable organizations and establish businesses that have as their foremost motivation the distribution of products and assistance to those in need. Sikh-Americans are an asset to New Mexico in every way.

The resolution introduced by Senator DURBIN and co-sponsored by myself and many other colleagues states in unequivocal terms that: 1. bigotry and any acts of violence or discrimination against any American, including Sikh-Americans should be condemned; 2. the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected; 3. local and Federal law enforcement authorities should work to prevent hate crimes against all Americans, including Sikh-Americans, and; 4. local and Federal law enforcement authorities should prosecute to the fullest extent of the law all those who commit hate crimes, including those against Sikh-Americans.

I support this legislation in the strongest possible manner and I state in the strongest possible terms that the kind of violence Sikh-Americans have suffered from since the September 11 attack must stop. Furthermore, I ask local, State, and Federal law enforcement to re-double their efforts to prevent these abhorrent actions and prosecute perpetrators of such actions to the full extent of the law. We need to make it clear that acts of violence against other religions and ethnicities as a means of exacting revenge for the recent terrorist attacks are unacceptable and will not be tolerated in this country.

America has long been a beacon of freedom and tolerance in the international system, but it goes without saying that it suffers in stature when the civil rights of Sikh-Americans, as well as Americans of Muslim, Hindu, or other religious persuasion, come under open attack. In my view, these individual abuses are not indicative of the people we as Americans are, nor are they reflective of the society that we aspire to be. But they have a cost and we cannot ignore them. It is time that we acknowledge the contemptuous behavior that is occurring, unite as a country in our universal condemnation of hate crimes of any type, and censure it to the fullest extent of the law.

There is no doubt that we are in a difficult moment in our country's history and we must take extraordinary steps to prevent further injuries and loss of life. But even now we need to take care to not abandon the principles and the spirit of our Constitution and the Bill of Rights. Indeed, it is my hope that we use these unfortunate circumstances as an opportunity to move forward with an even more sincere and collective commitment to the ideals that have made this Nation so great.

FISCAL YEAR 2002 NATIONAL DEFENSE AUTHORIZATION ACT

Mr. DODD. Mr. President, I would like to take some time to comment on the passage of the fiscal year 2002 National Defense Authorization Act that passed the Senate last week by a vote of 99 to 0. The annual process of authorizing funding for our nation's armed forces and defense activities is always a grave and important matter with profound implications for our national defense and global security. In light of the recent and vicious terrorist attacks on the symbols of our financial and military power and the murder of thousands of innocent Americans, this process has become even more significant.

To that end, it is entirely appropriate and necessary that a major focus of this legislation is combating international terrorism and other asymmetric threats such as terrorism involving weapons of mass destruction, including the use of nuclear, biological, or chemical weapons. In my view, we ought to redouble our efforts and remain vigilant in our counterterrorism activities to prevent these tragedies from occurring and to deter those who contemplate such acts of barbarism. The fiscal year 2002 National Defense Authorization Act takes a number of important steps in thwarting terrorism. It authorizes $5.6 billion to deter and defend against the threat of terrorism—an increase of $1.0 billion over fiscal year 2001 levels. Specifically, it increases funding by $217.2 million to the Department of Defense's Combating Terrorism Initiative—which is aimed at defending and responding to the use of weapons of mass destruction. Another important initiative includes a $10 million increase to the Chairman of the Joint Chiefs of Staff's Combating Terrorism Readiness Initiative Fund which targets and identifies emerging threats from terrorist organizations and funds vital counterterrorism activities and training by our nation's armed forces.

This legislation also continues our efforts to cease the proliferation of weapons of mass destruction. In particular, this legislation authorizes $403.0 million for the Nunn-Lugar Cooperative Threat Reduction program which has successfully helped destroy and dismantle more than 5,000 nuclear warheads and more than 1,000 nuclear missiles in the former Soviet Union. One of the most critically important and innovative provisions of the Nunn-Lugar program—the Initiatives for Proliferation Prevention program—has helped prevent Russian scientists from exporting their knowledge of nuclear weapons or other weapons of mass destruction to rogue states.

Chairman LEVIN and Ranking Member WARNER deserve to be commended for their efforts to find agreement on the missile defense issue. Provisions that would have sought to prevent the Administration from engaging in activities that would have violated the 1972 Anti-Ballistic Missile Treaty were dropped from the bill as part of the compromise reached by Chairman LEVIN and Senator WARNER. Chairman LEVIN has indicated that these provisions—which have important implications for our national security—will be considered as a stand-alone bill at a later time. In addition, $1.3 billion in funding that was cut from the President's missile defense budget request and targeted toward counterterrorism activities will be used to fund—at the discretion of the President—missile defense activities or counterterrorism activities.

Certainly, we ought to do all we can—especially in light of the terrorist attack—to protect our nation from all threats, including ballistic missiles. I support the testing and development of a limited national missile defense system, so long as it is consistent with international arms control treaties and enhances global security. However, the unilateral abrogation of the 1972 ABM Treaty by the United States would be highly destabilizing, in my view, and could expedite China's nuclear modernization plans. It could also fuel an international arms race between India and Pakistan, which is not in any nation's interest. I hope that we can continue to debate these important issues that have profound implications for our nation's defense and foreign policy.

The fiscal year 2002 National Defense Authorization provides $343.5 billion in funding for vital national security activities of the Department of Defense and certain nuclear non-proliferation programs of the Department of Energy. All in all, this legislation represents an increase of $32.9 billion—a 10 percent increase over last year's levels and represents the largest increase in defense spending since the mid-1980s. Much of the funding increases are targeted, rightfully so, to the men and women who serve in the armed forces, including: increases in compensation to improve the quality of life of U.S. forces and their families; increasing military pay; and increasing housing allowances and educational benefits.

This legislation also includes a provision authorizing the Administration to consider and possibly recommend an additional round of base closures and realignments, BRAC, in 2003. It authorizes the Secretary of Defense—in consultation with Congress—to appoint members to a bipartisan commission tasked with making recommendations on the closure and realignment of military facilities. Their recommendations would come before the President—en masse—who would either approve or disapprove of the commission's report. If the President agrees with the commission's recommendations, Congress would have an up-or-down vote on the entire list of recommendations.

Since 1995, I have voted against additional rounds of base closures because I felt it was premature to authorize them without knowing the full effect, costs, and savings associated with previous rounds. It has now been six years

since the last round of base closures were authorized, and Secretary Rumsfeld has strongly supported an additional round of closures to free up funding for the modernization and transformation of our nation's armed forces to meet the security challenges of the 21st century. The Department of Defense has estimated savings of $14 billion dollars from previous rounds of base closures and has maintained that the U.S. armed forces has 20 to 25 percent excess capacity resulting from too many military bases. While we ought do all we can to streamline and improve the efficiency of our nation's armed forces, I believe we should be very careful and judicious about the closing of miliary bases. After all, once a military base is closed, it will most likely be gone forever. My home state of Connecticut has been particularly affected by previous rounds, and I believe that decisions to close military facilities must be done with the utmost care that is consistent with our national security needs. While I support the provision in this legislation to authorize an additional round of closures, it does not necessarily mean that I will agree with the recommendations. I will reserve judgment on the merits of their recommendations if and when the commission's report is completed.

Overall, this legislation includes vital increases in military readiness and preparedness, and represents an important first step toward modernizing and transforming the military to meet the security challenges of the 21st century. To that end, I am very pleased that this legislation recognizes and rewards the ingenuity and technological acumen of Connecticut's highly skilled workforce, defense and aerospace firms, and contractors.

Increases in funding for the procurement of Sirkorsky Black Hawk UH–60 helicopters reflect the critical importance that this aircraft holds for the Army, Navy, Army National Guard, and Army Reserve. This legislation authorizes funding for 10 additional UH–60 Black Hawk helicopters for the Army National Guard—addressing a critical funding shortfall by meeting the Guard's number one unfunded priority. These high-quality, technologically advanced, utility helicopters provide critical functions for the nation's armed forces, and this legislation recognizes their importance to our national defense.

This legislation also provides $2.2 billion for the production of a new Virginia-class submarine by Electric Boat in Groton, Connecticut and authorizes $684 million in advanced procurement for two new attack submarines in fiscal year 2003 and 2004. This will allow Electric Boat to produce these state-of-the-art attack submarines in the most efficient and economical manner possible. The advanced funding also increases the likelihood of increasing submarine production in the near future—perhaps by 2006—which is a critical component of meeting long-range defense needs. Finally, this legislation authorizes $440 million for the SSGN Trident conversion program, which will allow the U.S. Navy to convert four Ohio-class submarines to fire conventional Tomahawk missiles and perform special and covert operations. These submarines have 22 years of hull life left, and converting these submarines will provide the U.S. Navy with invaluable stealth capability and fire power. I am pleased that much of the work for converting these submarines will be performed by talented, diligent workers in Southeastern Connecticut.

This legislation funds many weapons programs that will play a critical role in our national defense in the near future, including the F–22, the Joint Strike Fighter, and the Comanche helicopter. For the near term, this legislation also provides funding to upgrade the engines of the aging fleet of F–15s and F–16s.

Joint STARS—the highly sophisticated and technologically advanced radar surveillance aircraft system—is fully funded at $283.2 million with $46 million in advanced procurement of an additional Joint STARS platform in the future. This advanced radar system is manufactured at Northrop Grumman's Norden facility in Norwalk, Connecticut. Theater Commanders-in-Chief have consistently articulated the need for additional Joint STARS aircraft, and these platforms have historically provided vital surveillance and reconnaissance functions in the Persian Gulf, Bosnia, and Kosovo.

I would also like to mention some other important programs authorized under this legislation. Funding for fifteen C–17 transport airplanes—powered by Pratt & Whitney F117 jet engines—is provided under this bill for a total of $3.5 billion. In addition, funding for aircraft training systems for the U.S. Navy—also powered by Pratt & Whitney engines—is authorized for an additional $44.6 million dollars above the President's request. And, $4.5 million is provided for important military research projects conducted at the University of Connecticut in the area of medical vaccines and fuel cells.

Finally, Mr. President, I would like to address two amendments that I planned on offering to the FY 2002 National Defense Authorization bill. The first amendment—which was adopted unanimously by voice vote—authorizes funding for the FIRE Act through fiscal year 2004. This critically important program provides federal grant funding for professional and volunteer fire departments to hire firefighters, purchase equipment, and invest in training. The tragic events of September 11, 2001, only serves to underscore the critical role that the brave men and women of fire and emergency response departments play in protecting and saving lives.

This amendment addresses a major funding shortfall for training and equipment for our local fire departments. Last year, while Congress appropriated $100 million in grant funding under the FIRE Act, local fire departments submitted nearly $3 billion in grant requests. This represents nearly $2.8 billion worth of unfunded requests under the FIRE Act program. My amendment addresses this funding shortfall by authorizing up to $600 million in fiscal year 2002, up to $800 million in fiscal year 2003, and up to $1 billion in fiscal year 2004 to meet the burgeoning demands of local fire departments as they seek to protect communities and save lives.

I also filed an amendment on the critically important issue of election reform. The National Defense Authorization bill included requirements for state and local election officials to meet with regard to voting by military and overseas voters. While I strongly support the voting rights provisions included in the National Defense Authorization bill, I would like to see these issues addressed in a more comprehensive and meaningful way. I have authored legislation, S. 565, the Equal Protection of Voting Rights Act—which passed the Senate Rules Committee by a vote of 10 to 0—that would accomplish this by ensuring that basic, federal standards to secure the right to vote in federal elections are provided to all eligible American voters. In order to accomplish this in an expedited fashion, I planned to offer my election reform bill as an amendment to the National Defense Authorization bill in the hope that this would spur action to enact meaningful, comprehensive election reform into law before Congress adjourns for the year.

However, in lieu of offering that amendment and in order to facilitate swift enactment of the defense bill, I included language in a bipartisan amendment—offered by Senator ALLARD—which recognizes the need to ensure that all eligible voters have their vote counted. Specifically, this sense-of-the-Senate language states that each election administrator of a Federal, State, or local election should ensure that 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. While this represents an important step forward, I will continue to diligently work toward passing meaningful and comprehensive election reform legislation during this session of Congress.

As our nation embarks on what promises to be a long and difficult war against terrorism, our nation's armed services will need the full support and resources of the government and the American people. The fiscal year 2002 National Defense Authorization bill represents the first step toward providing the men and women of the armed forces with the resources they need to succeed in this endeavor, and I strongly support its passage.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 27, 2001 at Kent State University, OH. Mikell Nagy, an openly gay university student, was eating breakfast with friends when he heard someone make an anti-gay comment toward another friend across the room. He went over to see if the friend was okay. The next thing he knew, a man walked up behind him, called him a ''faggot'' and punched him in the face. According to witnesses, blood was pouring from cuts above his left eye. His two front teeth were chipped in the incident and his right cheek stayed swollen for over a week. The incident resulted in an on-campus rally against hate crimes.

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.

WORLD POPULATION AWARENESS

Mr. EDWARDS. Mr. President, in July of this year, Governor Mike Easley of my State of North Carolina, issued a proclamation designating the week of October 21–27, 2001 as ''World Population Awareness Week.'' The proclamation draws attention to the serious issues associated with rapid population growth and urbanization, including infrastructure, pollution, transportation, health, sanitation, and public safety problems. I join Governor Easley in his recognition of World Population Awareness Week. I ask unanimous consent to have his proclamation printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROCLAMATION DESIGNATING WORLD POPULATION AWARENESS WEEK BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

Whereas, the world population stands today at more than 6.1 billion and increases by some one billion every 13 years; and

Whereas, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas, cities and urban areas today occupy only 2 percent of the earth's land, but contain 50 percent of its population and consume 75 percent of its resources; and

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas, along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and

Whereas, in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens; and

Whereas, the theme of World Population Awareness Week in 2001 is ''Population and the Urban Future'';

Now, therefore, I Michael F. Easley, Governor of the State of North Carolina, do hereby proclaim October 21–27, 2001, as ''World Population Awareness Week'' in North Carolina, and commend this observance to all our citizens.

GREECE'S SUPPORT OF THE UNITED STATES

Mr. JOHNSON. Mr. President, I rise today to thank Prime Minister of Greece Costas Simitis and President of Greece Kostis Stephanopoulos for their country's support of the United States in the aftermath of the September 11 attack on America. Prime Minister Simitis declared Greece's solidarity to the American people, and President Stephanopoulos expressed absolute condemnation of the attacks.

Greece once again came to the side of its NATO ally, the United States, by fully committing its resources to combat and eradicate terrorism. Greece's solidarity reflects longstanding historical, political, and cultural ties based on a common heritage and shared democratic values. This solidarity is further evidenced by the fact that Greece is one of only seven allies to join the United States in every major conflict in the 20th century.

The start of the 21st century poses new challenges for the United States and Greece. International terrorism attempts to undermine democracy and triumph over peace. I am pleased that Greeks and Americans stand shoulder to shoulder with freedom-loving people around the world in a united effort against the forces of terror.

ADDITIONAL STATEMENTS

TRIBUTE TO MARGARET GODFREY

• Mr. SMITH of Oregon. Mr. President, on behalf of countless thousands who have better lives because of her, I rise to pay tribute to an outstanding Oregonian: Margaret Godfrey. On November 2, 2001, Margaret Godfrey will be formally recognized for her life's work in the field of immigration.

Margaret Pellischek was born in Austria in 1928 and soon exhibited a talent for art and learning the English language. Margaret was 17 when World War II ended and was hired by the British to act as a liaison between the community and the British zone of occupied Austria. Given her excellent command of English, Margaret also worked with refugees to obtain military intelligence information.

Margaret continued her work with refugees and began assisting the United Nations and International Refugee Organization with the resettlement of almost 22 million ''displaced persons.'' This event began a five decade career in helping the world's refugees.

Margaret Pellischek met John Godfrey in 1952 and they were married on July 18, 1953. She arrived in the United States on November 1, 1953 and immediately continued her refugee work. Mrs. Godfrey, as she became known in Oregon, worked with Catholic Charities to resettle refugees from Indonesia, Uganda, Czechoslovakia, and Southeast Asia. In 1978, she left Catholic Charities and joined Reverend Father Francis Kennard in founding the Immigration Counseling Service.

Since 1953, Margaret Godfrey has devoted her life to helping those who have fled poverty, persecution, war, and political unrest. She has affected countless thousands of lives and I am humbled by her dedication to public service. Margaret Godfrey cannot sit in a restaurant, walk into a hotel, or ride a bus without someone pausing to thank her.

Oregon is truly grateful for her work and her contribution to our community. The author Alice Tyler once wrote, ''Some people come into our lives and leave footprints on our heart.'' Margaret Godfrey has left her footprints on all our hearts, and we are deeply indebted.•

TRIBUTE TO BEA GADDY

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Mrs. Bea Gaddy—a great lady whose mission was to improve the lives of our poorest citizens.

Bea Gaddy was a legend in Baltimore. Her life was one of service to the poor. She worked tirelessly to provide food, housing, opportunity—and hope—to Baltimore's neediest citizens. She transformed her home in East Baltimore into the Patterson Park Emergency Food Center. She worked tirelessly to provide housing to the homeless. She worked to improve education and housing. She even made sure children had presents at Christmas. Thousands of people reached out to her for help. She helped them all—and she did it with compassion and respect.

Mrs. Gaddy's Thanksgiving dinners are legendary—providing dinner to as many as 20,000 people. She showed us all that the best way to show thankfulness for the blessings of life was to share these blessings with others.

She knew what is was like to be hungry, and to not have enough money to pay for heat. Because she knew what it felt like to be poor—she knew how to help people to help themselves.

I can't imagine Baltimore without her. Yet my hope is that she has taught so many people what it means to care—that her work will continue.

Mrs. Gaddy received a lot of honors—including the ''Marylander of the

Year,'' and one of former President Bush's ''Thousand Points of Light.'' Mrs. Gaddy certainly deserved these honors—but what mattered more to her was that these honors helped her to help even more people.

Mrs. Gaddy's passing is a great loss—but her life was a triumph. My thoughts and prayers are with her many friends and family—and with the many people whose lives she touched.●

A TRIBUTE TO ''WOMEN OF INFLUENCE''

● Mr. HARKIN. Mr. President, I come to the floor today to recognize ten outstanding women in business who have been honored by the Des Moines Business Record as ''Women of Influence.''

Each in their own way, these women have left a positive mark in the Iowa business world and Iowa as a whole. More than 100 women were nominated for this honor and the selections were made based on lifetime achievements in the workplace and in the community.

I wanted to take a few minutes to recognize a group of women who have recently been honored for their years of leadership in the Greater Des Moines area. They are: Mary Bontrager, executive vice president of the Greater Des Moines Partnership; Joyce Chapman, senior vice president of West Des Moines Bank; Angela Connolly, Polk County Supervisor; Christine Hensley, Des Moines City Councilwoman; Elizabeth Jacobs, state legislator and, assistant director of corporate relations to the Principle Financial Group; Jerilee M. Mace, executive director of the Des Moines Opera; Dr. Sheila McGuire Riggs, executive director of the Wellmark Foundation; Dr. Rizwan Z. Shah, medical director of the Child Abuse Program at Blank Children's Hospital; Margaret Swanson, 50-year volunteer and philanthropist; Margaret Toomey, activist for youths living in poverty, community college teacher and former executive director of the Oakridge Neighborhood, a private nonprofit subsidized housing community.

I congratulate each of them on this notable achievement. In addition to their specific accomplishments, each of these women serve as an inspiration to young women in Iowa who hope to achieve great heights in business and in the community. I applaud Connie Wimer and the Des Moines Business Record for recognizing their outstanding contributions. These women are an integral part of the strength of Iowa's community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1749. An act to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building.''

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 19. A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has agreed to the following concurrent resolutions, in which it request the concurrence of the Senate:

H. Con. Res. 90. A concurrent resolution authorizing the printing of a revised and updated version of the House document entitled ''Hispanic Americans in Congress.''

H. Con. Res. 130. A concurrent resolution authorizing printing of the book entitled ''Asian and Pacific Islander Americans in Congress.''

H. Con. Res. 244. A concurrent resolution authorizing the printing of a revised edition of the publication entitled ''Our Flag.''

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 67. A concurrent resolution permitting the chairman of the Committee on Rules and Administration of the Senate to designate another member of the committee to serve on the Joint Committee on Printing in place of the chairman.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 179. An act to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 90. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled ''Hispanic Americans in Congress''; to the committee on Rules and Administration.

H. Con. Res. 130. Concurrent resolution authorizing printing of the book entitled ''Asian and Pacific Islander Americans in Congress''; to the committee on Rules and Administration.

H. Con. Res. 224. Concurrent resolution expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizens is encouraged to display the flag of the United States; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4354. A communication from the Director of the Office of Regulations Management, Board of Veterans Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans Appeals: Rules of Practice—Time for Filing Substantive Appeal'' (RIN2900–AK54) received on October 4, 2001; to the Committee on Veterans' Affairs.

EC–4355. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Delegation of the Adjudication of Certain Temporary Agricultural Worker (H–2A) Petitions, Appellate and Revocation Authority for Those Petitions to the Secretary of Labor; Delay Effective Date'' (RIN1115–AF29) received on October 4, 2001; to the Committee on the Judiciary.

EC–4356. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation relative to amend Title XXVIII of the Act of October 30, 1992, in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Energy and Natural Resources.

EC–4357. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona-Maricopa Nonattainment Area; PM–10'' (FRL7063–1) received on October 5, 2001; to the Committee on Environment and Public Works.

EC–4358. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators (HMIWIs); State of Missouri'' (FRL7078–8) received on October 5, 2001; to the Committee on Environment and Public Works.

EC–4359. A communication from the Acting Commissioner of Social Security, transmitting, a draft of proposed legislation entitled ''Ticket to Work and Work Incentives Improvement Act Amendments of 2001''; to the Committee on Finance.

EC–4360. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final TEFRA regs'' (RIN1545–AW86) received on October 3, 2001; to the Committee on Finance.

EC–4361. A communication from the Regulations Coordinator, Office of Financial Management, Department of Health and Human

Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Civil Money Penalties, Assessments and Revised Sanction Authorities'' (RIN0938–AK49) received on October 4, 2001; to the Committee on Finance.

EC–4362. A communication from the Administrator of the General Service Administration, transmitting, a report of additional lease prospectuses that support the General Services Administration Fiscal Year 2002 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–4363. A communication from the Deputy Administrator of the General Service Administration, transmitting a report of a Build Project Survey for Toledo, OH; to the Committee on Environment and Public Works.

EC–4364. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Health Affairs, received on October 5, 2001; to the Committee on Armed Services.

EC–4365. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on October 5, 2001; to the Committee on Armed Services.

EC–4366. A communication from the Special Assistant, White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Civil Rights, Department of Education, received on October 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4367. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''FDA Export and Import Fee Act of 2001''; to the Committee on Health, Education, Labor, and Pensions.

EC–4368. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 1B for Fiscal Years 1999 and 2000''; to the Committee on Governmental Affairs.

EC–4369. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report on Commercial Activities Inventory for 2001; to the Committee on Governmental Affairs.

EC–4370. A communication from the Deputy Independent Counsel, transmitting, pursuant to law, a report on audit and investigative activities and management controls for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–4371. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report of Orders and Resolutions dated September 26, 2001; to the Committee on Governmental Affairs.

EC–4372. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, a report of commercial activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–4373. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report of commercial activities for 2001; to the Committee on Governmental Affairs.

EC–4374. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a notice of additions to the Procurement List, received on October 4, 2001; to the Committee on Governmental Affairs.

EC–4375. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a notice of additions to the Procurement List, received on October 4, 2001; to the Committee on Governmental Affairs.

EC–4376. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4377. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment sold under contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC–4378. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–4379. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of North Korea; to the Committee on Foreign Relations.

EC–4380. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4381. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4382. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4383. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense services involving the manufacture abroad of significant military equipment to the United Kingdom and France; to the Committee on Foreign Relations.

EC–4384. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4385. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4386. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed manufacturing license agreement with South Korea; to the Committee on Foreign Relations.

EC–4387. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada, France, and Germany; to the Committee on Foreign Relations.

EC–4388. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Foreign Service Act of 1980; to the Committee on Foreign Relations.

EC–4389. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada, France, and Germany; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1188: A bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes. (Rept. No. 107–80).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 166: A resolution designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as ''National Childhood Lead Poisoning Prevention Week.''

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. CONRAD (for himself, Mr. LIEBERMAN, and Mr. DOMENICI):

S. 1522. A bill to support community-based group homes for young mothers and their children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1523. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mr. DODD:

S. 1524. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the yacht EXCELLENCE III; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself, Mrs. BOXER, Mr. BURNS, Mr. GREGG, and Mr. WARNER):

S. 1525. A bill to extend the moratorium on the imposition of taxes on the Internet for an additional 5 years; to the Committee on Commerce, Science, and Transportation.

By Mr. CLELAND:

S. 1526. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself and Mr. JOHNSON):

S. 1527. A bill to amend the Food Security Act of 1985 to extend and improve the environmental quality incentive program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself and Mr. SMITH of Oregon):

S. 1528. A bill to improve the safety and security of rail transportation; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 1529. A bill to direct the Assistant to the President for Homeland Security to establish the National Energy Infrastructure Security Program; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. DOMENICI, Mr. CLELAND, Mr. BENNETT, Mrs. MURRAY, Mr. BOND, Mr. DORGAN, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. BUNNING, Mr. AKAKA, Mr. BURNS, Ms. LANDRIEU, Mr. CAMPBELL, Mr. KOHL, Mr. COCHRAN, Mr. CONRAD, Ms. COLLINS, Mr. BINGAMAN, Mr. DEWINE, Mrs. CARNAHAN, Mr. ENSIGN, Mr. KENNEDY, Mr. ENZI, Mr. BIDEN, Mr. FITZGERALD, Mr. EDWARDS, Mr. FRIST, Mr. REID, Mr. HAGEL, Ms. MIKULSKI, Mr. HELMS, Mr. ROCKEFELLER, Mr. HUTCHINSON, Mr. BREAUX, Mr. INHOFE, Mr. JOHNSON, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. FEINGOLD, Mr. STEVENS, Mr. JEFFORDS, Mr. THOMAS, Mr. THURMOND, and Mr. VOINOVICH):

S. Con. Res. 78. A concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. HATCH, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor 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.

S. 745

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 745, a bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

S. 938

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 938, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 1176

At the request of Mr. VOINOVICH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1176, a bill to strengthen research conducted by the Environmental Protection Agency, and for other purposes.

S. 1290

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1290, a bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1456

At the request of Mr. BENNETT, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Nevada (Mr. ENSIGN), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. SCHUMER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1456, a bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes.

S. 1490

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1490, a bill to establish terrorist lookout committees in each United States Embassy.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1503

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1503, a bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. LIEBERMAN, and Mr. DOMENICI):

S. 1522. A bill to support community-based group homes for young mothers and their children; to the Committee on Health, Education, Labor, and Pensions.

Mr. CONRAD. Mr. President, I am pleased to be joined by Senators LIEBERMAN AND DOMENICI in introducing the Second Chance Homes Promotion Act. This legislation would provide needed resources to expand and improve the availability of community-based, adult-supervised group homes for unmarried teenage mothers and their babies.

Although rates of teenage pregnancy in the United States have dropped in recent years, they remain higher than most industrialized nations. Today, four in 10 young women become pregnant at least once before entering adulthood. Teenage parents are less likely to graduate from school and more likely to end up on public assistance than other adolescents. Also, children born to teenage mothers tend to fare more poorly in school, are less likely to receive needed health care services, and are at greater risk for abuse and neglect. ''Second Chance Homes'' help improve this situation by providing teen parents with a safe, nurturing environment where they can receive guidance in parenting, child development, budgeting, health and nutrition.

The welfare reform legislation enacted in 1996 requires that minor teens live with an adult in order to receive welfare benefits. During debate on this legislation, I worked with Senator LIEBERMAN and others to allow second chance homes to qualify as an alternative residence for teenage parents who may be at risk for abuse, neglect or other serious problems in their home. Since this time, we have learned that teenagers who were provided the opportunity to live in second chance homes are more likely to continue their education or receive job training, less likely to have a second teenage pregnancy, and more likely to find gainful employment that allows them to leave the welfare rolls. I strongly believe these are promising results.

Unfortunately, not all teenage parents who might benefit from second chance homes have access to these residences. Today, there are approximately 100 second chance homes nationwide, located in only six States. This legislation would provide resources for improving the homes that already exist and creating additional homes where none exist, particularly in tribal and rural communities where there may be fewer options for teenage parents and their babies to receive the assistance they need. Finally, this legislation would provide resources that can be used to conduct further evaluations on the quality and effectiveness of second chance homes. It is my hope others will join us in supporting this important effort.

Mr. LIEBERMAN. Mr. President, I rise today to join Senators CONRAD and DOMENICI to introduce the Second Chance Homes Promotion Act of 2001. This legislation will promote the expansion of Second Chance Homes for parenting teenagers and provide needed resources for this innovative and accomplished program.

The United States has the highest rate of teen pregnancy and births in the Western industrialized world. This costs the country at least $7 billion annually. Four in 10 young women become pregnant at least once before they reach the age of 20, nearly one million a year. Teen mothers are less likely to complete high school, and more likely to end up on welfare. The children of teenage mothers have lower birth weights, are more likely to perform poorly in school, and are at greater risk of abuse and neglect. But we know we can do something about this. Second Chance Homes are an essential tool to improve the life chances of these teenagers.

