The House met at 10 a.m. The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, from the beginning, You know how we are made and how fragile our life. Bring an end to the anthrax threat upon America.

Today we pray for all those who are diagnosed with this biological invasion; and we commend to You all those who are taking medication because they have been exposed to this dreadful disease. Renew them in spirit as You strengthen and restore them in body. Remove anxiety that surrounds their family and friends as powerful medicine now wars within them.

Divine Physician, we praise You and bless You for the doctors, nurses and scientists who assist those now doing battle with anthrax. You have called these professionals to care for their brothers and sisters in a holistic way that reveals Your own holiness and love. Guide and protect them as they serve on the homefront or on the battle lines across land or sea in the war against terrorism.

May medical victory on this frontline of an unseen war not only dissipate exterior anger and blame, but galvanize our determination and patience, as we as Americans battle on to defend life, liberty and the pursuit of daily happiness. We know You are with us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

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

The SPEAKER. The question is on the Speaker's approval of the Journal. The question was taken; and the Speaker announced that the ayes appeared to have it.

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 one-minute and to revise and extend his remarks.

FINDING A CURE FOR AUTISM

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, the pictures that you see here, Mr. Speaker, are of Bonnie and Willis Flick, who were able to go trick-or-treating last night, but only as a result of hard work. Bonnie and Willis dressed up as wizards; but it was really their mother, Patience, who was the true Wizard of Oz in making this night special for them.

You see, Bonnie and Willis have autism, a neurological disorder that affects the development of the brain, especially in the areas of social interaction and communications skills. Autism impacts half a million people in our Nation; and in my home State, 50 percent of autistic children reside within our community.

Autism manifests itself in different ways. Bonnie can read, but Willis is mostly non-verbal and is only able to tell his mother, with whom he has a strong bond, when he is hungry or sleepy or sick. Others would not understand Willis.

Life through the eyes of an autistic child may be a puzzle; but autistic children, as this T-shirt says, are part of our world, not a world apart.

I congratulate the National Alliance for Autism Research for hosting Walk FAR for NAAR this Saturday in Key Biscayne. With continued support, we will soon find a cure for autism and the much-needed help for Bonnie and Willis Flick.

MAY GOD BLESS JERRY SOLOMON

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

Mr. MCNULTY. Mr. Speaker, yesterday you led a delegation to upstate New York to attend the funeral services of Congressman Jerry Solomon; and today our hearts go out to his wonderful wife, Freda, and their children and grandchildren on this tremendous loss for their family and for our country.

Jerry Solomon was a friend of mine for 30 years, and I served with him in this House for the past 10 years. He will be most remembered as a friend to veterans everywhere, and I am so happy that he lived to see the day when the United States won the Cold War, to be around to witness the collapse of communism in Eastern Europe, the tearing down of the Berlin Wall and the breakup of the Soviet Union into individual democratic republics.
He is someone who always remembered that freedom is not free, we paid a tremendous price for it; and he tried to always express his gratitude to all of the