In the 1996 welfare reform legislation, I worked to develop the concept of Second Chance Homes as an alternative for minor teen parents required by that law to live at home or under adult supervision. Welfare reform required states to provide or assist teen mothers in locating a second chance home, maternity home, or other supportive living arrangement if they cannot live at home because of abuse, neglect or other reasons.

Since 1996, these homes have produced notable and promising results: fewer second pregnancies, slightly higher adoption rates, less child abuse, better maternal and child health, dramatically increased school completion rates, higher employment rates, reduced welfare dependency. Clearly these are successes we want to replicate.

Currently only six States have networks of Second Chance Homes. This bill will provide resources to expand the number of Second Chance Homes across the country to continue these encouraging trends and assist these young mothers to the brightest future they can have.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor legislation with Senators LIEBERMAN and CONRAD that will help to address a very serious problem facing our Nation. The rise of teenage pregnancy has many implications for American society in terms of educational and employment opportunities, economic self-sufficiency, children's health, and child abuse and crime prevention. For example, many teenage mothers find that their educational and vocational opportunities are severely limited. In fact, only one-third of teenage mothers complete high school and receive their diploma. Furthermore, teenage pregnancy has been linked with increases in child abuse and criminal activity. But, perhaps most disturbing is the fact that daughters of teenage mothers are 22 percent more likely to become teenage mothers themselves, thus creating a self-perpetuating cycle from generation to generation.

It is clear that these problems will only continue unless we address the issue of teenage pregnancy. This is an especially critical issue, because the United States has the highest rates of teenage pregnancy in the western industrialized world. I believe that this legislation will help to address these concerns. One of the ideas endorsed by Congress in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was the concept of second chance homes. Second chance homes are an option for many teenage mothers who are required by the 1996 act to live at home or under adult supervision. These homes provide both living arrangements and educational opportunities for young mothers.

Second chance homes have been remarkably successful in decreasing both second pregnancies and child abuse and in improving the educational and vocational opportunities of teenage mothers. For example, New Mexico's second chances homes have produced many success stories with several residents earning a registered nurse degree. It is truly inspiring to think that many

teenagers who had the odds stacked against them have been given a second chance and have become vital members of the health care profession.

Despite the successes of second chance homes, many teenage mothers do not have access to such a home. Although New Mexico has over a hundred second chance homes, many States are not so fortunate. Furthermore, according to a 1999 study, eighteen States do not have a policy for helping mothers find such a shelter. This is the genesis behind our legislation. We hope to increase the availability of second chance homes and allow a greater number of teenage mothers to take advantage of the many opportunities that they provide. This bill will create a competitive grant program within the Department of Health and Human Services that will award five-year grants to State, local, and tribal governments and to non-profit organizations to create or expand a second-chance home. I am hopeful that this significant federal investment will allow a greater number of teenage mothers to graduate from high school, and even college or vocational training, and will increase the health and safety of their children.

Second chance homes have a remarkable record in alleviating many of the problems associated with teenage pregnancy. From education to maternal and infant health, they have played a crucial role in the success of welfare reform. I thank Senators LIEBERMAN and CONRAD for their work on this important legislation, and I look forward to all teenage mothers having a true second chance.

By Mrs. FEINSTEIN:

S. 1523. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to repeal the Government pension offset and windfall elimination provisions of the Social Security Act, provisions of current law that reduce earned Social Security benefits for teachers and other government pensioners.

Under current law, public employees, whose salaries are often lower than those in the private sector to begin with, find that they are penalized and held to a different standard when it comes to retirement benefits. The unfair reduction in their benefits makes it more difficult to recruit teachers, police officers, and fire fighters.

The legislation that I introduce today addresses two provisions in the current Social Security Act that create this problem: The Windfall Elimination Provision and the Government Pension Offset provision.

The Social Security Windfall Elimination Provision reduces Social Security benefits for retirees who paid into Social Security and also receive a government pension, such as from a teacher retirement fund. Private sector retirees receive monthly Social Security checks equal to 90 percent of their first $561 in average monthly career earnings, plus 32 percent of monthly earnings up to $3,381 and 15 percent of earnings above $3,381. Government pensioners, however, are only allowed to receive 40 percent of the first $561 in career monthly earnings, a penalty of $280.50 per month.

To my mind it is simply unfair, especially at a time when we need to be doing all we can to attract qualified people government service, and this bill will allow government pensioners the chance to earn the same 90 percent to which non-government pension recipients are entitled.

The current Government Pension Offset provision reduces Social Security spousal benefits by an amount equal to two-thirds of the spouse's public employment civil service pension. This can have the effect of taking away, entirely, a spouse's benefits from Social Security.

It is beyond my understanding why we would want to discourage people from pursuing careers in public service, such as teaching, by essentially saying that if you do become a teacher your family will suffer by not being able to receive the full retirement benefits they would otherwise be entitled to.

There is a teaching crisis in California right now, as there is in many States. Yet current Social Security benefit rules penalize private sector employees who leave their jobs to become public school teachers, or public school teachers who work second jobs during the summer months to help make ends meet. They lose legitimately earned Social Security benefits. And in certain cases, their wives and husbands will lose spousal benefits, too.

That is simply not fair and not right. California faces a teaching crisis, and we need to do everything we can to attract and keep good, qualified people as public school teachers, not make an already difficult job more difficult.

The same can be said for other public employees, like police and fire fighters.

This legislation addresses this inequity in the Social Security Act, and I urge my colleagues to support it.

By Mr. ALLEN (for himself, Mrs. BOXER, Mr. BURNS, Mr. GREGG, and Mr. WARNER):

S. 1525. A bill to extend the moratorium on the imposition of taxes on the Internet for an additional 5 years; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, I rise today to introduce the Defense of Internet Tax Freedom Act, with my friends and colleagues from California, Montana, New Hampshire, and Virginia, to extend the moratorium on Internet access taxes and multiple and discriminatory taxes for five-years. As you know, the original provisions of the Internet Tax Freedom Act are set to expire this October 21, less than two weeks from now.

As many in this chamber know, I have made extending the moratorium on taxes that discriminate against the Internet one of my top priorities since coming to the Senate. I cannot ever envision a time when it will be okay for any government to tax freedom on the Internet by taxing access to the Internet. I cannot ever conceive of any instance or event that will precipitate justification for multiple or discriminatory taxes on the Internet by any government, large or small, national or local.

For this reason, I have maintained constant and steady support for the permanent extension of the Internet moratorium on Internet access, multiple and discriminatory taxes. I never thought I would be willing to vote for, much less sponsor, legislation that endorsed a limited extension, but the events of September 11, 2001 have forced all of us in this Congress, and indeed throughout the country, to think and act according to the most immediate interests of our Nation.

Now, more than ever, the people of this country need security, not only with regard to safety, but also with regard to their financial future. Any additional tax burdens on the Internet now, will mean additional costs that many Americans cannot afford, forcing the poorest in our society to reduce or even forgo their use of the Internet as a tool for education and exploration.

Consider the fact that by taxing Internet access, States and localities are actually contributing to an already growing economic ''digital divide.'' For every dollar added to the cost of Internet access, we can expect to see lost utilization of the Internet by thousands of poor and impoverished families nationwide.

Furthermore, the more expensive you make Internet access, the less likely people are to buy advanced services, including broadband delivered high-speed Internet access, multimedia expansion cards, and Internet protocol enabling software. Given the current state of the technology market as a whole, a decrease in consumption resulting from Internet access taxes could destroy what glimmer of hope remains for many telecommunications and technology manufacturers.

The effects of these closures have already been felt throughout our country. Congress should be working to keep businesses open and Americans employed, and that is why we must pass a reasonable extension of the moratorium on Internet access, multiple, and discriminatory taxes.

If you consider for a moment that the Internet has only been around in its contemporary form since 1995 or 1996, then you realize that this technology and the impact it has made and will continue to make on our economy is both very promising and very unsure. To date we have very little reliable data as to the real impact the

Internet is making on the daily lives of Americans.

We have little to no information as to how and why consumers on the web decide to spend their hard earned money. We have no real evidence that consumers would decide to spend money or purchase products they buy on the web today if these products were only available in traditional brick-n-mortar settings.

The studies we have seen thus far all contradict one another. In one study dealing with the effects of Internet purchasing on State revenues, I found a quote from the President of the National Conference of State Legislatures comparing State budgets in recent years to the engine of a luxury car. Yet, I have heard from this and other organizations that the Internet is destroying State tax revenue streams.

I don't know who or what to believe. All I know is that many in this Senate need time to understand this issue. There are many members in this body who do not fully recognize that the moratorium is completely unrelated to sales taxes or the collection thereof. Given that fact, I cannot see why extending the moratorium for a mere few months or years would be beneficial in terms of educating the general public and the Members of this body.

In a matter of months or a few years, the technology sector will only just be at the point of full recovery from the current downturn in our economy. We will need several years beyond that point of full recovery to complete the comprehensive, neutral studies of the Internet and e-commerce that Members of Congress will need in order to make these important decisions, decisions that may directly challenge the conventional wisdom of our Founding Fathers and our own historical experience.

Given these requirements, five years seems to be the minimum amount of time Congress, the private sector, and other interested organizations will need in order to make well-informed, proactive decisions regarding other issues not related to the Internet moratorium.

In the meantime, we can guarantee a level of stability for the Internet over the next five years that will allow our Nation to continue to close the digital divide and encourage new and enhanced uses of the web for consumers.

I call on my colleagues to join me and my fellow cosponsors in cosponsoring the Defense of Internet Tax Freedom Act, in supporting a five year extension of the Internet moratorium on access multiple and discriminatory taxes.

Let's give the Internet the future it deserves and show America that the answer is not more taxes but rather better, more efficient government for the people and by the people.

Mrs. BOXER. Today, I am joining Senators ALLEN, BURNS, and GREGG in supporting an extension of the Internet tax moratorium for another 5 years.

I supported the moratorium when it was initially instituted in order to encourage the growth of the then newly emerging Internet industry. In the 1990s, the industry enjoyed a growth spurt that helped move the whole economy forward. But recently, Internet companies have fallen on hard times.

Because Internet commerce and technology firms are not now fairing well, I support a five year extension of the tax moratorium. I believe that renewed investment in the Internet is crucial to the welfare of the entire economy and we need to support its growth as much now as we did in 1998. Through a clean extension of the tax moratorium, Congress can promote an environment for Internet growth that avoids the uncertainty, inefficiencies, and barriers to entry that new taxes would create.

The technology sector was in a recession before the September 11, 2001 attacks. In the first half of 2001, more than 300,000 technology sector jobs were eliminated and companies declared bankruptcy because of reduced consumer and business spending on technology products. One example, Webvan, an Internet grocery delivery company, closed shop in July. In the process, 2,000 employees lost their jobs in the company's seven markets—San Francisco, Los Angeles, Orange County, San Diego, Seattle, Chicago, and Portland.

With the additional decline in consumer confidence resulting from the September 11, 2001 terrorist attacks, the industry has fallen even deeper into recession. The results have been devastating for many firms. For example, since the attacks, Cisco laid off 8,500 workers, Excite@home has laid off 500 workers, and MicroStrategy has laid off 200 workers. By extending the Internet tax moratorium for five years, we send the message to the industry and its workers that we will not turn a deaf ear to this crisis.

The economy rose during the last eight years on the new jobs, efficiencies, and demand for products that the Internet and Internet-related companies created. Restoring economic growth will depend largely on our ability to spark renewed investment and growth in this vital industry. Firms that sell products over the Internet are key consumers of computers, software, and hardware. Their growth would encourage additional interest in connecting to the Internet and help produce new consumer demand for more technology products.

We should assist, not burden our technology firms at this time. Another five years could give the Internet time to work out its current growing pains. As technology innovations encourage additional growth and renewed interest in the Internet, our economy as a whole will benefit. A stronger Internet will mean more jobs, more companies, and a broader tax base. That is a net gain for everyone.

By Mr. ENZI (for himself and Mr. JOHNSON):

S. 1527. A bill to amend the Food Security Act of 1985 to extend and improve the environmental quality incentive program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, I rise to announce the introduction of a bill that would amend and extend the Environmental Quality Improvement Program, EQIP, to make it more user friendly, and to make it more effective in it's on-the-ground implementation.

EQIP is a voluntary, Federal cost share program administered by the United States Department of Agriculture's, USDA, Natural Resources Conservation Service, NRCS, and Farm Service Agency, FSA. The program was created to assist farmers and ranchers in implementing conservation management programs on private lands, lands that not only serve as the backbone of our Nation's food supplies but which also provide important habitat for America's wildlife, including many endangered species. It does this by providing technical, financial, and educational assistance to farmers and ranchers as they make capital improvements in irrigation and other water systems, address a wide variety of conservation problems, provide flood plain protection, support grazing lands conservation, and facilitate wildlife habitat protection programs.

When everything works right, EQIP provides a tremendous benefit to producers and the environment. One example of this can be found in an EQIP-funded project underway in central Wyoming. This project, known locally as the Sand Mesa project, is allowing a group of Wyoming farmers to increase irrigation efficiency while also reducing pumping costs. They are doing this by replacing an aging canal system with a gravity-flow pipeline.

Under the old system, the open air canals lost a lot of water to seepage and evaporation. The water savings from the new pipeline has turned out to be critically important in years, like this one, where drought is so prevalent in the West. The 14 miles of pipeline replaced 11 miles of open canal and committed 5,000 acre feet of water for existing wetlands. In the first year alone the new system saved at least 22,000 acre feet of water. This translates into that much more water being available in Bull Lake and Wind River for other uses. The gravity-flow pressure is also adequate to eventually run all 36 irrigation pivots on the new system, which will result in an even greater water savings.

Why did this project work out so well? It wasn't because Washington, DC bureaucrats stepped in and told the community the best things to do with their money.

Sand Mesa is a combined effort that unites the knowledge of local farmers with local technical experts who together are able to turn Wyoming's desert into fertile farmland. Together, the farmers and the technicians are designing a conservation and financial

plan that will allow them to make the most out of their limited environmental and financial resources.

The inclusion of local expertise in establishing program priorities is one of EQIP's strongest assets. Local working groups are made up of individuals who represent a wide range of interests. The groups are made up of farmers, ranchers, representatives from conservation districts, agricultural organizations, environmental groups, Native Americans, and other local, state and federal agencies.

Along with the State Advisory Committees, local work groups have made a conscientious effort to make sure limited EQIP dollars are put to their best use. They have not always been successful. The only existing authority these groups have is in identifying priority areas that may, if Washington, DC bureaucrats decide, receive funding. The result of this allocation structure is that funds are not always equitably distributed.

In 1999 a group of my constituents in Powell, WY approached me with serious concerns about the way EQIP regulations took authority away from local experts. EQIP was created as a part of the 1996 Farm Bill. In establishing EQIP, the Farm Bill terminated four previously existing cost share, conservation programs and replaced them with the new program. The terminated programs had relied heavily on local input to manage all aspects of implementation. Because of this history producers had come to expect local expertise to play a bigger role in the new program. EQIP regulations, however, consolidated the decision making process at the Federal level and left out local input.

My consitutents were concerned that an unusually large percentage of new EQIP dollars were being directed to applicants who did not necessarily require federal assistance to complete conservation improvements, while smaller, family-owned producers, who could sincerely benefit from the program, were being overlooked. Their fears were that funding decisions were determined more by politics and grant writing ability than by the greatest need or ability to maximize environmental benefit per dollar expended.

In response to their concerns, I wrote a letter to former Secretary of Agriculture Dan Glickman and asked for his help in correcting these inequities. He forwarded my request to the Wyoming NRCS offices where NRCS Wyoming State Director Ed Burton organized a team that reviewed the EQIP allocation process. This team identified a number of legislative and administrative actions which, if they are followed, would ensure the program's most effective implementation.

This bill is the result of their efforts. The bill addresses four areas that the Wyoming review team noted would require specific legislative fixes. First, the bill increases allocation flexibility by defining the phrase ''maximize environmental benefits per dollar expended'' in a way that gives the Secretary of Agriculture the ability to consult with local working groups in deciding what are the best ways to guarantee that limited EQIP funds can be directed to those ranchers and farmers who can provide the most effective use of the program's cost share program. The bill would simplify and streamline the current process to make the program less time consuming to field office staff, and less frustrating to producers.

The bill also would allow farmers and ranchers the flexibility to use EQIP funds when they are needed most. Too often weather conditions or other unrelated reasons make it impossible for eligible applicants to conform to Federal fiscal calendars. By allowing funds to be available until expended, this bill would keep program dollars available on a real-world schedule and would allow producers to receive cost share dollars at current costs and not at the rate in effect when the contract was written.

The third change this bill would make is to adjust the program to allow contracts from three to ten years. Current EQIP requirements allow five to ten year contracts only. EQIP payments are limited generally to $10,000 per person annually, and $50,000 over the 5 to 10 year life of the contract. This is often much more than is required by farmers and could place an undue hardship on producers who do not have the ability or the desire to enter into long-term contracts. Three to ten year contracts, based on the producer's conservation plan, would allow greater flexibility to implement resource management systems.

Finally, the bill would allow producers who are ready to begin work in the first year of the contract to immediately receive contract payments. Many producers who apply for EQIP are ready to install practices as soon as the contract is approved. Under current law, if practices are installed in the same year the contract is written, the producer must wait until the next fiscal year for their first payment. This delay can cause undue financial hardship, especially in an industry where cash flow is severely limited.

I am proud of the efforts of the people in my State to make this program better and more efficient. I encourage my colleagues to support this bill and to support our farmers in their work to feed the world.

By Mr. McCAIN (for himself and Mr. SMITH of Oregon):

S. 1528. a bill to improve the safety and security of rail transportation; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today I am introducing the Rail Safety and Security Act. I am pleased to be joined in this effort by Senator GORDON SMITH, the ranking Republican of the Commerce Committee's Surface Transportation and Merchant Marine Subcommittee.

This legislation would authorize funding to improve rail passenger safety and security, while assuring accountability and oversight of all associated expenditures. It would also amend current law and allow for rail police officers to enforce laws on the properties of other railroads and would establish criminal sanctions for attacks against our Nation's rail system. And, it would also require a comprehensive assessment of the security risks surrounding rail transportation in order for the Congress to then take appropriate action based on the conclusions of the assessment. I believe this legislation is a much needed step in protecting our rail transportation system against security threats and vulnerabilities.

During the past four weeks, we have been working in a bipartisan manner to address the nation's most pressing needs in the wake of the September 11 terrorist attacks. We have worked with the administration to provide necessary emergency funding to aid in the aftermath of the attacks in New York and at the Pentagon.

Part of that effort has focused on the survival of the aviation industry, and rightly so. Our Nation, our citizens, and our economy cannot afford further deterioration of this critical segment of the transportation industry. It is equally important that we approve aviation security legislation and send it to the President.

Transportation systems are the target of 40 percent of terrorist attacks worldwide. That is why it is necessary for the government to play a key role in assessing potential security threats in our Nation's transportation system. We must ensure that we have taken every precaution to safeguard critical infrastructure and that procedures are in place to protect people and property in the event of actual terrorist attacks. In that effort, the Senate Commerce Committee has been conducting a series of hearings to gain the information we need to help us evaluate potential security risks and determine how best to respond to those potential risks.

In addition to aviation security legislation, the Commerce Committee has approved legislation to address security at our Nation's ports. I am hopeful the full Senate will have the opportunity to consider that bill in the near future.

Given the hundreds of thousands of miles of rail track, highways, and pipelines, hundreds of ports and terminals throughout the U.S., and the ease of access to public transportation, it is impossible to fully secure our transportation system against all deliberate acts of destruction. Efforts to reduce vulnerability, however, are essential and each industry has a responsibility to assess and respond to identified problems. Federal, State, and local governments also play an important role in this effort.

The legislation I am introducing today is designed to address the safety and security of our Nation's rail transportation network, both passenger and freight. Unlike other passenger rail funding proposals that have been suggested, this legislation would only fund legitimate safety and security initiatives. It would also assure the highest degree of accountability of all expenditures. I note my proposal would not provide a handout directly to Amtrak to fund long-planned capacity projects that it has been unable to accomplish. Therefore, some will likely object to my approach from the outset. But, I hope members interested in addressing legitimate rail safety and security concerns will join me in supporting this alternative approach.

Last week, the Senate Commerce Committee held a hearing on Rail and Maritime security. We learned from that hearing that certain actions that can be taken immediately to address security vulnerabilities. Therefore, this legislation is designed to address the needs we currently know exist and, at the same time, provide for an assessment of rail security that would enable us to act on matters identified through a more comprehensive review than has yet occurred.

First, the bill would authorize funding for security upgrades for rail transportation provided by Amtrak. However, the funding would be made available to Amtrak only after the Secretary establishes appropriate funding procedure safeguards and after approving a system wide security plan submitted by Amtrak.

Second, the bill would authorize funding for the Tunnel Life Safety projects in New York, Baltimore, Maryland, and Washington, D.C. The DOT Inspector General has confirmed the need to bring existing systems up to par with modern safety standards, including the replacement of narrow, winding spiral staircases, the installation of modern ventilation fans, and the rehabilitation of benchwalls. The IG further has expressed concerns that an extended schedule of repairs as would occur without federal assistance places the public at prolonged and unnecessary risk.

Based on the findings of the DOT–IG, this legislation includes provisions to fully fund these projects in order to reduce the risk to public safety. It would fund these projects, however, only after the Secretary approves engineering and financial plans submitted by Amtrak and conditions the release of funding by entering into proper funding procedures. In other words, the funding will not just be handed to Amtrak with no questions asked. It ensures proper federal oversight of the federal assistance.

Furthermore, the legislation would direct the DOT Inspector General to review the obligation and expenditure of funds provided under this legislation to ensure that the funds are used solely for the purposes intended by Congress.

Third, the bill would permit rail police officers to enforce laws on the properties of other railroads. Current law only permits officers to enforce laws on the properties of the rail carrier that employs the police officer. This provision would allow for flexibility and the sharing of enforcement resources among all rail carriers as may be necessary to address safety and security threats directed at a particular carrier.

Fourth, this legislation includes provisions to address potential security threats to our nation's rail transportation system. While the vulnerabilities of air travel may be most prevalent in our memory, our rail system has been and continues to be vulnerable to security threats. Five years ago, Arizonans and citizens throughout the country were saddened to learn of an Amtrak derailment near Hyder, AZ, which claimed the life of one individual and injured seventy-eight others. Shortly after the accident, the sadness turned to shock as we learned that the derailment may have been caused by someone who intentionally sabotaged the track. The Arizona accident is not unique. There have been other examples of acts against railroads.

Following that occurrence, the Senate passed legislation requested by the previous Administration addressing some of these vulnerabilities. Unfortunately, we failed to reach an agreement with the House during conference deliberations on the multi-year highway funding legislation. Therefore, I am including those provisions as part of this bill today. Now, more than ever, these provisions are essential.

The legislation would establish criminal sanctions for violent attacks against railroads, railroad employees and railroad passengers similar to sanctions currently afforded for attacks against airlines, vessels on the high seas, motor carriers, and pipelines. I strongly believe the rail industry and its employees and customers deserve the same protections afforded the other methods.

Finally, the legislation would direct the Secretary to assess the security risks associated with rail transportation and to develop recommendations for target hardening those areas identified as posing significant risk to public safety. As I previously mentioned, there has not yet been a comprehensive analysis of the security risks of the rail industry. This provision would direct that such an assessment be carried out and at the conclusion of the assessment, it would provide us with the information Congress needs in order to make future decisions on how to further address rail security matters.

I believe this legislation is a credible proposal that could do a great deal to improve the safety and security of our rail network. I stand ready to work with my colleagues, the Administration, industry, and public safety advocates in an effort to address the safety and security of our nation's rail system.

I urge my colleagues to support this measure.

By Ms. LANDRIEU:

S. 1529. A bill to direct the Assistant to the President for Homeland Security to establish the National Energy Infrastructure Security Program; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, as we consider the issue of national security in the weeks after the terrorist attacks of September 11, one sector in particular that deserves our undivided attention is the security of our national energy infrastructure. The vulnerability of our country's energy infrastructure became more clear last week when an individual was able to cause about 150,000 gallons of oil to spill from the 800 mile Trans-Alaska Pipeline with a bullet from a high powered rifle.

I believe the events of September 11 have proven that Congress has a responsibility to make sure our Nation's energy infrastructure is adequately protected from both hostile and natural attacks.

We are now engaged in an operation to combat terrorism which will take considerable time and resources. Some of the emergency measures put in place at energy facilities throughout the country in response to the September 11 attacks can only be maintained for so long. For example, off the coast of my State of Louisiana the Nation's largest port for offloading crude oil was being patrolled by a military vessel. While a kind of safety zone around such areas makes sense, should we expend our military's resources in order to do so? Merely using our present available resources to operate at such high levels of alert for the duration of what all indications are will be a long term effort does not seem realistic. There is a need for a substantial commitment to the protection of our country's energy infrastructure both in scope and duration.

Although 90 percent of the infrastructure in this country is privately owned and operated and industry does have an obligation to provide security, there is sufficient evidence to suggest the Federal Government should make a more significant contribution. First, our country is now experiencing an economic downturn. It is imperative for our government to continue to focus its attention on measures to increase and shore up production while keeping our domestic supply of energy steady.

Second, energy infrastructure is by nature not contained within the borders of one State or region. For example, three of the country's top ten gasoline consuming States are in the Midwest. The Midwest imports 25 percent of its total demand from the Gulf Coast. While the Gulf Coast refining centers handle half of the total barrels processed in the U.S. today, there are only two pipeline systems in place to move the product from the South to

the Midwest. This is a tremendous amount of pressure on Gulf Coast refineries to meet demand in the Midwest. What happens if one or both of these systems are disrupted? In addition, the only offshore oil terminal in the United States, the Louisiana Offshore Oil Port, LOOP, is estimated to take in 13 percent of the United States' imported oil and refining capacity and is connected by five pipelines to over 30 percent of the United States refining capacity. Imagine the impact its disruption from natural or hostile threats would have on the Nation's refining capacity.

So, whether we are talking about pipelines, transmission lines, electric generators, refineries, nuclear power plants, ports, rigs or platforms, the Federal Government has a clear and compelling interest in providing the necessary resources to ensure that our energy infrastructure is sufficiently protected. Since the disruption of a particular facility or transmission line has economic consequences and could pose a significant threat to the safety of the surrounding population, as well as the effect on our economy, environment, state and local authorities must also play a role. This would require a partnership among the federal, state and local governments and industry.

Today, I am introducing legislation, the National Energy Infrastructure Security Program Establishment Act, which would: Establish a multi-year national energy infrastructure program overseen by the newly appointed Assistant to the President for Homeland Security, to provide funding annually to all 50 States in order to make sure that all appropriate measures from the monitoring and detection of potential threats to mitigation, response and recovery are in place against hostile and natural threats; create two funds, one for the protection of energy infrastructure located in the coastal zones of oil and gas producing States, the other for the energy infrastructure of all fifty States excluding those areas in the oil and gas producing States that would be provided for in the first fund; provide funding based on a formula related to the amount of energy infrastructure a State has as well as to the contribution of the State's infrastructure to the rest of the country; the Governor of each State would consult with Federal, State and local law enforcement, public safety, officials, industry and other relevant persons or agencies to put together a security plan to submit to the Assistant to the President for Homeland Security as well as the Secretaries of Commerce, Energy and Interior detailing what measures were necessary provide adequate protection of that particular State's infrastructure; and in order to pay for this program we would use a percentage of offshore revenues from oil and gas development on the Outer Continental Shelf.

If we are truly serious about protecting our country's energy infrastructure from present and future threats, it is necessary for us to provide a commitment of significant Federal resources as soon as possible.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 78—EXPRESSING THE SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF NATIONAL CHARACTER COUNTS WEEK

Mr. DODD (for himself, Mr. DOMENICI, Mr. CLELAND, Mr. BENNETT, Mrs. MURRAY, Mr. BOND, Mr. DORGAN, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. BUNNING, Mr. AKAKA, Mr. BURNS, Ms. LANDRIEU, Mr. CAMPBELL, Mr. KOHL, Mr. COCHRAN, Mr. CONRAD, Ms. COLLINS, Mr. BINGAMAN, Mr. DEWINE, Mrs. CARNAHAN, Mr. ENSIGN, Mr. KENNEDY, Mr. ENZI, Mr. BIDEN, Mr. FITZGERALD, Mr. EDWARDS, Mr. FRIST, Mr. REID, Mr. HAGEL, Ms. MIKULSKI, Mr. HELMS, Mr. ROCKEFELLER, Mr. HUTCHINSON, Mr. BREAUX, Mr. INHOFE, Mr. JOHNSON, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. FEINGOLD, Mr. STEVENS, Mr. JEFFORDS, Mr. THOMAS, Mr. THURMOND, and Mr. VOINOVICH) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary.

S. CON. RES. 78

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play their role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities;

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation; and

Whereas the week beginning October 15, 2001, and the week beginning October 14, 2002, are appropriate weeks to establish as National Character Counts Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a National Character Counts Week should be established to promote character education; and

(2) the President should issue a proclamation calling upon the people of the United States to—

(A) embrace the elements of character identified by their local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty; and

(B) observe such a week with appropriate ceremonies, programs, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1854. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. ROCKEFELLER, and Mr. KERRY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes.

SA 1855. Mr. DASCHLE (for Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, Mr. WYDEN, Mr. WELLSTONE, Mrs. LINCOLN, Mr. GRAHAM, and Mrs. CLINTON)) proposed an amendment to the bill S. 1447, supra.

SA 1856. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1857. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, supra.

SA 1858. Mr. HOLLINGS (for Mr. ENSIGN) proposed an amendment to the bill S. 1447, supra.

SA 1859. Mr. GRAMM proposed an amendment to amendment SA 1855 proposed by Mr. DASCHLE to the bill (S. 1447) supra.

SA 1860. Mr. MCCAIN (for Ms. SNOWE) proposed an amendment to the bill S. 1447, supra.

TEXT OF AMENDMENTS

SA 1854. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr.

ROCKEFELLER, and Mr. KERRY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Security Act''.

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

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Transportation security function.
Sec. 4. Aviation Security Coordination Council.
Sec. 5. Improved flight deck integrity measurers.
Sec. 6. Deployment of Federal air marshals.
Sec. 7. Improved airport perimeter access security.
Sec. 8. Enhanced anti-hijacking training for flight crews.
Sec. 9. Passenger screening.
Sec. 10. Training and employment of security screening personnel.
Sec. 11. Suspension and removal.
Sec. 12. Research and development.
Sec. 13. Flight school security.
Sec. 14. Report to Congress on security.
Sec. 15. General aviation and air charters.
Sec. 16. Increased penalties for interference with security personnel.
Sec. 17. Security-related study by FAA.
Sec. 18. Air transportation arrangements in certain States.
Sec. 19. Airline computer reservation systems.
Sec. 20. Security funding.
Sec. 21. Increased funding flexibility for aviation security.
Sec. 22. Authorization of funds for reimbursement of airports for security mandates.
Sec. 23. Definitions.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in instrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 3. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

''(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.

''(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

''(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

''(A) is responsible for day-to-day Federal security operations for the air transportation or intrastate air transportation;

''(B) shall coordinate and direct as appropriate functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

''(C) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations.

''(D) is responsible for hiring and training personnel to provide security screening at all United States airports involved in air transportation or intrastate air transportation, in consultation with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

''(E) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Secretary Coordination Council.''.

(b) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking ''x-ray'' in paragraph (4);

(2) By striking ''and'' at the end of paragraph (4);

(3) by striking ''passengers.'' in paragraph (5) and inserting ''passengers;''; and

(4) by adding at the end the following:

''(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

''(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.''.

(c) TRANSITION.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 4. AVIATION SECURITY COORDINATION COUNCIL.

''(a) IN GENERAL.—Section 44911 of title 49, United States Code, is amended at the end the following:

''(f) AVIATION SECURITY COORDINATION COUNCIL.

''(1) IN GENERAL.—There is established an Aviation Security Coordination Council.

''(2) FUNCTION.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

''(3) CHAIR.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

''(4) MEMBERSHIP.—The members of the Council are:

''(A) The Secretary of Transportation, or the Secretary's designee.

''(B) The Attorney General, or the attorney General's designee.

''(C) The Secretary of Defense, or the Secretary's designee.

''(D) The Secretary of the Treasury, or the Secretary's designee.

''(E) The Director of the Central Intelligence Agency, or the Director's designee.

''(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

''(g) CROSS-CHECKING DATA BASE INFORMATION.

The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

''(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

''(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

''(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.''.

(b) POLICIES AND PROCEDURES.—Section 44911(b) of title 49, United States Code, is amended by striking ''international''.

(c) STRATEGIC PLANNING.—Section 44911(c) of title 49, United States Code, is amended by striking ''consider placing'' and inserting ''place''.

SEC. 5. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall, as soon as possible after the date of enactment of this Act, issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(1) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(2) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(3) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress;

(4) prohibit the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(5) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or

intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting ''(1) before ''With''

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

''(2) The Secretary—

''(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

''(B) shall place them on every such flight determined by the Secretary to present high security risks.

(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.''.

(b) DEPLOYMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(c) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(d) INTERIM MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(e) REPORTS.

(1) IN GENERAL.—The Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) RECOMMENDATIONS.—The Secretary may submit, as part of any report under this subsection or separately, any recommendations the Secretary may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(f) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking ''supplies and'' and inserting ''supplies, personnel, services, and''.

SEC. 7. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

''(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

''(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

''(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.''.

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

''(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.''.

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking ''weaknesses by January 31, 2001;'' in subparagraph (A) and inserting ''weaknesses'';

(2) by striking subparagraph (D) and inserting the following:

''(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;'';

(3) by striking ''program by January 31, 2001;'' in subparagraph (F) and inserting ''program;''; and

(4) by striking subparagraph (G) and inserting the following:

''(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.''.

(e) EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.''.

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 8. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code).

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 9. PASSENGER SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

''§ 44901. Screening passengers and property

''(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Attorney General, shall provide for the screening of all passengers and property, including United States mail, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 215 of title 5, United States Code). In carrying out this subsection, the Secretary shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

''(b) DEPLOYMENT OF ARMED PERSONNEL.—

''(1) IN GENERAL.—The Secretary of Transportation, in consultation with the Attorney General, shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

''(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements

under subsection (c), the Secretary shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Secretary shall order the deployment of additional law enforcement personnel at airport security screening locations if the Secretary determines that the additional deployment is necessary to ensure passenger safety and national security.''.

''(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

''(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Secretary of Transportation, with the approval of the Attorney General, may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

''(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

''(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

''(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

''(D) the Secretary has consulted the airport sponsor.

''(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Secretary, in consultation with the Attorney General, may prescribe modified aviation security measures for a nonhub airport if the Secretary determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

''(A) the types of aircraft that use the airport;

''(B) seasonal variations in air traffic and types of aircraft that use the airport; or

''(C) other factors that warrant modification of otherwise applicable security requirements.

''(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Secretary and the Attorney General—

''(A) may provide or require additional security measures;

''(B) may conduct random security inspections; and

''(C) may provide assistance to enhance airport security at that airport.

''(d) MANUAL PROCESS.—

''(1) IN GENERAL.—The Administrator shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Administrator to impose additional security measures when a specific threat warrants such additional measures.

''(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Administrator shall seek to maximize the use of the explosive detection equipment.

''(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Secretary of Transportation may use memoranda of understanding or other agreements with the Attorney General or the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.''.

''(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended——

''(1) by striking ''purpose of'' in subsection (b)(1)(A) and inserting ''purposes of (i)''; and

(2) by striking ''transportation;'' in subsection (b)(1)(A) and inserting ''transportation, and (ii) providing security screening services under section 44901(c) of title 49, United States Code;''.

''(c) TRANSITION.—The Secretary of Transportation shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Secretary may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Secretary determines necessary pending full implementation of that section as so amended.

SEC. 10. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

''(e) SECURITY SCREENERS.—

''(1) TRAINING PROGRAM.—The Secretary of Transportation, in consultation with the Attorney General, shall establish a program for the hiring and training of security screening personnel.

''(2) HIRING.

''(A) QUALIFICATIONS.—The Secretary shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

''(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

''(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

''(iii) to have passed an examination for recent consumption of a controlled substance;

''(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

''(v) to meet such other qualifications as the Secretary may establish.

''(B) BACKGROUND CHECKS.—The Secretary shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

''(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

''(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Secretary shall develop a security screening personnel examination for use in determining the qualification of individuals seekings employment as security screening personnel. The Secretary shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

''(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

''(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

''(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Secretary has determined to have equipped the individual to perform the duties of the position.

''(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical co-ordination, and motor skills to the following standards:

''(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the apporiate imaging standard specified by the Secretary. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

''(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

''(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

''(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

''(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

''(C) The individual shall be able to read, speak, and write English well enough to—

''(i) carry out written and oral instructions regarding the proper performance of screening duties;

''(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

''(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

''(iv) write incident reports and statements and log entries into security records in the English language.

''(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

''(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

''(A) is closely supervised; and

''(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

''(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related

to that function until that individual has successfully completed the remedial training specified in the security program.

''(4) ANNUAL PROFICIENCY REVIEW.—The Secretary shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

''(A) continues to meet all qualifications and standards required to perform a screening function;

''(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

''(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

''(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Secretary shall provide for the operational testing of such personnel.

''(g) TRAINING.—

''(1) USE OF OTHER AGENCIES.—The Secretary of Transportation shall enter into a memorandum of understanding or other arrangement with the Attorney General, or any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

''(2) TRAINING PLAN.—The Secretary shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

''(A) has completed 40 hours of classroom instruction or successfully completed a program that the Secretary determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

''(B) has completed 60 hours of on-the-job instruction; and

''(C) has successfully completed an on-the-job training examination prescribed by the Secretary.

''(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the drive or equipment.

''(h) TECHNOLOGICAL TRAINING.—The Secretary of Transportation shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Secretary shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting ''as a security screener under section 44935(e) or a position'' after ''a position''.

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting ''the Secretary,'' after ''subsection,'' in paragraph (1); and

(B) by striking ''An'' in paragraph (3) and inserting ''The Secretary, an''.

(c) TRANSITION.—The Secretary of Transportation shall complete the full implementation of section 44935(e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Secretary may make or continue such arrangements for the training of security screeners under that section as the Secretary determines necessary pending full implementation of that section as so amended.

(d) EXPEDITED PERSONNEL PROCESS.—

(1) AUTHORIZATION OF EMPLOYMENT.—The Secretary of Transportation may appoint and fix the compensation of such a number of individuals as may be necessary to carry out section 44901 and 44903 of title 49, United States Code, in accordance with the provisions of part III of title 5, United States Code, without regard to any limitation on number of employees imposed by any other law or Executive Order.

(2) STRIKES PROHIBITED.—An individual employed as a security screener is prohibited from particpating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5.''.

SEC. 11. SUSPENSION AND REMOVAL.

(a) IN GENERAL.—Notwithstanding provision of law to the contrary, the Secretary of Transportation may suspend without pay an individual employed as a security screener under title 49, United States Code, when the Secretary considers that action necessary in the interests of national security or because the screener has failed to perform screening duties adequately. To the extent that the Secretary determines that the interests of national security permit, the suspended employee shall be notified of the reasons for the suspension. Within 30 days after the notification, the suspended employee is entitled to submit to the official desiganted by the Secretary statements or affidavits to show why he should be restored to duty.

(b) REMOVAL FROM DUTY.—Subject to subsection (c) of this section, the Secretary may remove an employee suspended under subsection (a) of this section when, after such investigation and review as he considers necessary, the Secretary determines that removal is necessary or advisable in the interests of national security or because the screener has failed to perform screening duties adequately. The determination of the Secretary is final.

(c) SUSPENSION.—An employee suspended under subsection (a) of this section who—

(1) had a permanent or indefinite appointment for at least 3 years;

(2) has completed his probationary or trial period; and

(3) is a citizen of the United States; is entitled, after suspension and before removal, to—

(A) a written statement of the charges against him within 30 days after suspension, which may be amended within 30 days thereafter and which shall be stated as specifically as security considerations permit;

(B) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

(C) a hearing, at the request of the employee, by a Department of Transportation authority duly constituted for this purpose;

(D) a review of his case by the Secretary or his designee, before a decision adverse to the employee is made final; and

(E) a written statement of the decision of the Secretary.

(d) PROHIBITION OF RE-DEPLOYMENT.—The Secretary may prohibit any person suspended or removed under this section from performing any function under this Act or under subtitle VII of part A of title 49, United States Code.

SEC. 12. RESEARCH AND DEVELOPMENT.

Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking ''complete an intensive review of'' and inserting ''periodically review'';

(2) by striking ''commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;'' in subparagraph (B) and inserting ''aircraft in air transportation;''; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

''(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;''.

SEC. 13 FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44939. Training to operate jet-propelled aircraft

''(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien under subsection (b).

''(b) INVESTIGATION.

''(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall——

''(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

''(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

''(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

''(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

''(B) A determination of the status of the alien under the immigration laws of the United States.

''(C) A determination of whether the alien or individual presents a national security risk to the United States.

''(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

''(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

''(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

''(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe the name, address, and such other information as the Secretary may require concerning—

''(1) each alien to whom such training is provided; and

''(2) every other individual to whom such training is provided as the Secretary may require.

''(f) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''44939. Training to operate jet-propelled aircraft.''.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 14. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Congress containing their joint recommendations on additional measures for the Federal government to address transportation security functions.

SEC. 15. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Congress within 3 months after the date of enactment of this Act is report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 16. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

''§ 46503. Interference with security screening personnel

''An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

''46503. Interference with security screening personnel''.

SEC. 17. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

SEC. 18. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within the State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 19. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure to certify compliance by United States air carriers with the requirements of subsection (a).

SEC. 20. SECURITY FUNDING.

(a) USER FEE FOR SECURITY SERVICES.

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

''§ 48114. User fee for security services charge

''(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset the costs of providing aviation security services. The amounts collected shall be immediately available to the Secretary for obligation and expenditure for its activities, and shall remain available in a revolving fund, to be established by the Secretary, until expended.

''(b) AMOUNT OF FEE.—Air carriers shall remit $2.50 for each passenger enplanement.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

''48114. User fee for security services''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

''CHAPTER 483. AVIATION SECURITY FUNDING.

''Sec.

''48301. Aviation security funding

§ 48301. Aviation security funding.

''There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.''.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

''483. Aviation Security Funding ..... 48301''.

SEC. 21. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

''(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.''.

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking ''or'' in subparagraph (B);

(B) by inserting ''or'' after ''executed;'' in subparagraph (C); and

(C) by adding at the end the following:

''(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;''.

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

''(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in

section 47102(3)(J) for a grant, shall consider the non-federal resources available to sponsor, the use of such non-federal resources, and the degree to which the sponsor is providing increased funding for the project.''.

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking ''and'' in paragraph (3);

(B) by striking ''47134.'' in paragraph (4) and inserting ''47134; and''; and

(C) by adding at the end the following:

''(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).''.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 22. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that is necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 23. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this Act that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

SA 1855. Mr. DASCHLE (for Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, Mr. WYDEN, Mr. WELLSTONE, Mrs. LINCOLN, Mr. GRAHAM, and Mrs. CLINTON)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, add the following:

TITLE ____—DISPLACED WORKERS ASSISTANCE

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Displaced Workers Assistance Act''.

SEC. ___2. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area that the Secretary determines has a substantial number of eligible employees.

(2) AIR CARRIER.—The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(3) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act (42 U.S.C. 300bb–1 et seq.), section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.), or section 8905a of title 5, United States Code.

(4) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means an individual who has become totally or partially separated from employment with an air carrier, employment at a facility at an airport, or employment with an upstream producer or supplier for an air carrier, as a consequence of—

(A) reductions in service by an air carrier as a result of a terrorist action or security measure, as determined by the Secretary; or

(B) a closure of an airport in the United States as a result of a terrorist action or security measure, as determined by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(6) SUPPLIER.—The term ''supplier'' means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm.

(7) TERRORIST ACTION OR SECURITY MEASURE.—The term ''terrorist action or security measure'' means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to the attack.

(8) UPSTREAM PRODUCER.—The term ''upstream producer'' means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm.

(9) OTHER TERMS.—Terms defined in section 247 of the Trade Act of 1974 (19 U.S.C. 2319) shall have the meanings given the terms in that section.

SEC. ___3. PETITIONS AND DETERMINATIONS.

(a) PETITIONS.—A petition for a certification of eligibility to apply for adjustment assistance under this title may be filed with the Secretary by a group of employees or by their certified or recognized union or other duly authorized representative. The Secretary shall comply with the notice requirements of section 221 of the Trade Act of 1974 (19 U.S.C. 2271) with respect to the petition.

(b) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall certify a group of employees as eligible to apply for adjustment assistance under this title if the Secretary determines that a significant number or proportion of the employees in such employees' firm or an appropriate subdivision of the firm are eligible employees.

(2) CERTIFICATIONS WITH AND WITHOUT PETITIONS.—The Secretary shall certify—

(A) a group that files a petition under subsection (a) and meets the requirements of paragraph (1); and

(B) any other group that the Secretary determines meets such requirements.

(3) OTHER GROUPS.—A group described in paragraph (2)(B) shall be deemed to have filed a petition under subsection (a) on the date of the certification, for purposes of this title (other than subsections (a) and (c)).

(c) DETERMINATIONS.—

(1) PETITIONING GROUPS.—As soon as possible after the date on which a petition is filed under subsection (a), but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of subsection (b)(1) and shall issue a certification of eligibility to apply for adjustment assistance under this title covering employees in any group that meets such requirements.

(2) OTHER GROUPS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall determine groups of employees (other than petitioning groups) that meet the requirements of subsection (b)(1) and shall issue a certification of eligibility to apply for adjustment assistance under this title covering employees in any group that meets such requirements. In issuing the certifications, not later than 30 days after the date of enactment of this Act, the Secretary shall issue certifications covering all employees of air carriers.

(3) PROCEDURES.—The Secretary shall issue and terminate such certifications in accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273).

(d) INFORMATION.—The Secretary shall provide the information, assistance, and notice described in section 225 of the Trade Act of 1974 (19 U.S.C. 2275) with respect to certifications made under subsection (b), and agreements entered into and benefits available under this title.

SEC. ___4. PROGRAM BENEFITS.

(a) DETERMINATIONS.—The Secretary shall determine, with respect to an eligible employee covered by a certification issued by the Secretary under section ___3, whether—

(1) the employee is unlikely to return to the industry involved;

(2) the employee is likely to return to that industry, but unlikely to return to the employee's previous occupation in the industry; or

(3) the employee is likely to return to that occupation.

(b) DIFFERENT INDUSTRY OR OCCUPATION.—If the Secretary determines that an eligible employee described in subsection (a) meets the requirements of paragraph (1) or (2) of subsection (a) and engages in appropriate job search activities, and that the employee and any training approved by the Secretary for the employee meet the requirements of paragraphs (1) and (3) of section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)), the employee shall be provided, in the same manner and to the same extent as an employee covered under a certification under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271), 1 or more of the following:

(1) Employment services described in section 235 of the Trade Act of 1974 (19 U.S.C. 2295) (including, in the case of an eligible employee in an affected area, employment services provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations).

(2) Training that consists of—

(A) training (including supplemental assistance) described in section 236 of the Trade Act of 1974 (19 U.S.C. 2296), notwithstanding the provisions of section 236(a)(2) of such Act (19 U.S.C. 2296(a)(2));

(B) training for a position requiring different technical skill than the original position; or

(C) in the case of an eligible employee in an affected area, training provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations.

(3) Readjustment allowances described in sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291 et seq.), except that—

(A) an eligible employee is not required to enroll in training to receive such an allowance; and

(B)(i) section 233(a)(1) of the Trade Act of 1974 (19 U.S.C. 2293(a)(1)) shall be applied by substituting ''46'' for ''52''; and

(ii) no employee shall receive additional weeks of assistance under section 233(a)(3) of such Act (19 U.S.C. 2293(a)(3)).

(4) Job search allowances described in section 237 of the Trade Act of 1974 (19 U.S.C. 2297).

(c) SAME INDUSTRY AND OCCUPATION.—If the Secretary determines that an eligible employee described in subsection (a) meets the requirements of subsection (a)(3), the employee shall be provided, in the same manner and to the same extent as an employee covered under a certification under subchapter A of chapter 2 of title II of the Trade Act of 1974, 1 or more of the following:

(1) Employment services described in section 235 of the Trade Act of 1974 (including, in the case of an eligible employee in an affected area, employment services provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations).

(2) Readjustment allowances described in sections 231 through 234 of the Trade Act of 1974, except that—

(A) an eligible employee is not required to enroll in training to receive such an allowance; and

(B)(i) section 233(a)(1) of the Trade Act of 1974 shall be applied by substituting ''46'' for ''52''; and

(ii) no employee shall receive additional weeks of assistance under section 233(a)(3) of such Act.

(d) EMPLOYEES NOT ELIGIBLE FOR UNEMPLOYMENT INSURANCE.—An eligible employee who is totally separated from employment in a State who does not meet the requirements of paragraphs (2) through (4) of section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) shall be provided, under this title, only an allowance, for a period of 26 weeks, in the amount of the average weekly benefit received by an individual in the State under the State unemployment insurance program during the most recent 52-week period for which data are available.

(e) COBRA CONTINUATION COVERAGE.—

(1) IN GENERAL.—In the case of an individual who is eligible for benefits under subsection (b) or (c), the Secretary shall provide for payment of 100 percent of the premiums for COBRA continuation coverage, not to exceed 52 weeks, with respect to such individual. Such payment may be made through appropriate direct payment arrangements with the group health plan or health insurance issuer involved. The Secretary may require documentation of election of benefits or proof of premium payment.

(2) EXTENDED ELECTION PERIOD.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage with respect to any individual eligible for benefits under subsection (b) or (c) shall not end earlier than 60 days after the date of the issuance of final regulations by the Secretary under section ___6.

(f) OPTIONAL TEMPORARY MEDICAID COVERAGE FOR UNINSURED ELIGIBLE EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may elect to provide, under its medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), medical assistance in the case of an individual who is eligible for benefits under subsection (b) or (c), who is not eligible for COBRA continuation coverage, and who is uninsured. For purposes of this subsection, an individual is considered to be uninsured if the individual is not covered under a group health plan, health insurance coverage, or under such program or a program under title XVIII or XXI of such Act (42 U.S.C. 1395 et seq., 1397aa et seq.).

(2) LIMITATION TO 12 MONTHS OF COVERAGE.—Assistance under this subsection shall end with respect to an individual on the earlier of—

(A) the date the individual is no longer uninsured; or

(B) 12 months after the date the individual is first determined to be eligible for medical assistance under this subsection.

(3) SPECIAL RULES.—In the case of medical assistance provided under this subsection—

(A) the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be 100 percent;

(B) a State may elect to disregard any income, asset, or resource limitation imposed under the State medicaid plan or under title XIX of such Act;

(C) such medical assistance shall not be provided for periods before the date the individual is determined eligible for such assistance;

(D) a State may elect to make eligible for such assistance a dependent spouse or children of an individual eligible for medical assistance under paragraph (1), if such spouse or children are uninsured; and

(E) individuals eligible for medical assistance under this subsection shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act (42 U.S.C. 1396d(a)).

SEC. ___5. ADMINISTRATION.

The provisions of subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) shall apply to the administration of the program under this title in the same manner and to the same extent as such provisions apply to the administration of the program under subchapters A and B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2291 et seq.), except that—

(1) the agreement between the Secretary and the States described in section 239 of the Trade Act of 1974 (19 U.S.C. 2311) shall specify the procedures that will be used to carry out the certification process under section ___3, the procedures for providing relevant data by the Secretary to assist the States in making preliminary findings under section ___3, and the adjustment assistance described in section ___4;

(2) the provisions of such subchapter C relating to training shall not be applicable under this title; and

(3) the provisions of such subchapter shall apply to COBRA continuation coverage under section ___4(e) to the extent specified by the Secretary.

SEC. ___6. REGULATIONS.

The Secretary—

(1) may issue interim regulations to carry out this title, notwithstanding chapters 5 and 7 of title 5, United States Code; and

(2) shall issue final regulations to carry out this title in accordance with such chapters.

SEC. ___7. EVALUATION.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under this title and shall submit a report containing the results of such study to Congress not later than 1 year after the date of enactment of this Act.

(2) EVALUATION.—Such report shall include an evaluation of—

(A) the effectiveness of such program in aiding employees, firms, and communities to adjust to changed economic conditions resulting from terrorist actions or security measures; and

(B) the coordination of the administration of such program and other Federal Government programs that provide unemployment compensation and relief to depressed areas.

(b) ASSISTANCE.—In carrying out this section, the Comptroller General of the United States shall, to the extent practical, obtain the assistance of the Secretary of Labor and the Secretary of Commerce. The Secretary of Labor and the Secretary of Commerce shall make available to the Comptroller General of the United States any assistance necessary for an effective evaluation of the program established under this title.

SEC. ___8. APPLICATION AND CONSTRUCTION.

(a) APPLICATION.—For purposes of applying provisions of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) under this title, references in such chapter—

(1) to a worker shall be considered to be references to an eligible employee;

(2) to a benefit shall be considered to be references to the corresponding benefit provided under this subsection to an eligible employee;

(3) to a provision of chapter 2 of title II of the Trade Act of 1974 shall be considered to be references to the corresponding provision of this title; and

(4) to a threat of partial or total separation shall be disregarded.

(b) PROVISIONS.—A reference in this title to a provision of chapter 2 of title II of the Trade Act of 1974 shall be considered to be a reference to that provision, as in effect on the date of enactment of this Act.

(c) CONSTRUCTION.—

(1) NO IMPACT ON TRADE ADJUSTMENT ASSISTANCE.—Nothing in this title shall be construed to modify or affect title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(2) NO IMPACT ON EXISTING AGREEMENTS AND BENEFITS.—Nothing in this title shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan.

SEC. ___9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated and there is appropriated to carry out this title a total of $1,900,000,000 for fiscal years 2002 and 2003.

(b) ADMINISTRATION.—There are authorized to be appropriated and there are appropriated such sums as may be necessary for the administration of this title for fiscal years 2002 and 2003 (but not more than $19,000,000).

SEC. ___10. CUSTOMS FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by inserting '', except that such fees shall continue to be charged under paragraphs (9) and (10) of such subsection through May 30, 2005'' after ''September 30, 2003''.

SA 1856. Mr. JEFFORDS submitted an amendment intended to be proposed

by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PREFERENCE IN EMPLOYMENT OF AIR MARSHALS OF COCKPIT CREW DISCHARGED OR FURLOUGHED FROM COMMERCIAL AIRLINES AFTER TERRORIST ATTACKS.

Notwithstanding any other provision of law, in selecting, appointing, and employing Air Marshals in satisfaction of the requirements of section 6 of this Act, a preference shall be afforded to individuals discharged or furloughed from commercial airline cockpit crew positions due to reductions in force by commercial airlines after the September 11, 2001, terrorist attacks.

SA 1857. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"§ 44938. Immunity for reporting suspicious activities

''(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

''(b) APPLICATION.—Subsection (a) shall not apply to—

''(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

''(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

"§ 44939. Sharing security risk information

''The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.''.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44939 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''44938. Immunity for reporting suspicious activities.

''44939. Sharing security risk information.''.

SA 1858. Mr. HOLLINGS (for Mr. ENSIGN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place in the section relating to air marshals, insert the following subsection:

( ) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SA 1859. Mr. GRAMM proposed an amendment to amendment SA 1855 proposed by Mr. DASCHLE to the bill (S. 1447) to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2001''.

SEC. ____02. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b)(1) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. ____03. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section ____02(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. ___04. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. ___05. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section ___04 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. ___06. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section ___03(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. ___07. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section ___03, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil

and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

SEC. ___08. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. ___09. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section ___03(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. ___10. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. ___11. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SEC. ___12. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section ___04 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Renewable Energy Technology Investment Fund''.

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Royalties Conservation Fund''.

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

SA 1860. Mr. MCCAIN (for Ms. SNOWE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 5, line 13, strike the closing quotation marks and the second period.

On page 5, between lines 13 and 14, insert the following:

''(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

''(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

''(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

''(C) To establish uniform national standards and practices for transportation during a national emergency.

''(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

''(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

''(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

''(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

''(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 10, 2001, at 2:30, to hold a hearing titled, 'Afghanistan's Humanitarian Crisis.'

Witnesses

Panel One: Mr. Alan Kreczko, Acting Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State, Washington, DC; Mr. Andrew S. Natsios, Administrator, United States Agency for International Development, Department of State, Washington, DC; Ms. Christina Rocca, Assistant Secretary of State for South Asia, Department of State, Washington, DC.

Panel Two: Mr. Ken Bacon, President, Refugees International, Washington, DC; Mr. Nicols de Torrente, Executive Director, Medecins Sans Frontieres/Doctors Without Borders, New York, NY; Ms. Eleanor Smeal, President, Feminist Majority, Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Wednesday, October 10, 2001, at 1 p.m. for a hearing to examine ''Federal Food Safety Oversight: Does the Fragmented Structure Really Make Sense?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE 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

Wednesday, October 10, 2001, at 9:30 a.m., on bus and truck security and hazardous materials licensing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Youth Violence be authorized to meet to conduct a hearing on the nomination of John P. Walters to be Director of The National Drug Control Policy on Wednesday, October 10, 2001, at 1:30 p.m., in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 10, 2001, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Eric Baker, a legal intern on the Judiciary Committee staff, be granted floor privileges for the remainder of the session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, S. Res. 166.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as ''National Childhood Lead Poisoning Prevention Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD at the appropriate place as if read, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 166) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 166

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than those from high-income families;

Whereas children may become poisoned by lead in water, soil, or consumable products;

Whereas most children are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs and activities.

ORDERS FOR THURSDAY, OCTOBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Thursday, October 11; that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1447, the aviation security bill; further, that the cloture vote on the Daschle for Carnahan amendment No. 1855 occur at 12:45 p.m., with the mandatory quorum under rule XXII being waived; further, that Members have until 11:45 a.m. to file second-degree amendments to amendment No. 1855.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from Illinois, who will be recognized to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

THE AIRLINE BAILOUT PACKAGE

Mr. FITZGERALD. Mr. President, I want to take a few moments to lend my support to Senator CARNAHAN's measure, which would finally give some relief to the many airline workers in this country who have lost their jobs in recent weeks.

I voted against the prior package to bail out the airlines of this country. Many of the Members in the Congress were under the impression that that $15 billion package was designed to compensate the airlines for their losses during the 3- or 4-day Government shutdown. But most Members don't recognize that during that 3- or even 4-day shutdown the airlines' lost revenues—not necessarily bottom line losses, but missing revenues—were $340 million a day. If you multiply $340 million a day by 4 days, as opposed to 3 days, being very generous to the airlines, you come up with losses of $1.36 billion. But Congress didn't give the airlines $1.36 billion; we gave them $5 billion in immediate upfront cash, plus $10 billion worth of loan guarantees. So the Nation's airlines got many times their losses from the 3-day shutdown from Congress.

I thought that bailout package was excessive. I also thought that Congress perpetrated an injustice in shoveling out such large amounts of taxpayer money toward the airlines. We completely ignored the over 1 million employees in the airline industry.

It is a misnomer to call the airline bailout package an industry bailout package. It wasn't an industry bailout package; it was a shareholder bailout package. There was no bailout for the skycaps, or for the flight attendants, or the mechanics, or the baggage handlers, and the pilots didn't get bailed out. Instead, it was a bailout for the sophisticated investors who held airline stocks in their portfolios and the many large institutions holding airline stocks in their portfolios.

I emphasize that it is a misnomer to call the airline bailout an industry bailout. It was simply a bailout for shareholders or investors. There was no relief for the over 1 million employees of the airline industry. It is fitting and proper to now provide relief for the airline industry employees.

We should have done this in the original airline industry bailout. Out of that $15 billion which we gave to the airlines, we could have had some requirements that they give minimal severance or health care benefits to their employees, at least some requirements, some strings attached to assure the laid-off flight attendants, baggage handlers, pilots, and skycaps would be treated decently. But we did not do that in that bailout package.

We have to correct the injustice in that first bailout package, and we have to help the industry's employees. The relief Senator CARNAHAN has put together in her package—and I am happy to say I am a cosponsor—is appropriate. It should have been in the original bill.

As I said, we paid the airlines many times their losses for the period they were shut down. That created a terrible precedent, in my judgment, one that is haunting Congress every day this fall

because we now are beset with industries from all over the country coming to Capitol Hill knocking on our door and saying: You gave all that money to the airlines. You bailed them out. You covered all their losses through December 31, 2001. You paid them not just for the days the Government shut them down by Government edict; you covered all their losses through the end of the year.

Other industries are now saying to leaders in Washington: Why are we different? Why shouldn't we get a bailout? We have hotels that are empty. We have car rental firms that are hovering near insolvency because they do not have any customers. We have many of the suppliers for airlines—I was approached by a company in Illinois that supplies food for the airlines, and they believed they were entitled to a bailout.

We have industries of all sorts that have come asking us for help, and because of the precedent we set in the airline industry bill, we do not know how to tell these other industries that they are not entitled to help.

We should have carved aside a generous portion in that initial bill for workers in the airline industry. Senator CARNAHAN's amendment will get this done. I support it, and I urge colleagues to vote in favor of it. It would be a miscarriage of justice; it would compound the injustice we have already perpetrated if we were to let stand a bailout for sophisticated investors while we left all the airline industry employees twisting in the wind. We cannot allow that to stand. We have to correct that injustice.

Many of these employees who have been furloughed maybe never had a nickel to invest in the market in the first place. They are worried about how they are going to pay their mortgage, or how they are going to pay their rent, or how they are going to feed their families while they are laid off. Meanwhile, many investors who should have appreciated the risk of investing in the airline industry were bailed out, but the skycap got the boot. We have to correct that.

I am pleased to stand with the Senator from Missouri in support of this legislation. I urge all my colleagues to vote in favor of it.

Mr. President, I thank you for your indulgence at this late hour and appreciate your attention. I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:13 p.m., adjourned until Thursday, October 11, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 10, 2001:

DEPARTMENT OF DEFENSE

SANDRA L. PACK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE HELEN THOMAS MCCOY.

DEPARTMENT OF TRANSPORTATION

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED.

DEPARTMENT OF STATE

WILLIAM D. MONTGOMERY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF YUGOSLAVIA.

THE JUDICIARY

JAY C. ZAINEY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE A.J. MCNAMARA, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GINO L AUTERI, 0000
CLARK F BEAN, 0000
MONROE A BRADLEY, 0000
LINNES L CHESTER JR., 0000
LESLIE L DIXON, 0000
AMIR A EDWARD, 0000
DANIEL G FLYNN, 0000
STEPHEN J FRIEDRICH, 0000
KEVIN W GLASZ, 0000
DONOVAN Q GONZALES, 0000
JOHN C GRIFFITH, 0000
THOMAS S HAINES JR., 0000
MARYANNE H HAVARD, 0000
REGINA M JULIAN, 0000
LISA M KLIEBERT-WITT, 0000
MARK A KOPPEN, 0000
WILLIAM J KORMOS JR., 0000
THOMAS D MCCORMICK, 0000
SUSAN E MERRICK, 0000
DAVID G MISTRETTA, 0000
ROBIN S MORRIS, 0000
LESLIE K NESS, 0000
RAYMOND J PARIS, 0000
CRAIG A PASCOE, 0000
BRUCE D PETERS, 0000
KEVIN F PILLOUD, 0000
BRIAN L RIGGS, 0000
VICTOR J ROSENBAUM, 0000
SCOTT M SHIELDS, 0000
DETLEV H SMALTZ, 0000
ROGER G SPONDIKE, 0000
LYNANNE STLAURENT, 0000
MARK A VOJTECKY, 0000
MARK S WHITE, 0000
GLENN A YAP, 0000
JESUS E ZARATE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

RICHARD E AARON, 0000
MICHAEL A ABAIR II, 0000
*KERRY M ABBOTT, 0000
*FARLEY A ABDEEN, 0000
*ANTHONY D ABERNATHY, 0000
*DANIEL P ABTS, 0000
*BRYAN E ADAMS, 0000
*JUSTIN F ADAMS, 0000
RAY C ADAMS JR., 0000
*RICHARD G ADAMS, 0000
RHONDA R ADLER, 0000
*JENNIFER M AGULTO, 0000
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*AARON M ALBERS, 0000
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CRAIG ALLTON, 0000
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*DANIEL R ALYEA, 0000
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MARY J ANTE, 0000
*MITCHELL S APPLEY, 0000
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*RICHARD Y BAIRD, 0000
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*CHAD A BAKER, 0000
*FRANKLIN L BAKER JR., 0000
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*PATRICK S BALLARD, 0000
*SYLVIA BALLEZGRIFFIN, 0000
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*ANN M BIRCHARD, 0000
*ERIC J BJURSTROM, 0000
*SHEILA G BLACK, 0000
CRAIG M BLACKWELL, 0000

*ELEANOR C BLACKWELL, 0000
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*MALCOLM E BLAIR, 0000
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*WAYNE C BLANCHETTE, 0000
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YOLANDA D BLEDSOE, 0000
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*RYAN L BRITTON, 0000
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*CHARLES E BROCKETT JR., 0000
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*GLENN M CAMPBELL, 0000
MANUEL CANDELARIA III, 0000
WILLIAM C CANNON JR., 0000
*LOUIS E CANTRELL JR., 0000
*WILLIAM A CANTRELL, 0000
*DENNIS C CAPRON, 0000
*DAVID M CARDER, 0000
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*IRENE CASSIDY, 0000
KELLY W CATCHINGS, 0000
*JOHN W CAUDILL, 0000
SHANNON W CAUDILL, 0000
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*JAY W CHAFFIN, 0000
*ANDREW K CHAMBLEE, 0000
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*LANCE E CHAMPAGNE, 0000
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*JAMES D CHAPMAN, 0000
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*PAUL C CHARRON, 0000
*JOHN M CHASE, 0000
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*EDWARD J CHEVALIER, 0000
*CHRISTOPHER L CHEW, 0000
*JAMES L CHITTENDEN, 0000
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*MICHAEL S CHRISTIE, 0000
*TONY C M CHU, 0000
*NORMAN J CHURCHILL, 0000
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*JEFFREY C CLOYD, 0000
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RONALD B COLE, 0000
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*REYES COLON, 0000
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*JEANETTE L COMORSKI, 0000
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BARRY S COOPER, 0000
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JOHN J COOPER, 0000
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WAYNE A COOPER, 0000
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*ROBERT L CORBIN, 0000
*JORGE J CORDERO, 0000
J H CORMIER III, 0000
CHRISTINE A CORNISH, 0000
*GARY L CORNN JR., 0000
CECILIA M CORRADO, 0000
CHRISTOPHER R CORTEZ, 0000
*JOSEPH COSTANTINO, 0000
*PAUL COTELLESSO, 0000
SCOTT A COTOIA, 0000
*ANTHONY W COTTO, 0000
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*MONTE C COX, 0000
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PAUL R CRANDALL, 0000
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*KATHY A CRAVER, 0000
*KYLE L CRITCHFIELD, 0000
*MARK R CROCKETT, 0000
*BRADLEY J CROFTS, 0000
*STEVEN J CROLL, 0000
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KANDIS L CRUZ, 0000
JOHN E CULTON III, 0000
TIMOTHY W CUNNINGHAM, 0000
*DENNIS D CURRAN, 0000
*JAMES J CURTIS, 0000
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*BRETT R CUSKER, 0000
REBECCA L CYPHER, 0000
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*STEPHEN P DELANGE, 0000
MARCELINO E DELROSARIO JR., 0000
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DARREN J DEMERS, 0000
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*PETER DOMINICIS, 0000
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*ERIC S DORMINEY, 0000
HAMILTON L DORSEY, 0000

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*ONDREA M DUFFY, 0000
SHANE C DUGUAY, 0000
*THOMAS A DUKES JR., 0000
*DONAL S DUNBAR JR., 0000
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*JAMES W EASTMAN, 0000
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*MICHAEL R EDINGER, 0000
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*NEIL P EISEN, 0000
KENNETH P EKMAN, 0000
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HILARY K FEASTER, 0000
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MICHAEL J FEDOR, 0000
*VICTOR J FEHRENBACH, 0000
*GARRY T FELD, 0000
*BRAD C FELLING, 0000
KEITH N FELTER JR., 0000
*JEROLD E FENNER JR., 0000
*KATHRYN L FENWICK, 0000
*NERISSE E FERNANDEZ, 0000
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*SUSAN A FERRERA, 0000
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RAYMOND J FIEDLER, 0000
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*KELLY JO FIELDS, 0000
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*MICHAEL J FINCH, 0000
*WILLIAM C FINLEY JR., 0000
*WILLIAM S FINLEY, 0000
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JOSEPH P FINOTTI, 0000
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*DANA T A FLOOD, 0000
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JEANNIE M FLYNN, 0000
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*MARY C GALLA, 0000
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*ERIC N GANG, 0000
*KEVIN E GANGADEEN, 0000
*CARLOS R GARCIA, 0000
*JOHN N GARCIA, 0000
*LUIS M GARCIA, 0000
*NOEL T GARCIA, 0000
*PHILIP A GARRANT, 0000
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*JOAN E GARRIGA, 0000
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ANDREW J GEBARA, 0000
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*GERALD R GENDRON JR., 0000
*KATHERINE J GENTIL, 0000
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*JOHN R GILES III, 0000
*JOSEPH M GILLEY, 0000
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*LOWELL S GLASSBURN, 0000
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*ERIK W GOEPNER, 0000
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*GEORGE G GONZALES, 0000
GUILLERMO R GONZALEZ, 0000
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*DAVID H GORETZKA, 0000
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*MELISSA L GOULD, 0000
*WAYNE C GOULET, 0000
CHRISTOPHER G GOURDINE, 0000
DION D GRAHAM, 0000
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GILLIAN J GRANT, 0000
*MATTHEW R GRANT, 0000
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GEORGE H GRIFFITHS JR., 0000
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STEPHEN GROLL, 0000
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CLARK M GROVES, 0000
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ELEANOR C NAZAR-SMITH, 0000
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*THEODORE L NELSON, 0000
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*KENNETH R NYSTROM JR., 0000
DEREK M OAKS, 0000
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*JOHN R OBERST, 0000
*DONOVAN H OBRAY, 0000
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*DAVID M ODELL, 0000
*SHARRA R ODOM, 0000
*JAMES M ODONNELL, 0000
*PATRICIA A ODONNELL, 0000
*JOSEPH L OGEA SR, 0000
*JERALD F OGRISSEG, 0000
*ERIC W OHNSTAD, 0000
*JASON M OHTA, 0000
*ADAM OLER, 0000
*ERIK J OLIGER, 0000
*GINA M OLIVER, 0000
*CAROLINE C OMDAL, 0000
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DANIEL J ORCUTT, 0000
JILL J OREAR, 0000
*JOSEPH ORLANDO, 0000
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*TIMOTHY S OSHEA, 0000
SHIRLENE D OSTROV, 0000
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*SEAN P OSWALT, 0000
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*PAUL J PELLEGRINO, 0000
*SUZANNE L PELTIER, 0000
VERNIE W PENDLEY, 0000
*BRETT D PENNINGTON, 0000
*DARRELL R PENNINGTON, 0000
*TIMOTHY L PENNINGTON, 0000
*FRANCIS X PENNY III, 0000
PATRICIA A PEOPLES, 0000
WILLIAM E PERIS, 0000
ANTHONY M PERKINS, 0000
*MATTHEW W PERKINS, 0000
ODETTE K PERKINS, 0000
CARLENE M PERRY, 0000
SUSAN M PERRY, 0000
*STANLEY PETER JR., 0000
*CALVIN D PETERS, 0000
BRIAN S PETERSON, 0000
*CORY M PETERSON, 0000
*JEFFREY V PETERSON, 0000
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*WILLIAM C PETERSON, 0000
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*STUART A PETTIS, 0000
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*THOMAS R PETZOLD, 0000
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*JACQUELINE P PINKHAM, 0000
*JOHN M PLATTE, 0000
*CHRISTOPHER A PLEIMAN, 0000
*ROBERT S PLUTA, 0000
*JOHN B H POHLMAN, 0000
*ROSE L POLGLASE, 0000
*ROBERT S POPE, 0000
DIRK G PORATH, 0000
JONATHAN P PORIER, 0000
*CATHERINE A PORTERFIELD, 0000
*CRAIG C PORTERFIELD, 0000
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MELANIE A PRINCE, 0000
HEATHER L PRINGLE, 0000
*JOSEPH L PRUE, 0000
*DIANA E PRY, 0000
ANDREA M PSMITHE, 0000
*BRIAN D PUKALL, 0000
*SHAHNAZ M PUNJANI, 0000
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*DARREN A PURSER, 0000
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DAVID M QUICK, 0000
*PATRICIA A QUICK, 0000
*BRIAN G QUILLEN, 0000
*PAMELA E QUINTERO, 0000
*JAIME J QUIROS, 0000
*DAVID M RACE, 0000
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*TIMOTHY J RADE, 0000
DAVID F RADOMSKI, 0000
*TIMOTHY C RADSICK, 0000
CECILIA J RADSLIFF, 0000
RONALD R RAE, 0000
ROBERT R RAMOS, 0000
*SUSHIL S RAMRAKHA, 0000
SUSAN H RANK, 0000
TIMOTHY J RAPP, 0000
JOHN P RAU, 0000
*JONATHAN D RAYMOND, 0000
VANESSA L REBELLO, 0000
*MICHAEL B REDDING, 0000
*LISA C REDINGER, 0000
AARON T REED, 0000
*HOMER W REGISTER, 0000
*EDWINA C REID, 0000
*ORVILLE S REID, 0000
*ROBERT B REID, 0000
*SCOTT E REID, 0000
MICHAEL D REINER, 0000
DEAN N REINHARDT, 0000
*KYLE R REINHARDT, 0000
*ROBERT J REISS, 0000
*THOMAS RENDON III, 0000
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*ODELL R REYNOLDS, 0000
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*DARREN W RHYNE, 0000
*ANTHONY RICCI III, 0000
*CHRISTINE M RICCI, 0000
*STEPHEN T RICE, 0000
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*KENNETH A RICHARDSON, 0000
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*SANDY J RICHARDSON, 0000
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ANNA M RIGHERO, 0000
*MARY A RILEY, 0000
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*TODD D RISK, 0000
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*CHRISTOPHER E ROSENTHAL, 0000
JOSEPH R ROTH, 0000
*MICHAEL T ROTH, 0000
*PATRICK J ROTHBAUER, 0000
*DAVID M ROTHENBERG, 0000
DICKEY R ROUNSAVILLE JR., 0000
JONATHAN B ROWELL, 0000

*PHILIP P ROWLETTE, 0000
*RICHARD E ROWLETTE, 0000
*THOMAS A RUDY, 0000
JOANNE R RUGGERI, 0000
GLENN E RUHL, 0000
*JEFFREY T RUMMINGER, 0000
NATHAN A RUMP, 0000
ERIK K RUNDQUIST, 0000
*DAVID C RUNGE, 0000
TIMOTHY M RUNNETTE, 0000
*PHILIP E RUTER II, 0000
*KENTON A RUTHARDT, 0000
*GERARD F RYAN JR., 0000
*LAURA M RYAN, 0000
*GLENN E RYBACKI, 0000
*MICHAEL M RYDER, 0000
*JOHN P RYDLAND, 0000
*CYNTHIA A SABIN, 0000
*THOMAS A K SADIQ, 0000
*JAMES M SAHM, 0000
*KRISTEN G SALLBERG, 0000
*SCOTT A SALLBERG, 0000
GARY L SALMANS, 0000
*BRADLEY C SALTZMAN, 0000
TIMOTHY J SAMOLITIS, 0000
*RUSLAN SANCHEZCRUZ, 0000
*PATRICK N SANDEN, 0000
*CHARLES D SANDERS JR., 0000
*JOSEPH E SANDERS, 0000
*WILLIAM A SANGUINETTI, 0000
*ANITA D SANOW, 0000
*PETER P SANTAANA, 0000
*CHRISTIAAN P SARTAIN, 0000
DARYL A SASSAMAN, 0000
ANDREW M SASSEVILLE, 0000
*JERRY E SATHER, 0000
*DENNIS A SAUCIER, 0000
*MYRLE J SAUNDERS, 0000
*TERRI A SAUNDERS, 0000
*JOHN P SAVAGE II, 0000
MICHAEL E SAYLOR, 0000
*BRIAN J SCAMMAN, 0000
*JAMES T SCAMMAN, 0000
JOHN J SCHAEFER III, 0000
*ANDREW P SCHAFFER, 0000
*REAGAN E SCHAUPP, 0000
*JILL R SCHECKEL, 0000
HEIDI L SCHEPPERS, 0000
SCOTT J SCHEPPERS, 0000
*ROBERT M SCHERER, 0000
*SCOTT J SCHERER, 0000
*DAVID A SCHILLING, 0000
*LIBBY S SCHINDLER, 0000
CHARLES F SCHLEGEL, 0000
*TODD J SCHMIDT, 0000
*BRIAN A SCHNEIDER, 0000
*JAIME M SCHOFIELD, 0000
PATRICK J SCHOLLE, 0000
*SEAN SCHOOLCRAFT, 0000
*RICHARD SCHOSKE, 0000
*ROBERT H G SCHREFFLER, 0000
*MARK A SCHULER, 0000
*MICHAEL T SCHULTZ, 0000
*STEVEN P SCHULTZ, 0000
*DAVID W SCHUSTER, 0000
CHRISTOPHER A SCHWARTZ, 0000
*BRETT G SCOTT, 0000
EARL S SCOTT, 0000
*KELLY J SCOTT, 0000
*SHARON T SCOTT, 0000
GREGORY M SCRIVNER, 0000
BRETT M SCRUM, 0000
*JOHN J SEABERG, 0000
*CLAYTON A SEALE, 0000
DAVID M SEARS, 0000
*HARRY J SEARS JR., 0000
JAMES R SEARS JR., 0000
MARK C SEE, 0000
*THOMAS W SEEKER, 0000
*RICHARD A SEIFERT, 0000
MICHAEL R SEILER, 0000
*DAVID B SEITZ, 0000
*CHRISTOPHER Y SELBY, 0000
*DARREN E SENE, 0000
TOBIAS R SERNEL, 0000
DOUGLAS K SERSUN, 0000
CAROL L SHAFFER, 0000
*ROBERT J SHAMPO, 0000
BRIAN S SHANNON, 0000
DONALD G SHANNON, 0000
*DONALD J SHARER, 0000
STEPHEN P SHARPE, 0000
DAVID W SHAW, 0000
*JAMES A SHAW, 0000
*JAMES T SHEEDY, 0000
ANDREW D SHELTON, 0000
*WENDY L SHERMAN, 0000
*FLOYD H SHERROD IV, 0000
*VLADIMIR SHIFRIN, 0000
*ANN N SHIGETA, 0000
*JONATHAN P SHOCKEY, 0000
*PATRICK SHORTSLEEVE, 0000
*JEFFREY D SHULL, 0000
*SCOTT W SHUTTLEWORTH, 0000
*KENNETH R SIBLEY, 0000
*MARC A SICARD, 0000
DAVID L SIEGRIST, 0000
SHARI FOX SILVERMAN, 0000
*MARC A SILVERSTEIN, 0000
ANDREW M SIMMONS, 0000
*GINA M SIMONSON, 0000
*DONALD L SIMS, 0000
*JACK L SINE, 0000
LAWRENCE E SINKULA, 0000
*RAYMOND M SIRAK, 0000
ROBERT M SKELTON JR., 0000
ROSE A SKIRTICH, 0000
*CHARLES O SLABY III, 0000
LISA VAN LIEU SLETTEN, 0000
*CHRISTINA M SLICKER, 0000
*JEOFFREY D SLOAN, 0000
JOHN R SLOAN, 0000
*MARK A SLOAN, 0000
*STAMATIS B SMELTZ, 0000
*TIMOTHY E SMETEK, 0000
*AARON L SMITH, 0000
*AARON M SMITH, 0000
*ALEXANDER I SMITH, 0000
*BRIAN N SMITH, 0000
BRYAN D SMITH, 0000
*CHARLES C SMITH, 0000
*CHRISTOPHER A SMITH, 0000
*HERBERT D SMITH III, 0000
*JAMES M SMITH, 0000
*JEFFREY E SMITH, 0000
*JENNIFER L SMITH, 0000
KAREN L SMITH, 0000
KELLY D SMITH, 0000
MARCUS P SMITH, 0000
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NATHAN E SMITH, 0000
*RANDOLPH R SMITH, 0000
RUSSELL J SMITH, 0000
*SCOTT F SMITH, 0000
*SHAWN A SMITH, 0000
*CHRISTOPHER G SMITHTRO, 0000
*COLIN H SMYTH, 0000
*BRENT L SNYDER, 0000
JENNIFER L SNYDER, 0000
*JOHN D SNYDER, 0000
BECKY S SOBEL, 0000
JEFFREY C SOBEL, 0000
GERARD P SOBNOSKY, 0000
THOMAS J SOLZ, 0000
LENA L SOTO, 0000
*ALEXIS SOTOMAYOR, 0000
*RICHARD B SOTTO, 0000
LAURA A SOULE, 0000
*MICHAEL J SOWA, 0000
*ROBERT S SPALDING, 0000
RANDALL G SPARKS, 0000
*MICHAEL L SPARROW, 0000
*JENNIFER G SPEIGHT, 0000
*DANIEL E SPERL, 0000
CHRISTOPHER M SPIGELMIRE, 0000
*COREY E SPOONHOUR, 0000
*MICHAEL T SPRADLEY, 0000
*THOMAS F SPRING, 0000
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*CARROLL D STALEY, 0000
*KIRT L STALLINGS, 0000
JULIE L STAMP, 0000
DAVID J STAMPS, 0000
*DARREN K STANFORD, 0000
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*JEFFREY T STARR, 0000
*ALEX STATHOPOULOS, 0000
PHILLIP G STEEL, 0000
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*BILLY M STEVERSON, 0000
*MARK T STEVES, 0000
*DARRON D STEWART, 0000
MICHAEL F STEWART JR., 0000
*RICHARD C STIKELEATHER, 0000
*CHRISTOPHER M STOCK, 0000
KAREN D STOFF, 0000
*BRIAN E STONE, 0000
*DAVID E STOOKEY, 0000
*SCOTT D STORMO, 0000
DOUGLAS A STOUFFER, 0000
*MARK D STOUP, 0000
*RUSSELL K STOVALL, 0000
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*WILLIAM E STRAIN, 0000
ROBERT A STRASSER, 0000
*MITCHELL D STRATTON, 0000
*DAVID W STREETER, 0000
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*KELLY P STRONG, 0000
*RONALD K STROUD, 0000
*KATHERINE A STRUS, 0000
*ALAN V STRUTHERS, 0000
*CLYDE E STUHR, 0000
*JAY T STULL, 0000
WILLIAM B STURGIS JR., 0000
JEFFREY R STUTZ, 0000
IVAN SUDAC, 0000
CHRISTOPHER B SULLIVAN, 0000
SCOTT M SULLIVAN, 0000
*JEFFREY P SUNDBERG, 0000
*STEVEN A SUNDERLIN, 0000
*MARK A SURIANO, 0000
PAUL D SUTHERLAND, 0000
JOHN P SVOBODA, 0000
KRISTINE L SWAIN, 0000
*ANTHONY A SWAN, 0000
ROBERT T SWANSON JR., 0000
*STEVEN M SWEENEY, 0000
MARC A SWINNEY, 0000
*ANTHONY J SWITALSKI, 0000
BARTZ R SYKES, 0000
TRACY R SZCZEPANIAK, 0000
GERALD P SZYBIST, 0000
*CHRISTOPHER C TACHENY, 0000
SABRINA J TAIJERON, 0000
DANIEL B TALATI, 0000
*JAMES C TALLMAN, 0000
TIMOTHY W TARVER, 0000
*JACOB G TATE, 0000
*MICKEY D TATE, 0000
RONNIE L TATE, 0000
CARSON L TAVENNER, 0000
CHARLES C TAYLOR, 0000
*GORDON R TAYLOR, 0000
*JOHN S TAYLOR JR., 0000
PETER W TELLER, 0000
*MARC R TESSIER, 0000
*FREDERICK D THADEN, 0000
SCOTT A THATCHER, 0000
*DANIEL F THEISEN, 0000
KEVIN C THERRIEN, 0000
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*ANGELIQUE C THIES, 0000
TROY S THOMAS, 0000
*JEREMY E THOMPSON, 0000
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*DENNIS P TUCKER JR., 0000
JAMES S TUCKER III, 0000
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DENISE VERGA TURNBAUGH, 0000
*ALICE R TURNER, 0000
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*LOLITA D TYLERLOCKETT, 0000
KELLY I UCHIMURA, 0000
WILLIAM M UHLMEYER, 0000
*RONALD J ULINE, 0000
*TIMOTHY T ULLMANN, 0000
*STEVEN F ULSAS, 0000
*LISA A ULSHOFFER, 0000
*ROBERT K UMSTEAD III, 0000
*CHARLES E UNDERHILL, 0000
*MICHAEL A UNDERWOOD, 0000
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*BENJAMIN R UNGERMAN, 0000
JENNIFER L UPTMOR, 0000
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*BRUCE G VALERIUS, 0000
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*DAVID W VAN DYCHE, 0000
*DAVID C VANAMEYDEN, 0000
*JEFFREY L VANDENBUSSCHE, 0000
*ROBERT H VANHOOSE, 0000
*EDWARD L VANZANDT JR., 0000
*DANIEL A VASENKO, 0000
*MARGIE L VASKO, 0000
JOHN E VAUGHN, 0000
*MAURICIO VAZQUEZ, 0000
*STEPHEN C VEALE, 0000
*ALPHONSE A VEERKAMP JR., 0000
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*TODD M VENEMA, 0000
DANA G VENENGA, 0000
MICHAEL T VENERDI, 0000
MICHAEL C VENERI, 0000
JAY A VIETAS, 0000
LUIS M VILLANUEVA, 0000
*HEATHER Y VILLASENOR, 0000
PAUL A VILLEM, 0000
*DERRICK O VINCENT, 0000
FRANK C VIRCIGLIO, 0000
*JOSEPH A VITALE, 0000
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*ANTHONY J VOIRIN, 0000
KIRSTEN A WADE, 0000
*GLENN R WAGNER, 0000
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*ERIC J WAGUESPACK, 0000
*JOEL C WAHLSTEN, 0000
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*ANDREW M WALLACE, 0000
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*PAUL B WALSKI, 0000
*CAROL C WALTERS, 0000
*VIVENE E WALTERS, 0000
*KENNETH D WARCHOLIK, 0000
JEFFREY R WARD, 0000
*ANNE M WARNEMENT, 0000
*RICHARD M WARNER, 0000
*JIMMY W WARREN, 0000
*RICHARD V WARREN III, 0000
*KEVIN R WARZYNSKI, 0000
*DONALD F WASIK, 0000
WENDY J WASIK, 0000
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*MICHAEL J WATERS, 0000
*TRACEY L WATKINS, 0000
RONALD K WATROUS, 0000
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*WILLIAM C WAYNICK II, 0000
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*FREDERICK C WEAVER, 0000
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*MATTHEW R WEBB, 0000
STEPHEN R WEBB II, 0000
STEVEN P WEBBER, 0000
LISA F WEBSTER, 0000
BRYAN A WEEKS, 0000
*TIMOTHY L WEIDE, 0000
*DEANNA L WEIL-VIOLETTE, 0000
*ERIC W WEINGAERTNER, 0000
*MELINDA K WEIS, 0000
*KELLY D WEISSENFELS, 0000
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*JOHN V WERNER, 0000
ANDREAS K WESEMANN, 0000
*CHRISTOPHER J WEST, 0000
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*JOHN T WEST, 0000
*NORMAN S WEST, 0000
*TIMOTHY D WEST, 0000
*KENNETH R WESTENKIRCHNER, 0000
*KEVIN D WESTLEY, 0000
*BRIEN D WESTON, 0000
*AUTUM C WHALEN, 0000
*MARTIN T WHALEN, 0000
MONICA L WHEATON, 0000
MONA D WHEELER, 0000
*CHARLES R WHITE JR., 0000
*JOE L WHITE JR., 0000
*SUZANNE S WHITE, 0000
*DAVID A WHITEFORD, 0000
*MATTHEW R WHITELEY, 0000
ROBIN L WHITEREED, 0000
*JAMES D WHITLOCK, 0000
*DREW E WIDING, 0000
IDA LEE WIDMANN, 0000
*RAYMOND C WIER, 0000
MICHAEL D WILBURN, 0000
*DON L WILCOX, 0000
*BRUCE J WILDER, 0000
*PETER WILEWSKI, 0000
*JAMES H WILKERSON, 0000
*THOMAS L WILKINS, 0000
*DOUGLAS E WILKINSON, 0000
*CRAIG L WILLIAMS, 0000
*GARRICK T WILLIAMS, 0000
*GARY E WILLIAMS, 0000
*JOSEPH H WILLIAMS, 0000
*PHAEDRA R WILLIAMS, 0000
*SCOTT E WILLIAMS, 0000
*THOMAS N WILLIAMS, 0000
*BRETT L WILLIAMSON, 0000
*MICHAEL D WILLIAMSON, 0000
*PRESTON L WILLIAMSON, 0000
RICHARD E WILLIAMSON JR., 0000
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*MICHAEL D WILSON, 0000
*RICKY E WILSON, 0000
*SCOTT F WILSON, 0000
*WILLIAM P WILSON, 0000
*JEFFREY G WILTERDINK, 0000
TRACY A WINGERT, 0000
MICHAEL P WINKLER, 0000
ROBERT P WINKLER, 0000
*TERRENCE E WINNIE, 0000
*MICHAEL J WINTERS JR., 0000
ROBERT E WINTERS JR., 0000
*ROBERT A WITHAM, 0000
*JEFFREY L WITKOP, 0000
*JOEL B WITTE, 0000
EDWARD C WOLD, 0000
*KURT A WOLERY, 0000
MICHAEL M WOLLET, 0000
ROBERT H WOLVERTON, 0000
*RICHARD D WOMACK, 0000
*TOBIN L WONG, 0000
*CHRISTOPHER S WOOD, 0000
*JEFFREY I WOOD, 0000
MICHAEL E WOOD, 0000
*DANNY F WOODALL II, 0000
*MARK A WOOTAN, 0000
MICHAEL E WORDEN, 0000
COREY A WORMACK, 0000
*CARL W WRIGHT, 0000
*DANIEL S WRIGHT, 0000
GLENN O WRIGHT, 0000
*TRAVELLE E WRIGHT, 0000
VICTOR V WRIGHT, 0000
*MARK D YADLOSKY, 0000
*CHRISTOPHER P YALANIS, 0000
*GREGORY P YANCEY, 0000
*ALLAN W YARBROUGH, 0000
*MARK O YEISLEY, 0000
*ALAN A YEN, 0000
*JEFFREY S YOCUM, 0000
*LEON C YONCE, 0000
*AARON A C YOUNG, 0000
DOUGLAS A YOUNG, 0000
*EDWIN F YOUNG, 0000
*PARR D YOUNG, 0000
WILLIAM E YOUNG JR., 0000
*PATRICK G YOUNGSON, 0000
CHRISTOPHER T ZABRISKIE, 0000
*DEAN L ZARMBINSKI, 0000
DANIEL N ZDROIK, 0000
DAVID H ZEITOUNI, 0000
*DAVID J ZEMKOSKY, 0000
CARLOS R ZENDEJAS, 0000
*WILLIAM F ZIEGLER III, 0000
*ERIC D ZIMMERMAN, 0000
*LE T ZIMMERMAN, 0000
*SCOTT C ZIPPWALD, 0000
*DELIA ZORRILLA, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KEVIN T AANESTAD, 0000
SETH D ABBOTT, 0000
TODD A ABRAHAMSON, 0000
JAMES L ABRAM, 0000
MICHAEL N ABREU, 0000
MICHAEL J ACHESON, 0000
KEVIN L ACHTERBERG, 0000
CHARLES D ADAMS, 0000
DANIEL H ADAMS, 0000
DAVID W ADAMS, 0000
HENRY C ADAMS III, 0000
JOSEPH W ADAMS, 0000
MICHAEL A ADRIANO, 0000
CHRIS D AGAR, 0000
KRISTEN A AGNEW, 0000
SANDRA A AGUIRRE, 0000
RONALD L AKERS, 0000
JEFFREY G ALBANUS, 0000
JAMES R ALDERSON, 0000
CHRISTOPHER D ALEXANDER, 0000
SCOTT M ALLEN, 0000
ROGER D ALLENBAUGH II, 0000
TERRENCE R ALLVORD, 0000
ERIC L ALTSHULER, 0000
RICHARD M AMATO, 0000
ANDREW D AMIDON, 0000
MICHAEL A AMIG, 0000
MARTIN A ANDERSON JR., 0000
WAYNE W ANDERSON JR., 0000
CHARLES H ANDREWS, 0000
RICKY A ANFINSON, 0000
EDAN B ANTOINE, 0000
ROBERT A ARCHER JR., 0000
HERMAN L ARCHIBALD, 0000
FERNANDO J ARGELES, 0000
ARTHUR P ARKO, 0000
ANDREW ARNOLD, 0000
GEORGE R ARNOLD II, 0000
ERNEST B ASHFORD, 0000
ROLAND B AVELINO, 0000
RICHARD A AVES, 0000
CABOT C AYCOCK, 0000
PAUL J BACENET, 0000
PETER J BACHAND, 0000
MARK B BAEHR, 0000
JOHN W BAILEY, 0000
JOSEPH A BALDI, 0000
THOMAS C BALDWIN, 0000
JAMES W BALLINGER, 0000
STEVEN R BALMER, 0000
BRIAN L BANKS, 0000
CHRISTOPHER M BANKS, 0000
RICHARD D BANYARD JR., 0000
CHARLES W BARBER, 0000
SILVIO J BARBOSA, 0000
HENRY W BARNES IV, 0000
JEFFERY D BARNES, 0000
STEPHEN D BARNETT, 0000
JOHN M BARRETT, 0000
RALPH G BARRETT, 0000
VICTOR A BARRIOS, 0000
JOHN J BARRY III, 0000
SCOTT R BARRY, 0000
DEAN A BARSALEAU, 0000
JONATHAN J BARTEL, 0000
RICHARD P BASSI, 0000
MICHAEL W BASTIAN, 0000
TROY D BAUDER, 0000
DAVID T BEANS, 0000
ROBERT D BEASLEY, 0000
JAMES W BEAVER, 0000
KEITH M BECK, 0000
KIRK L BECKETT, 0000
MICHAEL K BEIDLER, 0000
KEITH A BEITER, 0000
LAREDO M BELL, 0000
QUINTIN R BELL, 0000
MARK O BELSON, 0000
REYNOLFO D BELTEJAR, 0000
JEFFERY D BENNETT, 0000
JEFFREY A BENNETT II, 0000
TOR L BERG, 0000
CHRISTOPHER BERGEN, 0000
PAUL N BERTHELOTTE, 0000
JONATHAN K BESCHLOSS, 0000
TODD C BIEBER, 0000
PAUL W BIERAUGEL, 0000
THAD A BIGGERS, 0000
KEVIN W BILLINGS, 0000
WILLIAM J BILLINGS, 0000
MICHAEL B BILZOR, 0000
ARTHUR P BIRCHUM, 0000
BRET E BISHOP, 0000
GARY G BISHOP, 0000
DAVID T BITLER, 0000
SHIRLEY J BLACK, 0000
JAMES F BLAKELY, 0000
JOYCE R BLANCHARD, 0000
NONITO V BLAS, 0000
KARL J BLAU, 0000
DAMIAN S BLOSSEY, 0000
BRADLEY A BLOYE, 0000
ROBERT E BOARDMAN, 0000
RAYMOND A BOBBITT, 0000
CHRISTOPHER J BODINE, 0000
TODD W BOEHM, 0000
DANIEL F BOGAN, 0000
MICHAEL R BOGUE, 0000
MARK J BOLLONG, 0000
JOHNNY T BOMAN JR., 0000
DANIEL D BONNIWELL, 0000
TODD R BOONE, 0000
BRADLEY T BORDEN, 0000
CHRISTOPHER J BOREK, 0000
DUANE W BOREN, 0000
BRETT P BORMANN, 0000
BERNARD J BOSSUYT, 0000
MICHAEL S BOUCHER, 0000
JOHNNY E BOWENS, 0000
CHRISTOPHER D BOWNDS, 0000
GREGORY E BOYD, 0000
TIMOTHY E BOYER, 0000
CHRISTOPHER J BOYLE, 0000
PETER C BOZZO, 0000
LISA L BRACKENBURY, 0000
FRANK L BRADFIELD III, 0000
HAROLD T BRADY, 0000
DEVIN R BRAKOB, 0000
ALLEN E BRANTON, 0000
BRYAN E BRASWELL, 0000
MICHAEL D BRATTON, 0000
JOHN P BRAUN, 0000
RICHARD D BRAWLEY, 0000
TODD A BRAYNARD, 0000
JEFFREY G BREITINGER, 0000
WILLIAM D BREWSTER JR., 0000
JOHN W BRIGGS, 0000
JEFFERY T BRINGLE, 0000
ALEXANDER D BRINKER, 0000
PATRICK T BRITT, 0000
FITZGERALD BRITTON, 0000
CHARLES A BROOMFIELD, 0000
JOHN E BROTEMARKLE, 0000
KIRT D BROTHERS, 0000
CHARLES V BROWN, 0000
DEBORAH D BROWN, 0000
GREGORY A BROWN, 0000
ROBERT BROWN, 0000
ROBERT H BROWN III, 0000
ANTHONY M BRUCE, 0000
SUSAN BRYERJOYNER, 0000
DAVID J BRYSON, 0000
MICHAEL S BUCHANAN, 0000
THOMAS R BUCHANAN, 0000
TIMOTHY A BUCKLAND, 0000
MICHAEL P BUCKLEY, 0000
WILLIAM E BUCKLEY, 0000
BILLY R BURCH, 0000
JERRY W BURKETTE JR., 0000
TIMIKA L BURNETT, 0000
GREGORY D BURTON, 0000
THOMAS D BUSH JR., 0000
JOHN F BUSHEY, 0000
ANTHONY T BUTERA, 0000
DENNIS J CALLAHAN, 0000
PELAGIO B CAOILE, 0000
BRIAN E CARBAUH, 0000
JOSEPH E CARDENAS, 0000
PAUL A CARELLI, 0000
PAUL F CARFF, 0000
STEVEN H CARGILL, 0000
JEFFERY G CARLTON, 0000
LARRY J CARPENTER, 0000
ROBERT T CARRETTA, 0000
STEVEN H CARRINGTON, 0000
CARLOS J CARROLL, 0000
CURTIS C CARROLL, 0000
MICHELLE D CARTER, 0000
ANTHONY C CARULLO, 0000
TERRY B CARWILE, 0000
ERIC C CASH, 0000
ROBERT H CASSOL, 0000
JAMES M CASTLEBERRY, 0000
CHRISTOPHER L CASTRO, 0000
MICHAEL S CATES, 0000
PAUL C CATOE, 0000
CHRISTOPHER A CEGIELSKI, 0000
SCOTT M CHAFIAN, 0000
THOMAS J CHAMBERLAIN, 0000
EUGENE J P CHAN, 0000
GREGORY N CHANDLER, 0000
JEFFERY F CHANDLER, 0000

JERRY T CHAPMON, 0000
ROBERT L CHESSER, 0000
ROBERT N CHEVRETTE, 0000
CLAY S CHILSON, 0000
THOMAS K CHO, 0000
KATHRYN S CHRISTENSEN, 0000
QUIRION CHRISTIAN, 0000
DAMIEN R CHRISTOPHER, 0000
JEFFREY L CIMA, 0000
CLARENCE C CLAFLIN, 0000
MAXIMILIAN CLARK, 0000
HUGH W CLARKE, 0000
JILL E CLARY, 0000
WILLIAM C CLEARY, 0000
CHRISTOPHER J CLEMMENSEN, 0000
CHRISTOPHER J COBURN, 0000
TIMOTHY J COCHRAN, 0000
BRETT W COFFEY, 0000
CRAIG S COLEMAN, 0000
KENT S COLEMAN, 0000
WISDOM F I COLEMAN, 0000
ANDREW H COLLIER, 0000
BRAD J COLLINS, 0000
NORMAN G CONCHA, 0000
RICHARD K CONSTANTIAN, 0000
JEFFREY G CONWAY, 0000
CHARLES A COOK III, 0000
DAVID A COOK, 0000
ROBERT D COPENHAVER, 0000
ANTHONY P CORAPI, 0000
PATRICK C CORCORAN, 0000
SHAUNNA M CORCORAN, 0000
CHRISTOPHER A CORDERO, 0000
SCOTT R COUGHLIN, 0000
JOHN P COULURIS, 0000
JAMES D COX, 0000
SONYA COX, 0000
WILLARD J COX III, 0000
GLENN M CRABBE, 0000
JEFFREY A CRAIG, 0000
NELSON D CRAIG, 0000
SCOTT P CRAIG, 0000
ERIC A CRANFORD, 0000
MICHAEL A CRARY, 0000
TRACIE L CRAWSHAW, 0000
JAMES D CRAYCRAFT, 0000
CLINTON C CRESAP, 0000
DONALD A CRIBBS, 0000
TIMOTHY A CRONE, 0000
JOHN E CROSS, 0000
ROBERT J CROUCH, 0000
BRETT E CROZIER, 0000
DAVID C CULPEPPER, 0000
JOHN J CUMMINGS, 0000
VICKY A CUMMINGS, 0000
DONALD S CUNNINGHAM, 0000
KELLY K CUNNINGHAM, 0000
ANDREW A CURRY, 0000
ROBERT L CURTIS, 0000
JOHN M DAHM, 0000
JEFFREY C DALATRI, 0000
DENNIS A DAROCZY, 0000
LARRY K DAVIS, 0000
MARK E DAY, 0000
TIMOTHY P DAY, 0000
JACK D DEAN, 0000
MATTHEW A DEAN, 0000
GERALD P DEARIE, 0000
JEFFREY D DEBRINE, 0000
ROBERT K DEBUSE, 0000
SHARON L DECANT, 0000
CHRISTOPHER P DEGREGORY, 0000
KENNETH D DEHAN, 0000
JOSE M DELAFUENTE, 0000
ANTHONY R DELATORRE, 0000
ARSENIO X DELATORRE, 0000
KENNETH R DENHAM, 0000
NOEL V DENNEY, 0000
HOWARD L S DENSON, 0000
MICHAEL S DENT, 0000
JEROME C DEREN, 0000
MARK J DESALVO, 0000
DAVID G DETWILER, 0000
MICHAEL C DEWALT, 0000
ROBERT L DEWITT JR., 0000
JOSE E R DIAZ, 0000
RUSSELL J DICKISON, 0000
JOSEPH A J DIGUARDO, 0000
KECIA A DILDAY, 0000
PAUL L DINIUS, 0000
ARTHUR DINNOCENTI III, 0000
WILLIAM J DIXON, 0000
REGINALD E DIZON, 0000
CHUONG T DO, 0000
THUY H DO, 0000
RICHARD E DOBKINS, 0000
ROBERT J DOHENY, 0000
MICHAEL D DOHERTY, 0000
DANIEL T DOLAN, 0000
KENNETH P DONALDSON, 0000
DONALD J DONEGAN, 0000
JOHN A DONNELL, 0000
KRISPEN S J DORFMAN, 0000
ELLIOTT T DORHAM, 0000
DAVID H DORN, 0000
WILLIAM C DOSTER, 0000
ROBERT C DOTSON, 0000
TROY L DOTSON, 0000
MICHAEL L DOUGLAS, 0000
JESSIE L DOVE, 0000
CHRISTOPHER J DOWNEY, 0000
KEVIN A DOYLE, 0000
THOMAS E DRABCZYK, 0000
RAYMOND R DRAKE, 0000
SEAN M DRUMHELLER, 0000
SCOTT D DUARTE, 0000
CHRISTOPHER P DUFFY, 0000
TIMOTHY J DUGGAN, 0000
ERIC A DUKAT, 0000
CAROL N DULA, 0000
BRIAN P DULLA, 0000
RICHARD C DUNAWAY, 0000
JAMES DUNBAR, 0000
GARRY S DUNCAN, 0000
BRADLEY D DUNHAM, 0000
STEVEN R DUNKLEBERGER, 0000
MARTHA S DUNNE, 0000
NGAN H DUONG, 0000
BRIAN R DURANT, 0000
CAROLYNNE M DURANTHALL, 0000
TIMOTHY R DURDIN, 0000
JARED V EAST, 0000
JENNIFER K EAVES, 0000
CARL H EBERSOLE, 0000
MICHAEL T ECHOLS, 0000
KEVIN L ECKMANN, 0000
DAVID V EDGARTON, 0000
CHRISTIAN J EDWARDS, 0000
PETER S EGELI, 0000
KARL P EIMERS, 0000
STEVEN J EISEHAUER, 0000
WILLIAM J EKBLAD, 0000
MICHAEL J ELBERT, 0000
KENNETH R ELLARD, 0000
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ALEXANDER W ELLERMANN, 0000
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DANIEL K EMERSON, 0000
BRIAN P ENDERSBE, 0000
STEPHEN S ERB, 0000
MILES T ERVIN, 0000
TIMOTHY D ESH, 0000
DAVID C ESTES, 0000
BRIAN K EVANS, 0000
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PAUL C EVANS, 0000
MICHAEL A EVARISTO, 0000
TODD R EVELAND, 0000
KEITH R EVERETT, 0000
BENJAMIN E EVERHART, 0000
MARK A EVERT, 0000
PHILLIP W FARMER, 0000
PATRICIA D FARNAN, 0000
SCOTT T FARR, 0000
JEFFREY A FATORA, 0000
CRAIG J FAY, 0000
PETER A FELARCA, 0000
JOHN K FERGUSON, 0000
GERRY M FERNANDEZ JR., 0000
MARK G FICKEL, 0000
RICHARD J FIELD, 0000
PAUL J FILARDI, 0000
CHRISTOPHER M FINKLEA, 0000
TODD B FINKLER, 0000
BRIAN J FINMAN, 0000
KEVIN P FINN, 0000
EDWARD J FISCHER, 0000
DONALD S FISHER, 0000
FARYLE G FITCHUE, 0000
TIMOTHY E FLECKER, 0000
BRIAN M FLEISHER, 0000
JAMES L FLEMING, 0000
YGNACIO V FLORES, 0000
ROBERT J FLYNN, 0000
PATRICK V FOEGE, 0000
JEFFREY J FOGARTY, 0000
JOSEPH K FORD JR., 0000
LEO T FORD, 0000
LEE A FORSYTHE, 0000
ANTHONY J FORTESCUE, 0000
DANIEL J FOSTER, 0000
JOHN R FOWLER, 0000
THOMAS W FOX, 0000
SCOTT W FRAMPTON, 0000
STEVEN D FRANCIS, 0000
PHIL E FRANCOIS, 0000
PETER J FRANKENFIELD, 0000
JOSEPH A FRATANGELO, 0000
TIMOTHY W FREEHLING, 0000
WALTER H FRENCH III, 0000
WARREN K FRIDLEY, 0000
THOMAS A FROSCH, 0000
STEPHEN F FULLER, 0000
NEIL E FUNTANILLA, 0000
RAYMOND A J GABRIEL, 0000
TODD A GAGNON, 0000
MICHAEL F GALLI, 0000
MARK R GALVIN, 0000
JOHN N GANDY, 0000
NONATO A GAOIRAN, 0000
JUAN M GARCIA III, 0000
ROBERT A GARCIA, 0000
GARRETT L GARDNER, 0000
JAMES P GARDNER, 0000
PATRICK G GARRISON, 0000
MICHAEL J GARVEY, 0000
GREGORY K GASKEY, 0000
KARL E GASKINS, 0000
MICHAEL P GEBHARDT, 0000
BRIAN A GEBO, 0000
TODD R GEERS, 0000
SUSAN R GEIS, 0000
TIMOTHY P GEIST, 0000
THOMAS W GELKER, 0000
SCOTT A GENARD, 0000
NOAH J GENGLER, 0000
MATTHEW M GENTRY, 0000
EDWARD S GETTINS, 0000
LAWRENCE G GETZ III, 0000
MICHAEL J GIANNETTI, 0000
JOHN S GIBB, 0000
PAUL G GIBERSON, 0000
MICHAEL GIBSON, 0000
KENNETH W GILBERT, 0000
TODD A GILCHRIST, 0000
GERARD F GILES, 0000
KEVIN S GILLAM, 0000
DANIEL J GILLEN, 0000
SEAN C GILLESPIE, 0000
ANTHONY F GILLESS, 0000
JAMES B GINDER, 0000
THOMAS R GIRON, 0000
MARK A GLADUE, 0000
GLENN C GODBEY, 0000
LAWRENCE E GONZALES, 0000
HERIBERTO GONZALEZ, 0000
RICARDO A GONZALEZ, 0000
MIA K W GOOD, 0000
MARK E GOODE, 0000
DEBORA D GOODMAN, 0000
JOHN F I GOODPASTER, 0000
TONY R GOODRICH, 0000
ALISTAIR D GOODWIN, 0000
SCOTT S GOODWIN, 0000
DOUGLAS V GORDON, 0000
JAMES A GORDON III, 0000
KEITH H GORDON, 0000
PETER M GORTNER, 0000
KEVIN T GRAF, 0000
CHRISTOPHER B GRAHAM, 0000
DAVID K GRAMPP, 0000
MICHAEL W GRANGER, 0000
JEFFREY D GRANT, 0000
ARLENE J GRAY, 0000
MARK W GREEN, 0000
SAMANTHA J GREEN, 0000
GEORGE F GREENE, 0000
MELANIE R N GREGG, 0000
MATTHEW E GREGOR, 0000
MARC D GREGORY, 0000
GREGORY J GRESETH, 0000
ANDREW A GREY, 0000
JAMES M GRIFFIN, 0000
MARK C GRINDLE, 0000
CRAIG D GRUBB, 0000
ROBERTINO GUITY, 0000
RAYMOND GULLEY, 0000
JENNIFFER D GUNDAYAO, 0000
TIMOTHY J GUSEWELLE, 0000
GUSTAVO GUTIERREZ, 0000
BRIAN D GUTSHALL, 0000
RICHARD GUZMAN, 0000
MARK A GUZZO, 0000
GREGORY J HACKER, 0000
DALE B HAGER, 0000
JEREMY D HAHN, 0000
LEONARD M HAIDL, 0000
KAVON HAKIMZADEH, 0000
SEAN P HALEY, 0000
AMY L HALIN, 0000
LYLE D HALL, 0000
STEVEN K HALL, 0000
MARY K HALLERBERG, 0000
DAVID B HALLORAN, 0000
DANIEL L HALVORSON, 0000
WILLIAM B HAMMACK JR., 0000
JEFFREY L HAMMER, 0000
LYN Y HAMMER, 0000
CHRISTOPHER E HAND, 0000
JAMES L HANLEY, 0000
HARVEY HANNA III, 0000
ROBERT G HANNA III, 0000
JOEL P HARBOUR, 0000
SALNAVE B HARE, 0000
KEVIN D HARMS, 0000
DAVID W HARPER, 0000
SHANE G HARRIS, 0000
MATTHEW J HARRISON, 0000
RICHARD K HARRISON, 0000
EDWARD T HARSHANY, 0000
ROGER A HARTMAN, 0000
BRENDAN D HARTNETT, 0000
MICHAEL C HATTON, 0000
SAMUEL HAVELOCK JR., 0000
JON E HAYDEL, 0000
CHARLES J HAYDEN III, 0000
CHRISTOPHER D HAYES, 0000
EVERETT HAYES, 0000
LORAN S HAYES, 0000
TRACEY N HAYES, 0000
TODD A HAYNES, 0000
MICHAEL A HAYNIE, 0000
STEPHEN E HAZZARD, 0000
DAVID D HEALEA, 0000
MICHAEL E HEALY, 0000
WILLIAM A HEARTHER, 0000
PHILLIP W HEBERER, 0000
EDWARD L HEFLIN, 0000
ERIC J HEITMAN, 0000
STEVEN T HEJMANOWSKI, 0000
TIMOTHY K HELD, 0000
STEVEN B HELMBRECHT, 0000
DOUGLAS D HELTON, 0000
JEB S HENDRICKS, 0000
TERANCE J HENKLE, 0000
GERALD C HENNESSEY JR., 0000
CHRISTOPHER M HENRY, 0000
JOHN C HENSEL II, 0000
BRYANT E HEPSTALL, 0000
LUIS A HERNANDEZ, 0000
RAYMOND M HERNANDEZ, 0000
MARIO P HERRERA, 0000
JEANETTE D HERTGES, 0000
ANDREW M HESS, 0000
CHARLES W HEWGLEY IV, 0000
BENJAMIN L HEWLETT, 0000
JEFFREY T HEYDON, 0000

FERRANDO R HEYWARD, 0000
JOHN P HIBBS, 0000
BRADLEY D HICKEY, 0000
GLENN T HICKOK, 0000
EDGARD T HIGGINS III, 0000
ERIC J HIGGINS, 0000
EVAN S HIGGINS, 0000
SEAN P HIGGINS, 0000
PIERRE HILAIRE, 0000
RALITA S HILDEBRAND, 0000
BETTY J HILL, 0000
THEODORE R HILL, 0000
TIMOTHY M HILL, 0000
SHAUN A HILLIS, 0000
JOSHUA C HIMES, 0000
KEVIN L HINKAMPER, 0000
EDWARD D HINSON, 0000
EVAN A HIPSLEY JR., 0000
MARK A HOCHSTETLER, 0000
MICHAEL M HOCKER, 0000
DOYLE K HODGES, 0000
PATRICK J HODGSON, 0000
CHRISTOPHER G HOFFMANN, 0000
CYNTHIA A HOHWEILER, 0000
THOMAS A HOLDER, 0000
MELVIN T HOLLIS, 0000
DANIEL B HOLSBERG, 0000
JEFFREY J HOPPE, 0000
JOSEPH B HORNBUCKLE, 0000
ERIK R HORNER, 0000
RUSS D HORR, 0000
SEAN W HORTON, 0000
SCOTT C HOTTENSTEIN, 0000
JOHN C HOWARD, 0000
RODERICK M HOYLE, 0000
RICHARD A HUBBARD, 0000
DEANNA M HUBERT, 0000
DONALD S HUDSON, 0000
MICHAEL L HUDSON, 0000
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PETER W HUDSON JR., 0000
THOMAS R HUERTER, 0000
CRAIG B HUFFNAGLE, 0000
MARK A HUMPHREY, 0000
MATTHEW D HUMPHREY, 0000
JAMES C HUNKINS, 0000
EDWARD S HUNTER, 0000
JOHN B HUNTER, 0000
VERNON C HUNTER, 0000
MICHAEL E HUTCHENS, 0000
HOLLY J HUTCHINSON, 0000
ADOLFO H IBARRA, 0000
CARLOS A IGLESIAS, 0000
ROBERT G INFANTE JR., 0000
RALPH M INGRAHAM, 0000
SHAWN B INMAN, 0000
GREGORY S IRETON, 0000
MICHAEL K ITAKURA, 0000
RODNEY W IVARSEN, 0000
DAVID M IVEZIC, 0000
LEON R JABLOW IV, 0000
JOHN J JACKLICH, 0000
MATTHEW J JACKSON, 0000
DEAN A JACOBS, 0000
JANET C JACOBSON, 0000
RONALD G JACOBSON, 0000
GEOFFREY C JAMES, 0000
LARRY J G JANOLINO, 0000
DAVID G JASSO, 0000
GREGORY S JEFFERY, 0000
DONALD L JENKINS JR., 0000
ROBERT J JEZEK JR., 0000
ROSE E JIMENEZ, 0000
BRYON K JOHNSON, 0000
CHARLTON W JOHNSON, 0000
CHRISTOPHER L JOHNSON, 0000
ERNEST E JOHNSON, 0000
JOEL R JOHNSON, 0000
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ROBERT G JOHNSON, 0000
RON P JOHNSON, 0000
ANTHONY W JONES, 0000
AQUILLA E JONES, 0000
JEFFREY A JONES, 0000
JONAS C JONES, 0000
LARRY R JONES, 0000
LAWRENCE A JONES, 0000
MATTHEW K JONES, 0000
ROBERT E JONES, 0000
SPENCER C JONES, 0000
WILLIAM JONES, 0000
DOUGLAS A JORDAN, 0000
TIM A JORDAN, 0000
JEFFREY A JOSEPH, 0000
AMARDEV S JOUHAL, 0000
KRISTIN M JUNGBLUTH, 0000
PHILIP E KAPUSTA, 0000
JAMES S KARLEN, 0000
SCOTT A KARTVEDT, 0000
MERY A S KATSON, 0000
EDWARD D KATZ, 0000
KENNETH F KEANE, 0000
BETTYE M KEEFER, 0000
THOMAS M KEEFER, 0000
TRACI A KEEGAN, 0000
JOSEPH M KEENAN, 0000
LARRY E KELLEY, 0000
OSCAR R KELSICK, 0000
DARIUS R KEMP, 0000
DAVID S KEMP, 0000
DANIEL J KENDA, 0000
NINA R KENMORE, 0000
DONALD E KENNEDY, 0000
KEVIN M KENNEDY, 0000
LAWRENCE H KENNEDY, 0000
DAVID W KENNINGTON, 0000
SEAN R KENTCH, 0000
TRENT A KERBS, 0000
YOLANDA KERN, 0000
KATHLEEN A KERRIGAN, 0000
MARK D KESSELRING, 0000
ANDREW L KESSLER, 0000
MELVIN P KESSLER, 0000
WALLACE T KESSLER, 0000
SCOTT A KEY, 0000
PATRICK E KEYES, 0000
GLENN A KILLINGBECK, 0000
BRIAN G KILTY, 0000
THEODORE J KIMES, 0000
BOBBY L KING, 0000
CHRISTOPHER C KING, 0000
WILLIE KING JR., 0000
AMY T KINGSTON, 0000
JAMES E KIRBY, 0000
LAWRENCE J KISTLER, 0000
ROBERT A KLASZKY, 0000
GREGORY A KLESCH, 0000
DANIEL J KNEISLER, 0000
EDWARD M KNODLE, 0000
MARK K KOCHALKA, 0000
JOSEPH R KOHLA, 0000
TIMOTHY P KOLLMER, 0000
MARK E KONST, 0000
ROBERT S KOON, 0000
KENNETH G KOPP, 0000
SABRA D KOUNTZ, 0000
JUAN A KRALJEVIC JR., 0000
WILLIAM J KRAMER, 0000
PATRICK D KREITZER, 0000
STEVEN C KROLL, 0000
SCOTT D KUYKENDALL, 0000
EUGENE D LACOSTE, 0000
LANCE J LAFOND, 0000
MARK A LAKAMP, 0000
DAVID A LAMBERSON, 0000
DANE B LAMBERT, 0000
KRISTA L LAMOREAUX, 0000
CHRISTOPHER L LANGUELL, 0000
MICHAEL L LANKER, 0000
WILLIAM S LASKY, 0000
WESLEY H LATCHFORD, 0000
JONATHAN B LAUBACH, 0000
DEREK M LAVAN, 0000
MICHAEL T LAVIGNE, 0000
PAUL P LAWLER, 0000
WILLIAM E LAWRENCE, 0000
TOBY A LAYMAN, 0000
HUNG B LE, 0000
ROBERT T LEAKE, 0000
MATTHEW R LEAR, 0000
JEAN M LEBLANC, 0000
FRANKLIN P LEE, 0000
JAMES A LEE, 0000
MICHELE L LEE, 0000
BRIAN J LEEP, 0000
BRIAN E LEGERE, 0000
MATTHEW J LEHMAN, 0000
GARY LEIGH, 0000
JEFFREY M LEITZ, 0000
BRIAN S LENK, 0000
MICHAEL J LENT, 0000
IGNACIO LEPE, 0000
TODD J S LEPPER, 0000
DENNIS K LEROY, 0000
LANCE L LESHER, 0000
MARY A LESLIE, 0000
CHRISTOPHER T LESTER, 0000
KELVIN M LEWIS, 0000
KURT A LEWIS, 0000
STEVEN C LEWIS, 0000
MICHAEL A LILE, 0000
ALVARO L LIMA, 0000
ESPIRIDION N LIMON, 0000
ANTHONY J LINARDI III, 0000
MATTHEW K LINCE, 0000
MARK A LIND, 0000
SHAWN G LINTON, 0000
MATTHEW A LISOWSKI, 0000
JENNIFER M LITTLE, 0000
MICHAEL W LITTLE, 0000
JASON M LLOYD, 0000
JORGE A LOA, 0000
DALE A LOKEY, 0000
CARLO D LOMBARDO, 0000
JOHN A LONG, 0000
JOHN R LONG, 0000
JOHN M LOTH, 0000
SCOTT H LOUDENBACK, 0000
GENE W LOUGHRAN, 0000
CHRISTOPHER B LOUNDERMON, 0000
JOEL S LOVEGREN, 0000
JONATHAN C LOVEJOY, 0000
RICHARD J LOY, 0000
EDWIN J LUCIO, 0000
BRICE K LUND, 0000
MICHAEL J LYDON, 0000
ANDREW C LYNCH, 0000
LEONARD M LYON, 0000
JENNIFER C LYONS, 0000
SCOTT B LYONS, 0000
MARK MACALA, 0000
JAMES W MACEY, 0000
PATRICK Y MACK, 0000
STEPHEN G MACK, 0000
ROBERT C MACKY III, 0000
JOEL R MACRITCHIE, 0000
MARIANNA B MAGNO, 0000
RON C MAGWOOD, 0000
MICHAEL D MAKEE, 0000
PATRICK L MALLORY, 0000
MICHAEL G MALMQUIST, 0000
JOAN E MALONE, 0000
DANIEL K MALONEY, 0000
RICHARD A MALONEY, 0000
KENNETH L MALPHURS, 0000
WILLIAM G MANDERS JR., 0000
GARLAND D MANGUM, 0000
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MARK B ZINSER, 0000
DARYK E ZIRKLE, 0000
JOHN F ZREMBSKI, 0000
JOHN J ZUHOWSKI, 0000

EXTENSIONS OF REMARKS

IMPROVING THE SAFETY OF IMPORTED FOOD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. DINGELL. Mr. Speaker, according to the Secretary of Health and Human Services Tommy Thompson, there is a need to protect food coming into the U.S. from foreign countries against intentional adulteration. I agree. For the last two congresses, most of the Democratic members of the Committee on Energy and Commerce have sponsored legislation aimed at improving the safety of imported food Americans eat. Today, I am reintroducing that bill together with amendments that give higher priority to, and that deal more directly with, concerns about the intentional adulteration of imported food that we, the American public, and the Secretary now share as a result of the recent tragic events in New York City and Washington.

Although the legislation I introduced in the last two congresses has not received so much as a hearing, Congress's failure to act is not because there hasn't been a problem. According to the General Accounting Office (GAO), adulterated food causes 81 million illnesses and as many as 9,100 deaths each year. The important thing to know, however, is that these deaths and illnesses are also avoidable. We have the means to arm the Food and Drug Administration (FDA) with the authority and resources it needs to protect our food supply. There are exciting new technologies that have the potential to make tests for microbial and pesticide or other chemical adulteration easy to perform and affordable.

Unfortunately, FDA does virtually no preventive testing under our current food import program. Food shows up at any one of 307 different ports of entry. An FDA inspector may or may not be present. And, even if an inspector is present, only about one percent of imported fresh fruits and vegetables are inspected and even fewer tested. The tests can take a week or more to yield results. In the meantime, the food is long gone and most likely consumed.

Instead of pre-testing and verifying the safety of imported food before the American public eats it, the FDA waits for people to get sick or die before it tries to determine whether food adulteration is involved. The outrageous and wholly intolerable conclusion one must draw is that Americans are being used as guinea pigs.

There are special problems with imported food that do not exist with food produced in the U.S. FDA lacks authority and resources to ''trace back'' the source of food borne illness beyond the border. It also does not have access to the points of production, processing, and distribution as it does in the case of U.S. food products. Furthermore, preventive detection is virtually impossible because FDA does not have tests available to detect pathogens on imported food in a timely manner. Finally, FDA cannot even account, in many cases, for what happens to imported fruits and vegetables that are adulterated and refused admission into the U.S.

GAO has studied this situation and has concluded that the Federal government cannot ensure that imported food is safe. New resources, authorities, and technologies are needed for FDA to assure the American public, with confidence, that imported food has not been intentionally adulterated and is safe.

More food safety inspectors are needed. FDA only has 150 inspectors who are spread thinly at 307 ports where food comes into the United States—less than half the number of inspectors needed to cover all ports on a full-time basis. On the other hand, meat and poultry that the U.S. Department of Agriculture (USDA) must inspect comes into the United States at only 35 ports. Furthermore, USDA gets 80% of the food safety budget even though it has responsibility for only 20% of the food supply, while FDA that has responsibility for 80% of the food supply gets only 20% of the food safety budget.

The Imported Food Safety Act of 2001, which I am introducing today, addresses each of these problems. It gives the Secretary of Health and Human Services authority to limit the number of ports where imported food may come into the U.S. Therefore, if FDA only has enough inspectors to cover 20 ports, instead of the 307 ports it now tries to inspect, the Secretary can require imported food to come through those 20 ports. The bill also authorizes such sums as the Secretary deems necessary to hire enough inspectors and to conduct enough tests so that the American public has confidence that imported food has not been intentionally adulterated.

The legislation also provides additional resources in the form of a modest user fee on imported foods, and a ''Manhattan Project'' to develop ''real time'' tests that yield results within 60 minutes to detect E. coli, salmonella, and other microbial contaminants as well as pesticides and other chemical contaminants. Finally, the legislation gives FDA authority like USDA has for meat and poultry, to stop unsafe food at the border and to assure that its ultimate destination is not America's dinner table.

Mr. Speaker, the time for action is now. Thirty-eight percent of all the fruit and 12 percent of all the vegetables Americans eat each year come from foreign countries. Over the last five years, the volume of food imported into the U.S. has almost doubled. FDA has acknowledged that it is ''in danger of being overwhelmed by the volume of products reaching U.S. ports.''

Let's do the people's business and improve the safety of our food supply. Let's hear from consumers, public health experts, and all others with an interest in the matter. I am confident that none will dare defend the status quo.

AIR PIRACY REPRISAL AND CAPTURE ACT OF 2001

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Air Piracy Reprisal and Capture Act of 2001 and the September 11 Marque and Reprisal Act of 2001. The Air Piracy Reprisal and Capture Act of 2001 updates the federal definition of ''piracy'' to include acts committed in the skies. The September 11 Marque and Reprisal Act of 2001 provides Congressional authorization for the President to issue letters of marque and reprisal to appropriate parties to seize the person and property of Osama bin Laden and any other individual responsible for the terrorist attacks of September 11. Authority to grant letters of marque and reprisal are provided for in the Constitution as a means of allowing Congress to deal with aggressive actions where a formal declaration of war against a foreign power is problematic, Originally intended to deal with piracy, letters of marque and reprisal represent an appropriate response to the piracy of the twentieth century: hijacking terrorism.

All of America stood horrified at the brutal attacks of September 11 and all of us stand united in our determination to exact just retribution on the perpetrators of this evil deed. This is why I supported giving the President broad authority to use military power to respond to these attacks. When Congress authorized the use of force to respond to the attacks of September 11 we recognized these attacks were not merely criminal acts but an ''unusual and extraordinary threat to the national security.''

Congress must use every means available to fight the terrorists behind this attack if we are to fulfil our constitutional obligations to provide for the common defense of our sovereign nation. Issuance of letters of marque and reprisal are a valuable tool in the struggle to exact just retribution on the perpetrators of the attacks on the World Trade Center and the Pentagon. In fact, they may be among the most effective response available to Congress.

Since the bombing there has been much discussion of how to respond to warlike acts carried out by private parties. The drafters of the Constitution also had to wrestle with the problem of how to respond to sporadic attacks on American soil and citizens organized by groups not formally affiliated with a government. In order to deal with this situation, the Constitution authorized Congress to issue letters of marque and reprisal. In the early days of the Republic, marque and reprisal were usually used against pirates who, while they may have enjoyed the protection and partnership of governments, where not official representatives of a government.

Although modern America does not face the threat of piracy on the high seas, we do face the threat of international terrorism, Terrorism

has much in common with the piracy of days gone by. Like the pirates of old, today's terrorists are private groups operating to assault the United States government as well as threaten the lives, liberty and property of United States citizens. The only difference is that while pirates sought financial gains, terrorists seek to advance ideological and political agendas through terroristic violence.

Like the pirates who once terrorized the high seas, terrorists today are also difficult to punish using military means. While bombs and missiles may be sufficient to knock out the military capability and the economic and technological infrastructure of an enemy nation that harbors those who committed the September 11 attacks, traditional military force may not be suitable to destroy the lawless terrorists who are operating in the nations targeted for military force. Instead, those terrorists may simply move to another base before our troops can locate them. It is for these reasons that I believe that, were the drafters of the Constitution with us today, they would counsel in favor of issuing letters of marque and reprisal against the terrorists responsible for this outrageous act.

Specifically, my legislation authorizes the President to issue letters of marque and reprisal to all appropriate parties to capture Osama bin Laden and other members of al Qaeda or any other persons involved in the September 11 terrorist attacks. The President is also authorized to use part of the $40 billion appropriated by this Congress to respond to the attack, to establish a bounty for the capture of Osama bin Laden. My legislation singles out Osama bin Laden and al Qaeda because the information available to Congress and the American people indicates bin Laden and his organization were responsible for this action. By vesting authority in the President to issue the letters, my legislation ensures that letters of marque and reprisal can be coordinated with the administration's overall strategy to bring the perpetrators of this outrageous act to justice.

Letters of marque and reprisal resolve one of the most vexing problems facing the country: how do we obtain retribution against the perpetrators of the attacks without inflicting massive damage on the Middle East which could drive moderate Arabs into an allegiance with bin Laden and other terrorists. This is because using letters of marque and reprisal shows the people of the region that we are serious when we say our quarrel is not with them but with Osama bin Laden and all others who would dare commit terrorist acts against the United States.

Mr, Speaker, I ask that my colleagues join with me in providing the additional ''necessary weapon of war'' and to help defend our fellow citizens, our sovereign nation, and our liberty by cosponsoring the September 11 Marque and Reprisal Act of 2001 and the Air Piracy Reprisal and Capture Act of 2001.

TRIBUTE TO BEA GADDY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. CARDIN. Mr. Speaker, I rise today to honor the life and works of Bea Gaddy, an advocate for the poor, councilwoman, and humanitarian who died of breast cancer last Wednesday. Bea Gaddy's devotion to the service of the poor and the disadvantaged has made her a legend in Baltimore and throughout Maryland.

With her exceptional strength of character and determination, she not only transformed her own life but also the lives of those around her. Her childhood was marred by her father's abandonment and her stepfather's alcoholism and abuse. By the time she reached her early twenties, she had already lived through two failed marriages of her own.

Bea Gaddy knew hunger and poverty intimately. In order to feed her five children and others like herself, she began pushing a garbage can on wheels to local grocery stores asking for food. And so, began her life-long mission to feed the hungry and help the poor. She finished her high school education and earned a college degree from Antioch University's Baltimore division. On October 1, 1981, she officially opened her food and clothing distribution center. In 1988, she began homeless shelters for women and children out of rundown houses.

While she provided food, clothing, and shelter for the needy, she also taught them to be independent. With her encouragement, many found jobs and got an education. She taught people how to live better lives. In 1999, she was elected to the Baltimore City Council. As councilwoman, she fought to get decent medical services for the homeless in addition to other services. She brought attention to the plight of the poor.

Baltimore was blessed with Bea Gaddy's charitable works, but her remarkable spirit was recognized around the Nation. She was once named Woman of the Year by Family Circle Magazine, she appeared on CBS Morning News, and in 1992 was named as one of President George Bush's ''Thousand Points of Light.''

I hope that my colleagues will join me in saluting Bea Gaddy, a rare individual whose life is an example to all of us. Her kindness and strength changed many lives. Bea Gaddy will be sincerely missed.

LET PRESIDENT CHEN ATTEND APEC

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. GILMAN. Mr. Speaker, this year's Asia Pacific Economic Cooperation (APEC) forum is scheduled to take place later this month in Shanghai, China, and will be attended by President George W. Bush and PRC President Jiang Zeillin. The APEC forum will also be attended by the leaders of the nineteen other members of APEC, and will provide a vital opportunity to discuss the international economic situation and formulate a plan to address the deteriorating world economy and the economic threats we are all now facing. Given the monumental challenge that this entails, it is inconceivable that Taiwan, the leader of the seventh largest trading economy and ninth largest GDP in the APEC group would be excluded from such a gathering, and that indeed full cooperation by all leading economic players in the region would not be encouraged. Yet, Mr. Speaker, this is precisely the situation that is now upon us as the government of the People's Republic of China is once again exercising narrow political calculations to the detriment of the people of Taiwan, and in fact the rest of the world, by excluding President Chen Shui-bian from this meeting.

It is important to recognize that the APEC forum is an ECONOMIC forum, and that especially during this time of crisis, we cannot afford to allow political differences to threaten the formulation and implementation of a sound economic strategy in response to these threats. Mr. Speaker, Taiwan is a vital trading partner of the United States, it imports significantly more goods from the United States than does the People's Republic of China, and its leadership is committed to the same principles of democracy and freedom that we hold so dear. The exclusion of President Chen from this meeting is a cold reminder that not all governments who express their solidarity with us in facing these many threats are actually committed to realizing the intrinsic hopes of economic freedom and political expression of their people. In fact, Mr. Speaker, such actions should give us great pause when we realize the destruction and mayhem that can result from a policy which abandons our commitment to freedom-loving people, only to secure better relations with an illegitimate regime for short-term economic gain. The United States has a duty and an obligation to stand up for our friends and allies on Taiwan, and to insist that their leader be able to participate and contribute in addressing the global threats we must now face.

The events of September 11th prove that the world of ambiguities and diplomatic niceties no longer exists, and the sooner this realization translates into true representation for all, the sooner we can begin to construct the foundation of an international order based on the rule of law and economic freedom. The very first step in this process, however, must be taken, and the inclusion of President Chen from Taiwan in the APEC meeting would go a long way in demonstrating our commitment to building such an order.

TRIBUTE TO REVEREND RONALD J. DINGLE

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor the Reverend Doctor Ronald J. Dingle for his service to the Boca Raton community. This October, Rev. Dingle will retire after 39 years as Pastor of Advent Lutheran Church in Boca Raton, Florida.

Rev. Dingle has been very involved not only with his pastoral duties, but also in the community as well. His civic and community activities over the years have included: United Campus Ministries at Florida Atlantic University, Presidency of the Boca Raton Association of Churches as well as membership on numerous boards such as Visiting Homemakers, Operation Concern, Birthline, and Boca Raton United Fund. Rev. Dingle is actively leading the Lazarus Project, a Lutheran outreach presence in Haiti. Under his leadership many Advent programs were initiated and continue to flourish.

Rev. Dingle will retire at an October 26th celebration in his honor. He and his wife Marguerite Dingle will, however, continue to serve Advent ministries and the community on a part time basis.

It is with great honor that I commend Rev. Dingle for his commitment to the community and dedication to enriching the lives of his parishioners. His presence at the Church will be sorely missed, however his spirit will live on forever within those who he has touched.

FARM SECURITY ACT OF 2001

SPEECH OF

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mr. COMBEST. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues the following exchange of letters between the Committee on Agriculture and the Committee on Ways and Means with regards to H.R. 2646.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
September 17, 2001.

HON. LARRY COMBEST,
Chairman, Committee on Agriculture.

DEAR CHAIRMAN COMBEST: I am writing concerning H.R. 2646, the ''Agriculture Act of 2001,'' which was ordered favorably reported by the Committee on Agriculture on August 2, 2001.

As you know, the Committee on Ways and Means has long maintained a jurisdictional interest over matters concerning trade. Contained in the bill are two provisions that fall within the jurisdiction of the Committee on Ways and Means. Sec. 127 of the bill changes the level of import quotas on cotton permitted under U.S. law, and Sec. 146 requires importers of dairy products to pay assessments applied to domestic dairy producers to offset the costs of dairy sales promotion programs. These provisions fall within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration we will not seek action on these particular proposals. This is being done with the understanding that it does not in any way prejudice the Committee's jurisdictional prerogatives on these measures or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2646, and would ask that a copy of our exchange of letters on these matters be included in your committee report.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
September 18, 2001.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means.

DEAR CHAIRMAN THOMAS: As you are aware, on July 27, the Committee on Agriculture favorably reported H.R. 2646, the Farm Security Act of 2001. As ordered reported, H.R. 2646 contains matters within the jurisdiction of your committee.

In the interest of expediting consideration of this matter by the House, I respectfully request that you forego seeking a referral of this bill. I understand that such an action does not waive your committee's jurisdiction, and I will support your inclusion as additional conferees in any eventual House-Senate Conference on this bill, should you seek it.

I greatly appreciate your cooperation in this matter. I will insert a copy of our exchange of letters in the Congressional Record during consideration of H.R. 2646 on the Floor.

Sincerely,

LARRY COMBEST,
Chairman.

WHAT AMERICA IS ALL ABOUT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. MURTHA. Mr. Speaker, I would like to call the attention of my Colleagues to a new book written by a native of Johnstown, Pennsylvania. ''A Letter to Mrs. Roosevelt'' vividly conveys the fear gripped a young girl as her family home was posted for sheriff's sale.

This story about life during the Great Depression truly depicts what America is all about, and should be a must-read for all Americans. Author C. Coco DeYoung based the award-winning novel on her family's experience, with vivid details brought to her through her family's tradition of storytelling.

Though written as a children's book by a former educator, the short novel is equally compelling to adult readers. Published by Delacorte Press, the book won the Sixth Annual Marguerite de Angeli Prize for historical fiction and the 2000–2001 Keystone to Reading Book Award. Selected by Booklist as a Top 10 First Novel of 1999, and a Teachers' Choices 2000 by the International Reading Association, this book has also been recognized as a Notable Social Studies Trade Book for Young People by the Children's Book Council and the National Council of Social Studies. To date, it has been nominated for state book awards in seven states.

The story is based on real events involving De Young's grandfather, and her father whose childhood is depicted in the character role of Charlie Bandini in the book. As a six-year-old boy, Charlie injures his leg, the bone becomes infected and doctors want to amputate. Charlie's father (De Young's grandfather in real life) uses everything the family owned to borrow $5,000 to bring in a doctor from Massachusetts to save the leg. But as the Great Depression set in deeper, he cannot keep up with the payments through his business as a shoemaker in Johnstown, Pennsylvania. ''Papa'' Bandini, an Italian immigrant, spoke five languages doing business with the various immigrant groups that had settled in the mill town. Despite their difficulties, he sometimes feeds hobos who come to the house for food, and when customers had no money, he would accept produce from their gardens as payment for fixing shoes.

Having witnessed the fate of neighbors whose homes had been posted for Sheriff Sale, the sense of security of 11-year-old Margo Bandini crumbles when she comes home to discover that her own family home had been posted by the Sheriff.

As the family struggles and grapples with their fears, desperate to save the family from despair, Margo writes a letter to the First Lady, Eleanor Roosevelt.

Distributor Random House, in its Online Teachers Guide available free at www.randomhouse.com, says the book is an excellent tool not only for teaching about the history of the Great Depression, but also for teaching about brotherhood, family, pride, fear and courage.

The real-life Coco family became one of the first in Johnstown to receive a loan through the Home Owners Loan Corp., a New Deal relief project created by President Franklin D. Roosevelt. And De Young's father, the book-character ''Charlie,'' remarkably is now in his 77th year of working in his shoe business—he's been at it since the age of six.

A ''Letter to Mrs. Roosevelt'' creates a vivid sense of time and place during the Great Depression and tells a heart-warming story of one family's struggles and courageous triumph through dark times. I recommend it to anyone.

A TRIBUTE TO WAR DOGS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, on November 11th, the citizens of our country will celebrate Veteran's Day. We use this day to acknowledge our veteran's contributions to our national security and to recognize the sacrifices given by the members of our military.

But let us not forget about the courageous efforts of the war dog.

Over twelve thousand dogs served in World War 11, fifteen hundred in the Korean War, and more than four thousand in Vietnam. These brave dogs have served as sentries, scouts, messengers, trackers, and mine-sniffers.

The Humane Society of Greater Miami honors war dogs by flying an American flag over the grave of Fella, a war dog who is buried in their Oak Lawn Pet Cemetery. Fella served in the Pacific during World War 11 and was credited with saving many lives. This Veteran's Day, the Humane Society of Greater Miami-Dade will honor America's war dogs at Fella's memorial. Miami's K–9 officers and their partners will also be honored at this event.

Please join me in honoring all who served in the U.S. Military this Veteran's Day, including our faithful war dogs who dedicated their lives to the duty of protecting our soldiers.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. LEE. Mr. Speaker, I regret that I was unavoidably detained due to a flight delay for tonight's votes. Had I been present, I would have voted ''yes'' on both H. Con. Res. 244, authorizing the printing of the Our American Flag publication, and H. Res. 250, urging the Secretary of Energy to fill the Strategic Petroleum Reserve.

125TH ANNIVERSARY OF MT. ZION EVANGELICAL LUTHERAN CHURCH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. COYNE. Mr. Speaker, I rise today to observe the 125th Anniversary of Mt. Zion Evangelical Lutheran Church in Pittsburgh Pennsylvania.

One hundred twenty-five years ago, a group of Lutheran pastors, including Dr. William A. Passavant, selected a section of Allegheny City, Pennsylvania, now known as Observatory Hill on Pittsburgh's Northside, for a new Lutheran congregation. A half-acre of land was purchased for the construction of the congregation's first building. It occupied the space where the Incarnation Academy stands today.

Seventeen people signed the charter for Mt. Zion Evangelical Lutheran Church on the first Sunday in October 1876. The Reverend G.H. Gerberding became the first pastor of this congregation in 1876.

In 1914, the cornerstone of the present English Gothic stone building located at 3936 Perrysville Avenue was laid. Several members of the congregation mortgaged their homes to provide the capital for the construction. In 1925, the congregation purchased the nearby Graham Building and enclosed the 12-foot space between the apartment building and the church to provide offices, restrooms, and hallway passage.

Before the Depression, Mr. Zion sponsored both a Foreign Mission Pastor and a Home Mission Pastor. After World War II, the congregation was able to resume its commitment to both missionary fronts.

During World War II, Mt. Zion was the first church in Pittsburgh to dedicate a Service Banner in honor of its 312 men and women who served in the military.

Over the years the congregation has been supportive of Camp Lutherlyn, the Passavant Health Center, Thiel College, and Gettysburg Seminary. In addition, Mt. Zion has hosted YMCA meetings. It has hosted religious classes for students from Perry High School. And it has sponsored a strong Boy Scout troop for 76 years.

Through these 125 years, fifteen pastors have served Mt. Zion. The longest pastorate was that of The Reverend John B. Knisley, D.D, who served the congregation from 1934 to 1959. The congregation has given twelve sons to the ordained ministry, one daughter to the diaconal ministry, and one daughter to commissioned missionary service.

Today, Mt. Zion houses Allegheny community Services (a subsidiary of Glade Run Lutheran Services), which provides counseling services to youth and family, and the congregation seeks to have more of its building space used by social ministry agencies serving the community.

Mt. Zion began a year-long 125th anniversary celebration in September. Bishop Donald J. McCoid of the Evangelical Lutheran Church's Southwestern Pennsylvania Synod will be preaching at the Reunion Celebration on October 14, 2001. In preparation for this event, the children of the congregation are making a paper chain with approximately 1,800 links. The names of those baptized over the past 125 years are printed on the chain, with one name per link.

Mr. Speaker, I want to congratulate the congregation of Mt. Zion Evangelical Lutheran Church on this happy occasion and wish this community all of the best in the coming years.

TRIBUTE TO VIVIAN LOIS BELL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. LEVIN. Mr. Speaker, I rise to honor the memory of Vivian Lois Bell who served the people of her community in many ways.

From 1967 through 1980, in her position first as deputy clerk and then clerk of Royal Oak Township, Ms. Bell served the people of Royal Oak Township with caring, devotion, and excellence in the many areas under her supervision.

Following her retirement as clerk, Ms. Bell devoted several years providing care for her oldest grandchild before she re-entered the workforce as a secretary for Blue Cross and Blue Shield of Michigan. She retired in 1996 and spent her remaining years caring for her grown family of grandchildren.

Ms. Bell will long be remembered for her smile, her encouragement, and her wisdom in all her endeavors. She was dear friend to many and she will be missed.

Mr. Speaker, I ask my colleagues to join me in offering our condolences to the family and friends of Vivian Lois Bell who passed away September 8, 2001.

PERSONAL EXPLANATION

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. LUCAS of Kentucky. Mr. Speaker, on September 24, 2001, my plane to Dulles Airport in Washington, D.C. was delayed because of inclement weather. As a result, I missed two votes on the House floor.

Had I been present, I would have voted ''yes'' on rollcall vote 349 to pass H.R. 717, a bill to support additional Federal research, coordination, information, and education on Duchenne and other forms of muscular dystrophy.

In addition, I would have voted ''yes'' on rollcall vote 350 to pass H.J. Res. 65, a bill to provide continuing appropriations at current levels through October 16 for all Federal departments and programs covered by the fiscal 2002 spending bills not yet enacted.

TRIBUTE TO PASTOR JIM ORTIZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mrs. NAPOLITANO. Mr. Speaker, in commemoration of Pastor Appreciation Day, I rise to honor Pastor Jim Ortiz, senior pastor at ''My Friend's House'' an Assembly of God congregation in Whittier, CA. Having served his congregation for 29 years, Pastor Jim dedicated himself to improving the lives of people throughout the 34th Congressional District of California. It is because of his commitment and exemplary service to his congregation and to the community that I want to take this opportunity to pay tribute to this extraordinary man.

Born to Puerto Rican parents and a native of New York City, Pastor Jim moved to California with his family and attended Hueneme High School in Oxnard. In 1973, he received a Bachelor of Arts degree in Biblical Studies and Sociology from Vanguard University (the former Southern California College) and completed graduate studies at Fuller Theological Seminary in Pasadena, CA. He is currently pursuing a Master of Divinity degree at the C.P. Haggard School of theology at Azusa Pacific University.

Pastor Jim is a model constituent full of kindness, sincerity and dedicated service. His congregation, ''My Friend's House'' was founded in 1971, with the help of his wife Yollie. Their mission is to preach the gospel in a way that it improves people's lives and positively impacts the surrounding community. Under Jim and Yollie's guidance, ''My Friend's House'' has grown to an average weekly attendance of more than 400 people including a large number of young Latino families. Their success helped to spawn three sister congregations in various parts of California. Pastor Jim, whose unique style of communication, is both creative and appealing, allows him to capture listener's attention. His uplifting message is born out of his deep conviction that the gospel of Jesus Christ can transform lives and change society for the better. His exemplary lifestyle inspires others to live a life of charity, humility and compassion.

Pastor Jim's countless contributions to the community have touched the lives of many. He established Metro Impact, Inc., a community development corporation consisting of eight ministries dealing with evangelical propagation, economic development, social service and community outreach. Among the various services that Metro Impact offers are, an after school drop-in center for youth, a summer day camp for children, a free computer learning facility and a family enrichment center. Metro Impact also has programs that provide food, recreation and housing for low-income families.

At 52 years of age, Pastor Jim is the longest tenured Pastor in the Southern California District Council of the Assemblies of God and also happens to be the youngest. He has devoted most of his life to serving the community and improving the lives of people and families from all over Southern California's 34th Congressional District. Please join me in honoring Pastor Jim Ortiz for all of his hard work and dedication to his family, congregation and community. He is an example of the best in all of us.

ACKNOWLEDGING THE DEATH OF MS. ANNA MARIA ARIAS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. SOLIS. Mr. Speaker, I rise today to acknowledge the death of a Latina leader and a remarkable person.

Ms. Anna Maria Arias, a California native, passed away from a bone marrow transplant procedure in Houston, TX last Monday. Ms. Arias immeasurably contributed to the Latino community through her vast experience and expertise in the media profession. She worked as a radio news anchor, newswriter, and as a media and campaign organizer for presidential and local candidates at the Democratic National Committee. She was also a member of the production team of CNN's Crossfire program and served as Managing Editor of HISPANIC Magazine for five years.

In October 1994, Ms. Arias founded LATINA Style Magazine; the first national publication that covers issues pertinent to contemporary, professional, Hispanic working-women from a Latina point of view. Ms. Arias' familiarity and sensitivity towards issues meaningful to the Latino community was crucial to address the issues that affect Latina professionals. As the founding Publisher & Editor of LATINA Style Magazine, she provided a voice for, advocated on behalf of, and empowered professional Latina women throughout the entire United States.

Ms. Arias' forward thinking and hard work was recognized when she was honored with the 1999 Entrepreneur of the Year Award by the Greater Washington Hispanic Chamber of Commerce, and with the Entrepreneurship Award by the Changing Images in America Foundation.

Ms. Arias is a true leader who will be remembered for her adamant commitment to help others and for her dedication to educate and inform Latina women. Her efforts and ability to make inroads for an under-represented and disadvantaged population of our society has unquestionably contributed to the greater good.

HONORING GEORGE ANDREWS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. McINNIS. Mr. Speaker, the city of Pueblo and the surrounding community has lost an exceptional member of their community and I would like to take this opportunity to recognize the distinguished life of Mr. George Andrews. George Andrews died at the age of seventy-two after suffering from illness for several months.

Mr. Andrews was a dedicated family man who was also very successful as a business manager. George's life centered around his family and their foodservice business which was started by his father and uncle in 1926. The business survived the Great Depression and has undergone many changes in clientele and inventory since it first originated. George Andrews took over his father's interest in the business after his death in 1950, eventually acquiring sole ownership. Andrews Foodservice remains family owned and operated and still provides an important service to the community. Mr. Andrews expressed his generosity through his relationship with his employees and his community. It wouldn't be surprising to see George providing the Colorado Highway Patrol with gifts to hand out to travelers during the holiday season.

Mr. Speaker, George Andrews was successful not only with his business, but also with the bonds that he nurtured with his family and the community. He was a gracious man with a strong character and he will be missed. I would like to express my condolences to Mr. Andrews' family and friends. He will not be forgotten.

IN MEMORY OF JULIA PAPPAS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. KAPTUR. Mr. Speaker, today I rise to pay tribute to Julia Pappas of my district, who passed from this life after 94 years on February 28, 2001. As another political season draws near and with recent events bringing out the patriotism of Americans, Julia's life and example of citizenship should be reflected upon and recognized.

Born on Christmas Day 1907 in Andrianoupolis Thrace Asia Minor, Julia was an immigrant to the United States. Even as she reveled in her Greek heritage, she became fully immersed in her adopted homeland's society. She was avidly involved in grassroots politics, and could always be counted on for support. She understood better than many that the right of American citizenship came with civic responsibility, and was a strong advocate for citizen participation in our political process.

Julia was a dedicated member of the Holy Trinity Greek Orthodox Cathedral, where her presence was familiar and her involvement in church activity second-to-none. She truly lived her faith showing through word and deed its importance to her. She was a member of the Cathedral's Daughters of Penelope, AHEPA Auxiliary, and the Philoptochos Society. She was also a Red Cross and Lucas County Democratic Party volunteer.

A lifelong traveler, Julia saw the world and reported on her travels to others, enabling them to understand the different cultures of our world. She was able to realize ''a lifelong dream'' of visiting Jerusalem, a trip she felt deeply.

Twice widowed, Julia was an absolutely devoted wife, mother, grandmother and greatgrandmother. She thoroughly enjoyed watching her grandchildren grow and participated in their lives. I know her daughter Helen and daughter-in-law Patricia, along with her grandchildren, great-grandchildren and extended family have many cherished memories of her. A true lover of life with a strength of spirit unmatched, Julia Pappas came to embody the actress Helen Hayes' retort that ''Old age is not something to which I have arrived kicking and screaming, it is something I have achieved.'' Few have achieved it with more grace and aplomb than Julia Pappas, beloved wife, mother, grandmother ''Yia Yia'' and friend.

INTRODUCING THE FAMILY LEISURE INCENTIVE ACT OF 2001

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I come to the floor today to introduce the Family Leisure Incentive (FLI) Act of 2001. The events of September 11 have left our country desperately searching for some level of normality. Indeed, Americans are slowly beginning to return to their lives—or at least as much as can be expected. But in their efforts to move on, Americans remain hesitant to travel, whether it be by plane, train, or ship. In turn, the tourism industry in our country, and subsequently the industries directly affected by tourism, have come to a virtual standstill.

Everywhere I look in this country, industries are hurting. In Florida, we are feeling the wake of September 11 more than ever. For the first time in my life, hotels in South Florida are reporting record lows in occupancy levels, travel agencies are losing customers by the dozen, and the cruise industry is reporting that its ships are leaving port half empty. These figures do not even begin to take into account the tens of thousands of people who work for the airline industry in my district and are no longer employed.

The bottom line is that if people do not get on planes, then people do not check into hotels. If people do not check into hotels, then businesses and cities that depend on tourism fail to survive. If businesses lose money, then people lose jobs. If people lose jobs, then stress at home increases. In turn, families break up, alcoholism and domestic violence increase, depression is imminent, and at times, even worse, suicide becomes an option.

The FLI Act provides individuals and families with tax incentives to travel in the next year by air, land, or sea, and not be afraid to vacation. It allows individuals to deduct up to $750 from their taxable income to help cover the costs of travel and lodging, whether on land or on sea. Families who file jointly can deduct up to $1,500.

The FLI Act is a relatively inexpensive and cost effective way that Congress can help stimulate our faltering economy. Airline bailout bills only provide a temporary solution to potentially, a long term problem. The FLI Act provides Congress with the needed vehicle to address the needs of America's hurting tourism industry, and at the same time, provide tax relief for working class and low-income families at a time they need it most.

I urge my colleagues to move swiftly and pass this innovative and necessary legislation.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. BILIRAKIS. Mr. Speaker, I would like to call attention to the National Day of the Republic of China on Taiwan. This day commemorates the Wuchang Uprising on October 10, 1911, which led to the overthrow of the Qing dynasty and the establishment of the ROC on January 1, 1912.

Although the recent terrorist attacks against America make it difficult for us to join the celebrations for this great day for the people of Taiwan, I believe it is appropriate to remember it, as it was the first step to a long process for Taiwan to become what it is now. It is a nation proud of its solid democratic foundations and

strong economy and a nation that shares America's tradition of individual freedom and full human rights for its citizens.

For the United States, Taiwan is a significant trading partner, a valued regional military ally and, above all, a good friend. Taiwan moumed with us over the tragic events of September 11, 2001. Its leaders have expressed their condolences and solidarity with the people and government of the United States. Taiwan has cancelled all its National Day celebrations throughout the United States and pledged its full cooperation with us in combating terrorism.

The Republic of China on Taiwan shares with us not only our grief, but also our belief that this was not just an attack against America. It was an attack against democracy and freedom that both our countries cherish. On the 90th anniversary of its National Day, Taiwan celebrates these treasured ideals.

Over the past decade, the Republic of China has moved rapidly towards becoming a democratic society. Free and fair elections are routinely held at all levels of government, and approximately 70 percent of eligible voters participate in ROC elections. Taiwan has become a shining example of freedom and democracy in a part of the world in need of role models.

America stands by its long-standing commitment to the people and government of Taiwan with which we have developed strong economic, political and social ties. As Taiwan celebrates its National Day, I share their joy and hope that we will be able to continue our partnership and friendship well into the future.

TRIBUTE TO URBAN SEARCH AND RESCUE TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and thanks to the Urban Search and Rescue Team of Denver, Colorado. The Urban Search and Rescue Team traveled to New York City, to aid in the World Trade Center rescue efforts after the September 11th terrorist attack.

The team joined others at the World Trade Center rescue after the horrific terrorist attack against our nation. Though their chances of finding survivors were slim, the team was still determined. A recent edition of *the Denver Post* captures the sentiments of the team as Mike Seidler, a member of the team, said, ''Until they turn it into 'recovery', we go at it as 'rescue'.'' Consisting of 130 members from the Denver area, the Urban Search and Rescue Team is one of twenty-eight teams nationwide, and is overseen by the Federal Emergency Management Agency.

In this time of national shock and grief, it is truly inspirational to witness so many brave Coloradans coming to the aid of their fellow Americans. The courageous actions of this team, putting themselves in harm's way to rescue strangers, exemplifies the American spirit and is a reminder it is the American people who make our country so great.

The Urban Search and Rescue Team makes not only its community proud, but also those of its state and country. It is a true honor to have such extraordinary people reside in Colorado and we owe them a debt of gratitude for their service. I ask the House to join me in extending wholehearted congratulation to the Urban Search and Rescue Team.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. BEREUTER. Mr. Speaker, Mr. Speaker, this Member was absent for official business purposes in Ottawa, Canada, as the Chairman of the House delegation to the NATO Parliamentary Assembly for the major annual meeting during the evening of October 9, 2001, and unfortunately missed two roll call votes. Had this Member been present, this Member would have voted in the following ways:

1. Rollcall No. 372—''aye'' on final passage of H. Con. Res. 244 authorizing the printing of a revised edition of the publication entitled ''Our Flag.''

2. Rollcall No. 373—''aye'' on final passage of H. Res. 250 expressing the sense of the House of Representatives that the Secretary of Energy should increase the capacity of the Strategic Petroleum Reserve to 1,000,000,000 barrels of crude oil.

FARM SECURITY ACT OF 2001

SPEECH OF

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mr. JOHN. Mr. Speaker, across the board, commodity prices have dropped to record lows since the passage of the 1996 Farm Bill. Rural communities and farmers are in dire straits as to their future success. Today we are given the opportunity to help sustain our rural economies and help the lives of millions of Americans.

We find ourselves at perhaps the most important crossroad in our nation's farm policy history. Today we have the power to profess our support for our nation's farm communities or risk their destruction at the hands of a well-intentioned, but potentially devastating policy proposal.

Growing up in Southern Louisiana, I was surrounded by rice fields and farm communities. Southwest Louisiana is known for its Cajun heritage. A large part of this heritage comes from a strong farming tradition. This is true for many of our nation's rural communities. Since before this country's inception, farm communities have developed and sustained local economies and industry. Beyond this, these communities have developed their own way of life, their own culture of agronomy, their own agriculture.

Through H.R. 2646 we have the opportunity to preserve this agriculture. We have lost many farmers over the past 5 years. However, we now are given the chance to save our local farmers and the industries that depend on a strong agricultural economy. By decreasing commodity programs through conservation policy, we sacrifice the farmers, as well as the mills, the seed and fertilizer suppliers, the crop aviators, the mechanics, and the thousands of other men and women directly affected by the health of our agricultural industry.

I am a strong proponent of increased conservation programs. However, I cannot support these programs at the expense of our nation's farmers. We can, and should, find other vehicles to sustain our nation's environment. Increased conservation programs in H.R. 2646 provide a good beginning. Other policy initiatives, such as the Conservation And Reinvestment Act (CARA), can provide much needed assistance to preserve habitat and open space without coming out of the pockets of commodity producers and local economies.

Without H.R. 2646, many of our nation's producers will not be able to survive. Without these farmers, many rural economies will not survive. And without a strong local economy, we run the risk of destroying even the culture of rural America. Please don't turn your backs on our nation's farming communities. As a hunter and sportsman I pledge to continue working with my colleagues to promote conservation, but not on this bill.

ECONOMIC STIMULUS AND WORKING FAMILIES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. SOLIS. Mr. Speaker, I rise today to speak about the urgent need to provide immediate economic stimulus to this country in the form of a payroll tax rebate for working families.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for economic stimulus and worker relief. We should move quickly to jumpstart the economy by putting money into the hands of the tax paying lower wage workers that are more likely to spend it immediately. My bill, the Working Families Tax Rebate Act will do just that.

This bill will provide an immediate payroll tax rebate of up to $300 to people who didn't benefit from the tax cut signed into law in June. The dramatic decrease in travel and tourism not only affects those workers employed by the airline industry.

Working men and women in the hospitality industry and service sector are also facing massive layoffs. These people need immediate help with buying their groceries, preparing for the holidays, and paying their heating bills. Our shopkeepers need consumers back in the stores.

I urge my colleagues to support HR 3015. Because this country needs economic stimulus now.

ANNIVERSARY OF SALEM LUTHERAN CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize a most auspicious event in the life

of Salem Lutheran Church in Toledo, Ohio. On Sunday, November 4, 2001, the congregation will celebrate its 160th anniversary. Such an occasion is truly a monument to faith.

Salem is Toledo's first and oldest Lutheran church, having been founded in 1842 in one of Toledo's most historic neighborhoods, the near North End. Originally made up of the German, Greek and Syrian immigrants in the neighborhood at that time, the church's congregation changed through the years and remains reflective of the diversity of its neighborhood yet today. Particularly in its second century of life, Salem Lutheran Church has been a place of constancy in a neighborhood and for a people who welcome many newcomers. Comfort is found within its walls for local people, but also those who are poor and often beaten down by serious struggles of life. The church's building houses not only a place of worship but also provides a place for its neighbors to come together to eat and for other community services and church-based programs benefiting them.

Salem's pastor and parishioners have been active in the Toledo Area Lutheran Coalition, a cluster of churches dedicated to a cooperative relationship. It is a teaching parish, serving as a host site for Synod youth interns and seminary interns several times since 1994. In the words of its current pastor, today ''Salem serves as a model for central city multicultural ministry, offering an ecumenical ministry site . . . to grow in service.'' She describes the congregation's move toward the future noting, ''there is a sense of gratitude we are still here, an awareness of the resurrection power of God, and a renewed sense of mission with the people of our neighborhood.''

Following Christ's admonition, whatsoever you do to the least among us, that you do unto Me, the congregation of Salem Lutheran Church flowered in the neighborhood in which these He described have lived. In its past, its present, and into its future, Salem Lutheran Church will always be a place of faith, hope, and love, and a testament to Christ's Word and the perseverance of His followers. As today's congregation reflects on its past and is inspired by its future, I am pleased to offer my voice to the chorus of congratulations on its 160th anniversary.

INTRODUCING THE NATIONAL OFFICE FOR COMBATING TERRORISM ACT OF 2001

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation to establish the National Office for Combating Terrorism within the Executive Office of the President. With more than three dozen different federal agencies tasked with countering terrorism, an umbrella agency with responsibility for coordination and communication is sorely needed. It is not enough for our government to be united in word. We must also be united in deed. If we are truly fighting a sustained and long-term battle against terrorism, then we must produce an efficient and effective system to wage a full-scale war.

This bill, the House companion to legislation introduced by my friend and colleague, Senator BOB GRAHAM, creates the National Office for Combating Terrorism under the direction of the President. This office has the responsibility for developing a comprehensive national strategy for the prevention of, and response to, acts of terrorism. This encompassing strategy will be known as the ''National Terrorism Prevention and Response Strategy.'' Priorities must be set, and clear and effective policies, goals and objectives must be delineated. This office will coordinate, oversee, and evaluate the implementation of this strategy, which will include joint efforts with both state and local governments to ensure clear communications. The National Office for Combating Terrorism will also have the responsibility for developing an annual budget for the national strategy, including the budgets of departments and agencies within the National Foreign Intelligence Program that deal with international terrorism. However, military programs and projects will not be incorporated into this budget. Personnel will be appointed by the President with proper and timely Senate confirmation.

Mr. Speaker, the Bush Administration continually emphasizes the multifaceted front of this war on terrorism. Our military forces are stronger and better trained than the terrorist forces. Our economic livelihood is light years ahead of theirs, our intelligence network is more capable, and our resolve is more powerful. On all fronts of this war we have the upper hand. So let us make sure that our organization is more effective than theirs. Our counter terrorist agencies are making the right moves. Let us ensure that they all move in the same direction. I sincerely hope that my colleagues will work with me to ensure the passage of this important legislation. Thank you.

THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to commemorate the 41st anniversary of the Independence of the Republic of Cyprus. On October 1, 1960, Cyprus became an independent republic after decades of British colonial rule.

Over the last decades, Cyprus and the United States have established close political, economic and social ties, developing a valued friendship. Both countries gained their independence from Great Britain, and now each country celebrates the anniversary of that independence as their national holiday. More significantly, Cyprus and the United States share a deep and abiding commitment to democracy, fundamental human rights, free markets, and the ideal and practice of equal justice under law.

This year, the September 11th terrorist attacks cast a heavy shadow over the celebrations for Cyprus Independence Day, as the shock and grief continues to be felt. The leaders and the people of Cyprus have expressed their abhorrence and their strong condemnation for the terrorists and those who support them, while voicing their solidarity with the American people. In a moment of true friendship, the Republic of Cyprus declared September 14th as a Day of Mourning for the victims. Flags were flown at half-mast, flowers were laid at the American Embassy in the capital of Nicosia, while high-ranking officials and ordinary people signed a book of condolences.

The government of Cyprus has pledged to cooperate fully with the Bush Administration in the battle against terrorism. Cyprus shares our belief that the horrendous act of violence on September 11th did not constitute just an offensive against America, it was an assault against democracy and freedom. Cypriots do not stand indifferent and passive in responding to heinous acts that target our sense of security, our civil liberties and our faith in the democratic process. Having achieved its independence after a bitter fight to uphold freedom and democracy, Cyprus understands that great determination and unity are needed inorder to safeguard the treasured ideals we share.

As the Republic of Cyprus celebrates its 41st Independence Day, I share their joy for having created a prosperous, open society based on solid foundations. Furthermore, I believe this is a opportunity for the United States of America and Cyprus to come closer together, as they stand united in their resolve to fight the battle on terrorism. As we move forward, I am confident that our friendship will continue well into the future.

IN MEMORY OF IMAM KHATTAB

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. KAPTUR. Mr. Speaker, I rise to honor the life of the Imam Abdelmoneim Mahmoud Khattab, Imam Emeritus of the Islamic Center of Greater Toledo. Imam Khattab passed from this life on September 15, 2001 after courageously battling cancer.

The Imam was born in a village near Cairo and eventually attended Al-Azhar University in Egypt. He received both undergraduate and graduate degrees in that ancient institution of learning. After graduating he worked briefly for the Egyptian consulate in Calcutta, then returned to Al-Azhar to lead the Institute of Foreign Languages. In 1964, the university appointed him to direct the Canadian Islamic Center in Edmonton, Alberta. While there, he received a second graduate degree, in Sociology, from the University of Alberta and completed work toward a doctoral degree from the University of Waterloo.

Prior to his arrival in Northwest Ohio in 1980, Imam Khattab was the director of London, Ontario's Islamic Center. His arrival in Toledo preceded the groundbreaking of our own community's Islamic Center, and he guided its construction and philosophy. A decade later, he led the effort to establish a chair of Islamic Studies at the University of Toledo and he established a training center at the Islamic Center for students of Al-Azhur to train to become Imams for American Muslim communities.

Imam Khattab was truly a man of enlightenment. His wise and thoughtful counsel could be counted on even in the most troubling of times, and he was both friend and mentor to many. Quietly persistent, combining his sense

of humor and powers of persuasion, he led the Islamic Center of Greater Toledo on a path of prominence not only in our community but our country. Imam Khattab's successor, Imam Farouq Aboelzahab, described his theology: ''When he talked about Islam, he talked about Islam as a religion of love and humanity. He represented Islam as a religion that cares about human beings, regardless ethnicity, national background, or religion. He committed himself to that goal.'' Noted as an original thinker, Imam Khattab was a true religious scholar whose teachings put him on the cutting edge of Islam in North America. Years ahead of many of his contemporaries in terms of interpretation of Islam, The Islamic Center's President noted, ''He's done so much for Islam. He never had any barriers. Nobody was ever categorized. He didn't differentiate between men and women. . . . He wasn't just the religious leader. He was in our homes. He was our friend, our father, our brother, our uncle.''

Able to make religion both global and personal, Imam Khattab earned an international reputation for bringing disparate groups together. Not only did he bring together the 22 ethnic groups that made up the families of his mosque, but also he promoted unity among all religions, focusing on the common themes between Islam, Christianity, and Judaism.

Although he retired and returned to Ontario in 1998, Imam Khattab remained an integral part of the Islamic Center of Greater Toledo, returning to the mosque weekly. He also served on many regional and national organizations including the Council of Imams of North America, the World Call council, and Michigan's Interfaith Roundtable.

Our deep condolences to Imam Khattab's wife Fauzia, children Khalid and Huda, brother and sisters Muhamad, Soad, and Zuhrah, as well as the entire community of the Islamic Center of Greater Toledo. The Imam may be gone in body, but his spirit lives on through the millions of lives he touched and his legacy is carried through our own work now and in the future as we build on his foundation of faith.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. DIAZ-BALART. Mr. Speaker, I wish to join my colleagues in wishing the people of Taiwan the very best as they mark their National Day on October 10, 2001.

The people of Taiwan have demonstrated their dedication to human rights, political freedom, and democracy as they have consistently remained an important ally of the United States. Taiwan has expressed its support of and grief for the tragic events of September 11th and has indicated they will spare no effort in helping America win the war against international terrorism. We are deeply appreciative of their continued friendship as we extend to the people and government of the Republic of China on Taiwan our best wishes on this day of national celebration for our close ally.

CELEBRATING TAIWAN

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. AKIN. Mr. Speaker, the National Day of the Republic of China (Taiwan) is today, October 10. I would like to recognize this day of celebration.

Americans are thankful for our faithful friends in Taiwan. We appreciate all nations that stand for freedom and oppose terrorism. I wish to extend my best to the citizens of America who came from Taiwan as they recall this National Day of Freedom in their former homeland.

RECOGNIZING THE SUPPORT AND FRIENDSHIP OF THE REPUBLIC OF CHINA ON NATIONAL DAY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. RAMSTAD. Mr. Speaker, I want to thank President Chen Shui-bian and Ambassador C.J. Chen of the Republic of China for their strong support of the United States in the aftermath of the hellacious acts of September 11. Taiwan was among the first to declare its unequivocal support for and cooperation with the United States, and Taiwan has offered us any assistance it can provide in combating terrorism.

Taiwan firmly believes the United States is on the right course in going after extremists and terrorists worldwide. Terrorism knows no national boundaries and seeks to destroy our democracy and way of life. Standing shoulder to shoulder with America, Taiwan mourns with America and unites with us in our mission to eradicate terrorism worldwide.

Taiwan will be celebrating its National Day today, October 10. In recent years, we have witnessed The Republic of China's campaign to return to the United Nations. I believe we should give Taiwan our support. The Republic of China is a true democracy, which guarantees fundamental rights to all of its citizens. Taiwan is also one of the most important economic entities in the world.

On Taiwan's National Day, I hope Taiwan and the Chinese mainland will one day be reunited under principles of freedom and democracy, thus leading to lasting stability and prosperity in the Asia-Pacific region.

Mr. Speaker, in closing I would like to once again recognize Representative C.J. Chen. Representative Chen is a distinguished diplomat who is always courteous and very sharp on issues. As so many of our colleagues know, his briefings on the Hill are always to the point—crisp, witty and intelligent. He has done a stellar job in representing the Republic of China on Capitol Hill, and I applaud him and Taiwan for their unwavering support.

TRIBUTE TO TAIWAN'S NATIONAL DAY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Taiwan on the occasion of their National Day. The Republic of China on Taiwan is a true democracy that guarantees political freedom and civil liberty to its people. As we continue into the 21st Century, Taiwan's importance as an economic player in the world continues as they expect to become a new member of the World Trade Organization by the end of this year. Despite the relative small population of only 23 million, Taiwan has financial resources surpassing those of many Western countries.

On behalf of all of us, I would like to offer my thanks to President Chen Shui-bian of the Republic of China for Taiwan's support of our great nation in the aftermath of the September 11 attack. President Shui-bian expressed his condolences to the American people, and condemned those terrorist acts as shameful and cowardly. Taiwan was one of the first countries to declare their unequivocal support and cooperation with the United States. In addition, Taiwan has offered the United States and their allies in the war on terrorism whatever resources they have to share. In addition, President Shui-bian ordered all government flags to be flown at half-mast for two days as an expression of Taiwan's solidarity with the United States. And finally, President Shui-bian asked that all National Day celebrations be cancelled because this is a mourning time for the American people as well as for the people of Taiwan.

Mr. Speaker, I ask my colleagues to join me today in recognition of the Republic of China on Taiwan's National Day. I thank Taiwan for their friendship and support of our great nation, and I wish Taiwan and its people continued prosperity and Godspeed on their National Day.

CONGRATULATING THE REPUBLIC OF CHINA

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. PENCE. Mr. Speaker, I rise today to congratulate the Republic of China on its 90th National Day and to commend her people on this occasion for their remarkable efforts to make Taiwan a leader in the world through peace and economic prosperity. Taiwan's people have reason to be proud, as they have achieved a high level of freedom in their lives due to their commitment to democracy, economic liberalization, and the rule of law. This commitment will undoubtedly lead to an even greater role for Taiwan in the 21st century.

Mr. Speaker, I would also like to take this opportunity to thank President Chen Shui-bian and his people for the support they have shown the United States afler the terrorist attacks of September 11. President Chen and other leaders in Taiwan have strongly condemned terrorism and have expressed their

willingness to assist the U.S. government in combating worldwide terrorism. The people of Taiwan have embraced the notion that terrorism is the enemy of all the people of the world.

Mr. Speaker, I urge all of my colleagues to join me today in congratulating the people of Taiwan and I wish them goodwill and fortune for their bright and prosperous future.

CELEBRATING THE REPUBLIC OF CHINA (TAIWAN)

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. WEXLER. Mr. Speaker, it is an honor and privilege for me to join President Chen Shui-bian and the people of the Republic of China in celebrating National Day on October 10, 2001. This important occasion highlights the growth and emergence of Taiwan's democracy as well as its dynamic economy.

Over the past fifty years, Taiwan has undergone tremendous political, economic and social changes. As the first democracy in thousands of years of Chinese history, Taiwan has become a model for other emerging democracies around the world to emulate. Taiwan has also emerged as an economic powerhouse. Despite Taiwan's small size and lack of physical resources it has become the world's 17th largest economy, 15th largest trading nation, 8th largest investor and 3rd largest holder of foreign exchange. Taiwan plays an essential role in the global economy and is a major economic partner of the United States. Over the past decade, a robust bilateral trade relationship between Taiwan and the United States has mutually benefitted both nations. Last year, bilateral trade between our two nations topped $64.8 billion and it continues to grow.

I would like to congratulate President Chen Shui-bian who has passionately advocated Taiwan's strong commitment to democracy, human rights, and increased global economic cooperation. Please know that I join many of my colleagues in the United States Congress in supporting your government effort to seek readmission to the United Nations and other international organizations. I strongly believe that Taiwan deserves a seat in all international fora and a prominent place on the world stage.

I also want to thank President Chen and the people of Taiwan who have heeded President Bush's call to join the international community in a counter-terrorism coalition following the September 11, 2001, attacks on the United States. President Chen's government has graciously pledged all of Taiwan's resources in helping the United States fight the terrible scourge of terrorism. President Chen's pledge of unequivocal support for our nation during these difficult times is a testament to the historically close relationship between the United States and Taiwan.

Again, I want to wish the people and government of Taiwan the very best as they celebrate Taiwan's National Day.

IN HONOR OF THE NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, on the auspicious occasion of the National Day of the Republic of China (ROC)—October 10th, 2001—I send my warmest greetings, congratulations and best wishes to President Chen Shui-bian, the Honorable C.J. Chen, ROC Representative to the United States, and the good people of Taiwan.

I also wish to acknowledge and thank President Chen, Representative Chen and the leaders of Taiwan for their strong support of the United States in the aftermath of the September 11th terrorist attacks on America. As our Nation struggled to recover from the horrific tragedy, I would note Taiwan was one of the first governments to declare unequivocal support for and cooperation with the United States to combat terrorism worldwide.

President Chen has repeatedly affirmed Taiwan's strong belief that the United States is on the right course in going after terrorists and extremists worldwide, and Taiwan has offered assistance in this mission. Terrorism knows no national boundaries and terrorists seek to destroy freedom and our democratic way of life. Standing shoulder to shoulder as fellow democracies, Taiwan has mourned with America, shared the pain of our Nation, and joined in partnership to fight terrorism.

Mr. Speaker, the quick response of Taiwan is not surprising, as the Republic of China is a true democracy—a democracy that cherishes, protects and respects all of the rights of her citizens. The success of Taiwan's democracy is further reflected in her prosperity where, despite having only 23 million people, Taiwan has developed into one of the most important and robust economies in the world.

As the United States leads the global fight to eradicate terrorism, Mr. Speaker, let us be thankful for good friends and allies such as Taiwan. In this regard, Representative C.J. Chen has done an excellent and superb job on Capitol Hill and Washington in representing Taiwan and furthering relations between our governments.

Mr. Speaker, on October 10th, the National Day marking the birth of the Republic of China, I ask our colleagues and all Americans to join me in saluting and honoring the strong, vibrant and impressive democracy that is Taiwan today.

HONORING LAURENCE R. (CAMPY) CAMPTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. McINNIS. Mr. Speaker, I would like to take the opportunity to honor Mr. Laurence R. (Campy) Campton as he celebrates his 85th birthday on October 27, 2001. I want to recognize Campy for his love of his country and dedicated patriotism first exemplified during his service in World War II.

Campy has seen some of the most horrifying scenes in American war history. Mr. Campton landed on Utah Beach at Normandy where Campy and his comrades in the Fourth Infantry Division made the initial push to drive the Nazi forces back into Germany. German soldiers later captured Campy during the Battle of the Bulge. He remained a captive of the Nazi troops until he was finally liberated by American soldiers and spent the remainder of his tour in Europe in a hospital bed in France. It is my privilege to acknowledge Campy for the sacrifices he made that future generations would enjoy the freedoms and liberties that shape the American way of life. Furthermore, I wish to honor Campy for the bravery he showed on the battlefields of France and the leadership he took back to Colorado where he became an active member of the community.

Campy and his wife Daisy have made significant contributions to their local neighborhood in Salida, Colorado where they have lived since 1949. Campy has always put his community first serving as the Chaffee County Veterans Services Officer and was recently named the Veterans Service Officer of the Year at the annual state convention. Campy is also a devoted family man as he and Daisy raised three children to respect and love their country.

Mr. Speaker, Mr. Campton is a role model to all Americans. Campy represents a thread in the fabric of our nation. It is my honor to recognize a Mr. Laurence R. (Campy) Campton for his lifetime of achievements from the battlefields of France to the local Veterans of Foreign Wars post in Salida, Colorado. It is my pleasure to offer Campy the thanks from our nation and my warmest regards.

TRIBUTE TO THE REPUBLIC OF CHINA ON ITS NATIONAL DAY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. CLAY. Mr. Speaker, on behalf of my constituents, I wish to extend my warmest congratulations today to President Chen Shul-bian and to all Taiwanese people on the occasion of the Republic of China's National Day.

Taiwan is one of America's closest and most reliable allies and it is one of Asia's greatest democracies. Our decades-long relationship with Taiwan continues to be strong and I am certain it will remain so for generations to come. The warmth of our relationship can best be gauged by examining the level of friendly interaction between our two nations.

Our bi-lateral trade, which topped $64.8 billion last year, continues to grow at a healthy pace and has made Taiwan the United States' eighth largest global trading partner. And last year, nearly 30,000 students from Taiwan attended colleges and universities here in the United States. Additionally, outside of Asia, the United States is the number one tourist destination for Taiwan travelers.

Clearly, the people of Taiwan, like the United States share many of the same values that we hold dear, values such as freedom, democracy and the defense of human rights. And they have always remained a steadfast ally in a region of vital importance.

Recently, the Taiwanese people and their government once again demonstrated the values and commitment they share with us, by

standing with us in the fight against global terrorism following the September 11th attack on our country. The Taiwan government has pledged to do everything it can to assist us in eliminating the evil scourge of terrorism that threatens peace-loving democracies around the world. The people of Taiwan can be proud of President Chen for the excellent job he has done in leading their nation, and equally proud for the fine representation they receive here in Washington from Ambassador C.J. Chen.

So to President Chen Shui-bian and to all the people of Taiwan, I want to say ''Good Luck and Good Fortune'' to each of you as you celebrate your National Day.

CONCERNING TAIWAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today in appreciation of the solidarity for the American people displayed by the government and people of Taiwan in the wake of the tragic terrorist attacks on America on September 11, 2001.

The United States of America is fortunate to have an ally like Taiwan, which shares our nation's commitment to finding and bringing to justice those responsible for the crimes against humanity which took the lives of thousands of innocent Americans on September 11, 2001. I appreciate Taiwan's offer to assist our nation's global campaign to eradicate the scourge of terrorism from our earth. I am also deeply grateful for the precautionary steps Taiwanese officials have recently taken to protect the safety and welfare of American citizens who are either currently visiting or living in Taiwan.

As the United States embarks on a number of economic, diplomatic, and military initiatives in the coming days and months, it will become ever clearer who stands with us in our battle against evil and who stands against us. I am extremely pleased that our friends in Taiwan will stand firmly with us and that they are prepared to provide whatever assistance they can to aid and abet America's global campaign against terrorism.

I am also appreciative of the fact that festivities marking Taiwan's National Day, which were to have been hosted by the Tapei Economic and Cultural Representative Office in the United States today, were canceled out of respect for those killed and injured in the attack on America on September 11, 2001.

CELEBRATING THE REPUBLIC OF CHINA-TAIWAN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. SOUDER. Mr. Speaker, I rise today to congratulate and send best wishes to the Republic of China on Taiwan as they celebrate National Day.

National Day marks the beginning of democracy in China when on October 10, 1911, a revolt erupted against the ruling Manchu dynasty. This revolt led to the establishment of the Republic of China on January 1, 1912. The ROC was established on Taiwan in 1949. The Republic of China on Taiwan has made great strides toward full democracy. Last year, voters in Taiwan elected Mr. Chen Shui-bian as the Tenth President of the Republic of China. This election marked, for the first time in Chinese history, a peaceful transfer of power and the first change in the ruling party in fifty years.

The ROC thrives as multi-party democracy and furthermore, the people of Taiwan have proven that freedom and democracy are not just American ideals; they are universal principles that apply to every individual, to every community and to every nation. The ROC has also shown that hard work and ingenuity can create a strong world class economy. Taiwan has a fully developed market-oriented economy ranking as the world's 14th largest trading state and the United States' fifth-largest trading partner. It is Japan's second-largest export market, and a rich country possessing one of the world's largest foreign exchange reserves.

The ROC has long been and continues to be an ally of the United States. The United States continues to benefit from our countries' bonds of friendship and cooperation, both economic and governmental. Unlike the United States, however, the world has not been able to fully benefit from all that Taiwan has to offer.

The Republic of China has been kept from full participation in the world. It is not a member of the United Nations. It is not a member of the World Health Organization. It has not been allowed to participate in the Asia Pacific Economic Conference. By denying Taiwan membership in these organizations, the world community loses.

On this day especially, it is my wish for the Republic of China on Taiwan that it be granted participation in these forums and for the world to fully embrace Taiwan and all it could bring to the global community. I congratulate the ROC on its National Day and wish it greater prosperity and achievement in the future. The Republic of China has always been our friend. And at this time, of all times, we need to be thankful for and loyal to our true friends.

HONORING STEVEN WESTHOFF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to pay tribute to the life of Steven Westhoff who has recently passed away. Mr. Westhoff was a valued member of the community in Glenwood Springs and those who knew Steven will surely miss him. I went to high school with Steve and considered it a privilege to be his friend.

Steven Westhoff was born on June 5, 1954. He spent his childhood growing up in Boulder, Colorado and moved to Glenwood Springs in 1967. During his many years as a resident of Glenwood Springs, Steven took on many duties ranging from his most recent employment as a Project Manager for Schmueser Gordon Meyer Consulting Engineers and Surveyors to the head of the Ski Patrol at Ski Sunlight. Mr. Westhoff was also a valued member of the Garfield County Search and Rescue operation. Steven will be remembered as a hard worker, an avid outdoorsman, and a loving husband.

Mr. Speaker, the loss of such an exceptional individual is never easy to accept. We will remember Steven through the memory and the experiences he shared with those to whom he was close. I would like to express my deepest condolences along with the sympathies of this body of Congress to his family and friends during these trying times.

IN MEMORY OF PATRICIA POSEY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a remarkable woman in my district, Patricia Posey, who passed from this life on September 12, 2001. Pat lived a life of true riches for 77 years, sowing seeds which rooted deep in our community and which will flower for generations.

A master gardener, her love of this pastime and the beautiful bounty her efforts produced became legendary in West Toledo. Her gardening genius was well recognized, and she was published in several local, regional, and national magazines. Pat enjoyed sharing of her labor of love in the garden by hosting dinners featuring her produce. She was a winner of PBS' Victory Garden contest as well as local contests. Certified by the Ohio State University's Extension Service and the Lucas County Co-Operative, Pat mentored others to become master gardeners as well. Founder of the Toledo Mud Hands Garden Club and member of the American Horticulture Society, Pat's garden was even recognized by the National Wildlife Foundation as a wildlife refuge.

Truly a woman of substance, Pat volunteered for Grace Community Center, Feed Your Neighbor, and Love for Children. Her work as director of Toledo New Careers Program and later 15-year director of Stautzenberger Business College earned her The Golden Nike Award from the Ohio Federation of Business and Professional Women's Clubs. She enjoyed sewing, cooking and baking, making over 2000 pastries every Christmas and canning dozens of jars of produce from her garden.

Our heartfelt condolences to Pat's son, Joseph, her brothers and sister Barney, Leo, Mel and Alma, grandchildren Samuel and Hannah, great-grandchild Lucas, her nieces and nephews, relatives and friends. I know the memory of Pat will be carried carefully in their hearts and on a sweet Spring day when the earth is fresh and the garden new they will share the moment with her, smiling.

RECOGNIZING BACA COUNTY BOARD OF COMMISSIONERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude to the Baca County Board of Commissioners in Baca

County, Colorado. I respectfully submit the following Baca County Governing Board Resolution for the RECORD.

RESOLUTION NO. 2001–31

A RESOLUTION CONDEMNING TERRORIST ACTIONS AND SUPPORTING THE PRESIDENT

Whereas, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists; and

Whereas, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, D.C.; and

Whereas, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and

Whereas, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and

Whereas, these horrific events have affected all Americans. It is important we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American People, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud: Therefore by it

Resolved That the governing board of Baca County condemns the cowardly and deadly actions of these terrorists; and be it further

Resolved, That the governing board of Baca County supports the President of the United States as he works with his national security team to defend against additional attacks and find the perpetrators to bring them to justice, and be it further

Resolved, That the governing board of Baca County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

Dated September 18, 2001, Board of County Commissioners, Baca County, Colorado.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 11, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 12

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the state of the tourism industry.
SR–253

10 a.m.
Governmental Affairs
To hold hearings to examine legislative options to strengthen homeland defense.
SD–342

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the role of technology in preventing the entry of terrorists into the United States.
SD–226

OCTOBER 16

10 a.m.
Environment and Public Works
To hold hearings to review the Federal Emergency Management Agency's response to the September 11, 2001 attacks on the Pentagon and the World Trade Center.
SD–406

Banking, Housing, and Urban Affairs
To resume hearings to examine the failure of Superior Bank, FSB, Hinsdale, Illinois.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine economic security, focusing on employment-unemployment issues.
SD–430

10:15 a.m.
Small Business and Entrepreneurship
To hold hearings on the nomination of Thomas M. Sullivan, of Massachusetts, to be Chief Counsel for Advocacy, Small Business Administration.
SR–428A

2:30 p.m.
Veterans' Affairs
To hold hearings to examine the Department of Veterans Affairs's Fourth Mission—caring for veterans, servicemembers, and the public following conflicts and crises.
SR–418

Health, Education, Labor, and Pensions
Business meeting to consider S.1379, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; S.727, to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; proposed legislation with respect to mental health and terrorism, proposed legislation with respect to cancer screening; H.R.717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; an original bill regarding mental health and terrorism; an original bill regarding cancer screening; and the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.
SD–430

OCTOBER 17

9:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine federal efforts to coordinate and prepare the United States for bioterrorism.
SD–342

10 a.m.
Joint Economic Committee
To hold hearings to examine monetary policy in the context of the current economic situation.
Room to be announced

Judiciary
To hold hearings to examine homeland defense matters.
SD–106

Judiciary
Immigration Subcommittee
To hold hearings to examine effective immigration controls to deter terrorism.
SD–226

OCTOBER 18

10 a.m.
Health, Education, Labor, and Pensions
To resume hearings to examine effective responses to the threat of bioterrorism.
SD–430

2 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

OCTOBER 23

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the effects of the drug OxyContin.
SD–430

OCTOBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

OCTOBER 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine promoting broadband, focusing on securing content and accelerating transition to digital television.
SR–253

Daily Digest

HIGHLIGHTS

The House passed H.R. 1992, Internet Equity and Education Act.

Senate

Chamber Action

Routine Proceedings, pages S10403–S10486

Measures Introduced: Eight bills and one resolution was introduced, as follows: S. 1522–S. 1529, and S. Con. Res. 78. **Pages S10456–57**

Measures Reported:

S. 1188, to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, with an amendment in the nature of a substitute. (S. Rept. No. 107–80)

S. Res. 166, designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as ''National Childhood Lead Poisoning Prevention Week''. **Page S10456**

Measures Passed:

National Childhood Lead Poisoning Prevention Week: Senate agreed to S. Res. 166, designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as ''National Childhood Lead Poisoning Prevention Week''. **Page S10475**

Aviation Security Act: By unanimous consent, Senate agreed to the motion to proceed to consideration of S. 1447, to improve aviation security, and then began consideration of the bill, taking action on the following amendments proposed thereto:

Pages S10403–04, S10417–20

Adopted:

Hollings/McCain Amendment No. 1854, in the nature of a substitute. **Pages S10432–33**

Hollings (for Leahy) Amendment No. 1857, to amend title 49, United States Code, relating to immunity for airline employees reporting suspicious activities. **Pages S10439–40**

Hollings (for Ensign) Amendment No. 1858, to permit the Secretary of Transportation to appoint retired law enforcement officers to serve as air marshals. **Page S10440**

McCain (for Snowe) Amendment No. 1860, to authorize national emergency powers of the Deputy Secretary for Transportation Security. **Pages S10444–45**

Pending:

Daschle (for Carnahan) Amendment No. 1855, 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. **Pages S10433–39**

Gramm Amendment No. 1859 (Amendment No. 1855), to provide for the exploration, development, and production of oil and gas resources of the Arctic Coastal plains. **Pages S10441–44**

A motion was entered to close further debate on Daschle (for Carnahan) Amendment No. 1855, listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion, by unanimous consent, will occur at 12:45 p.m., on Thursday, October 11, 2001. **Page S10433**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Thursday, October 11, 2001; further, that second degree amendments to Daschle (for Carnahan) Amendment No. 1855 (listed above), be filed by 11:45 a.m. **Pages S10475**

Anti-Terrorism Bill—Agreement: A unanimous-consent-time agreement was reached providing for consideration of S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and certain amendments to be proposed thereto, with a vote on final passage to occur thereon.

Page S10432

Nominations Received: Senate received the following nominations:

William D. Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary

and Plenipotentiary of the United States of America to the Federal Republic of Yugoslavia.

Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army.

Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Jay C. Zainey, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Routine lists in the Air Force, Navy.

Pages S10476–86

Messages From the House: **Page S10455**

Measures Referred: **Page S10455**

Executive Communications: **Pages S10455–56**

Additional Cosponsors: **Pages S10457–58**

Statements on Introduced Bills/Resolutions: **Pages S10458–63**

Additional Statements: **Pages S10454–55**

Amendments Submitted: **Pages S10463–74**

Authority for Committees to Meet: **Pages S10474–75**

Privilege of the Floor: **Page S10475**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:13 p.m., until 10 a.m., on Thursday, October 11, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10476.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—LABOR/HHS/EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education approved for full committee consideration an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002.

BUS AND TRUCK SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine bus and truck transportation safety and security issues, focusing on the driver's licensing process for transporting hazardous materials, after receiving testimony from Joseph M. Clapp, Administrator, Federal Motor Carrier Safety Administration, and Ellen G. Engleman, Administrator, Research and Special Programs Administration, both of the Department of Transportation; Duane W. Acklie, American Trucking Associations, Inc., Alexandria, Virginia; Peter J. Pantuso, American Bus Association, Keith Gleason, International Brotherhood of Teamsters, and Joan Claybrook, Advocates for Highway and Auto Safety/Public Citizen, all of Washington, D.C.; Paul Sullivan, Massachusetts State Police, Concord, on behalf of the Commercial Vehicle Safety Alliance; and Ralph S. Sheridan, American Science and Engineering, Inc., Billerica, Massachusetts.

AFGHANISTAN'S HUMANITARIAN CRISIS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs and Subcommittee on International Operations and Terrorism concluded joint hearings to examine the humanitarian crisis situation in Afghanistan, focusing on the impact of international relief efforts, including long-term economic reconstruction for the region, after receiving testimony from Andrew S. Natsios, Administrator, U.S. Agency for International Development; Christina Rocca, Assistant Secretary for South Asia, and Alan Kreczko, Acting Assistant Secretary, Bureau of Population, Refugees, and Migration, both of the Department of State; Kenneth H. Bacon, Refugees International, Washington, D.C.; Nicolas de Torrente, Medecins Sans Frontieres/Doctors Without Borders, New York, New York; and Eleanor Smeal, Feminist Majority, Arlington, Virginia.

FOOD SAFETY AND SECURITY

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia concluded hearings to examine Federal efforts to ensure the safety and security of the American food supply, focusing on new surveillance systems, better prevention programs, faster outbreak response, enhanced education, and better coordinated and focused research and risk assessment activities, after receiving testimony from Representative DeLauro; Robert A. Robinson, Managing Director, Natural Resources and Environment, General Accounting Office; Elsa Murano, Under Secretary of Agriculture for Food Safety; Bernard A. Schwetz, Acting Principal Deputy Commissioner, Food and Drug Administration, Department of Health and Human Services; and Dan Glickman, Akin, Gump, Strauss, Hauer, and Feld, former Secretary of Agriculture, Michael F. Jacobson, Center for Science in the Public Interest, John R. Cady, National Food Processors Association, Peter Chalk, RAND Corporation, C. Manly Molpus, Grocery Manufacturers of America, and Tim Hammonds, Food Marketing Institute, all of Washington, D.C.

NOMINATION

Committee on the Judiciary: Subcommittee on Youth Violence concluded hearings on the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy, after the nominee, who was introduced by Senators Hatch and Kyl, testified and answered questions in his own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters, made no announcements, and recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 3073–3083; and 4 resolutions, H.J. Res. 67; and H. Res. 257, 259–260 were introduced. **Pages H6504–05**

Reports Filed: Reports were filed today as follows:

H. Res. 258, providing for consideration of H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002 (H. Rept. 107–233). **Page H6504**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Gibbons to act as Speaker pro tempore for today. **Page H6461**

Guest Chaplain: The prayer was offered by the Rev. Ralph Hoyt Davis of Bethel United Baptist Church, Muncie, Indiana. **Page H6461**

Recess: The House recessed at 10:18 a.m. and reconvened at 10:55 a.m. **Page H6463**

Internet Equity and Education Act: The House passed H.R. 1992, to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications by a recorded vote of 354 ayes to 70 noes, Roll No. 375. **Pages H6463–87**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill (H. Rept. 107–225) was considered as adopted. **Pages H6480–87**

Rejected the Mink amendment in the nature of a substitute that sought to delete sections that allow changes to the 12 hours of regularly scheduled instruction rule and revise incentive compensation provisions by a yea-and-nay vote of 99 yeas to 327 nays, Roll No. 374. **Pages H6486–87**

Earlier, the House agreed to H. Res. 256, the rule that provided for consideration of the bill by voice vote. **Page H6463**

Committee Election: The House agreed to H. Res. 257, electing Representative LaTourette to the Committee on Standards of Official Conduct. **Page H6487**

Recess: The House recessed at 2:59 p.m. and reconvened at 5:52 p.m. **Page H6493**

Recess: The House recessed at 7:37 p.m. and reconvened at 9:05 p.m. **Page H6503**

Senate Messages: Messages received from the Senate today appears on page H6493.

Referrals: S. Con. Res. 63 was referred to the Committee on Energy and Commerce and S. Con. Res. 76, was referred to the Committee on Government Reform. **Page H6503**

Amendments: Amendments ordered printed pursuant to the rule appear on page H6505.

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of the House today and appear on pages H6486–87, H6487. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:06 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session and approved for full Committee action the Defense appropriations for Fiscal Year 2002.

ELECTRICITY TRANSMISSION POLICY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Electricity Transmission Policy," focusing on transmission siting, incentives, and reliability. Testimony was heard from public witnesses.

The Subcommittee continued hearings on this subject, focusing on Regional Transmission Organizations, Open Access, and Federal Jurisdiction. Testimony was heard from public witnesses.

FEDERAL BIOTERRORISM PREPAREDNESS PROGRAMS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''A Review of Federal Bioterrorism Preparedness Programs from a Public Health Perspective.'' Testimony was heard Scott Lillibridge, Special Assistant for Bioterrorism, Office of the Secretary, Department of Health and Human Services; Bruce Baughman, Director, Planning and Readiness Division, FEMA; Jan Heinrich, Director, Health Care and Public Health Issues, GAO; Lew Stringer, Medical Director, Division of Emergency Management, State of North Carolina; and public witnesses.

DEBT COLLECTION IMPROVEMENT ACT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing on ''The Debt Collection Improvement Act: How Well is it Working?'' Testimony was heard from Gary T. Engel, Director, Financial Management and Assurance, GAO; Richard L. Gregg, Commissioner, Financial Management Service, Department of the Treasury; Claude A. Allen, Deputy Secretary, Department of Health and Human Services; William D. Hansen, Deputy Secretary, Department of Education; and Leo S. Mackay, Jr., Deputy Secretary, Department of Veterans Affairs.

ANTI-TERRORISM—ROLE OF DIPLOMACY

Committee on International Relations: Held a hearing on the Role of Public Diplomacy in Support of the Anti-Terrorism. Testimony was heard from Charlotte Beers, Under Secretary, Public Diplomacy and Public Affairs, Department of State; Marc Nathanson, Chairman, Broadcasting Board of Governors; and a public witness.

CAUCASUS AND CASPIAN REGION: U.S. INTERESTS AND POLICY

Committee on International Relations: Subcommittee on Europe held a hearing on The Caucasus and Caspian Region: Understanding U.S. Interests and Policy. Testimony was heard from public witnesses.

WESTERN HEMISPHERE'S RESPONSE TO TERRORIST ATTACK

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on the Western Hemisphere's Response to the September 11, 2001 Terrorist Attack on the United States. Testimony was heard from the following officials of the Department of State: Francis X. Taylor, Ambassador-at-Large, Office of the Coordinator for Counterterrorism; Robert Noriega, Ambassador to the OAS; James F. Mack, Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs; and Curt Struble, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 1408, Financial Services Antifraud Network Act of 2001; H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; and H.R. 1552, Internet Tax Nondiscrimination Act.

LABOR, HHS AND EDUCATIONAPPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 2002 ending September 30, 2002. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill.

The rule makes in order the amendment printed in the report of the Committee on Rules accompanying the resolution, which may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment printed in the report. The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation).

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

CYBER SECURITY

Committee on Science: Held a hearing on Cyber Security—How Can We Protect American Computer Networks From Attack? Testimony was heard from Robert Weaver, Assistant Special-Agent-in-Charge, U.S. Secret Service, Director, Electronic Crimes Task

Force, New York, Department of the Treasury; and public witnesses.

JUMPSTARTING ECONOMY—SMALL BUSINESSES ROLE

Committee on Small Business: Held a hearing on the Role Small Businesses Can Play in Jump-Starting the Economy. Testimony was heard from Hector Barreto, Administrator, SBA; and public witnesses.

TERRORISM—ARE AMERICA'S WATER RESOURCES AND ENVIRONMENT AT RISK

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Terrorism: Are America's Water Resources and Environment at Risk? Testimony was heard from Michael Parker, Assistant Secretary (Civil Works), Corps of Engineers, Department of the Army; Marianne Lamont Horinko, Assistant Administrator, Office of Solid Waste and Emergency, EPA; Ronald Dick, Director, National Infrastructure Protection Center, FBI, Department of Justice; Glenn L. McCullough, Jr., Chairman, Board of Directors, TVA; Beverly O'Neill, Mayor, City of Long Beach, California; Jeffrey J. Danneels, Department Manager, Security Systems and Technology Center, Sandia National Laboratories; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Ordered reported, as amended, the following bills: H.R. 2716, Homeless Veterans Assistance Act of 2001; and H.R. 2792, Disabled Veterans Service Dog and Health Care Improvement Act of 2001.

CONFLICT DIAMONDS

Committee on Ways and Means: Subcommittee on Trade held a hearing on "Conflict Diamonds." Testimony was heard from Senator DeWine; Representatives Hall of Ohio and Wolf; Alan W. Eastham, Special Negotiator for Conflict Diamonds, Department of State; James E. Mendenhall, Deputy General Counsel, Office of the U.S. Trade Representative; and public witnesses.

Joint Meetings

APPROPRIATIONS—INTERIOR

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST October 9, 2001, *p. D992)*

H.R. 2510, to extend the expiration date of the Defense Production Act of 1950. Signed on October 5, 2001. (Public Law 107–47)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 11, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002; and making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2002, 4 p.m., S–128, Capitol.

Committee on Armed Services: to hold hearings on the nomination of Marvin R. Sambur, of Indiana, to be Assistant Secretary of the Air Force for Acquisition, the nomination of William Winkenwerder, Jr., of Massachusetts, to be Assistant Secretary of Defense for Health Affairs, the nomination of Mary L. Walker, of California, to be General Counsel of the Department of the Air Force, all of the Department of Defense; and the nomination of Everet Beckner, of New Mexico, to be Deputy Administrator for Defense Programs, and the nomination of Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, both of the National Nuclear Security Administration, Department of Energy, 2:30 p.m., SH–216.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, and Fisheries, to hold hearings to examine the role of the Coast Guard and the National Oceanic and Atmospheric Administration in strengthening security against maritime threats, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine the needs of fire services in responding to terrorism, 2:30 p.m., SR–253.

Committee on Finance: Subcommittee on Social Security and Family Policy, to hold hearings on S. 685, to amend title IV of the Social Security Act to strengthen working families, 2:30 p.m., SD–215.

Committee on Governmental Affairs: to hold hearings on the nomination of Mark W. Everson, of Texas, to be Controller, Office of Federal Financial Management, Office of Management and Budget, 9:30 a.m., SD–342.

House

Committee on the Budget, to mark up the Fiscal Year 2002 Discretionary Spending Cap/302(a) allocation, 1 p.m., 210 Cannon.

Committee on Energy and Commerce, to mark up the following bills: H.R. 2986, American Spirit Fraud Prevention Act of 2001; H.R. 2887, Best Pharmaceuticals for Children Act; and H.R. 2983, Price-Anderson Reauthorization Act of 2001, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following bills: H.R. 3004, Financial Anti-Terrorism Act of 2001; and H.R. 3060, Emergency Securities Response Act of 2001, 9:30 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration and Claims, oversight hearing on ''Using Information Technology to Secure America's Borders: INS Problems with Planning and Implementation,'' 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 2952, to ensure the orderly development of coal, coalbed methane, natural gas, and oil within a designated Dispute Resolution Area in the Powder River Basin, Wyoming, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the reauthorization of the Marine Mammal Protection Act, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on Weatherproofing the U.S.: Are We Prepared for Severe Storms? 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Space Planes and X- Vehicles, 2 p.m., Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing entitled ''September 11, 2001 plus 30: Are America's Small Businesses Still Grounded?'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Deployment and Use of Security Technology, focusing on Weapon and Explosive Detection Technology, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up H.R. 2768, Medicare Regulatory and Contracting Reform Act of 2001, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, hearing on National Security Advisors Role in the Current Crisis with former National Security Advisors, 10 a.m., 2118 Rayburn.

Next Meeting of the SENATE

10 a.m., Thursday, October 11

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 1447, Aviation Security Act, with a vote on a motion to close further debate on Daschle (for Carnahan) Amendment No. 1855 to occur at 12:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 11

House Chamber

Program for Thursday: Consideration of H.R. 3061, Labor, HHS, and Education Appropriations Act for Fiscal Year 2002 (open rule, one hour of debate).

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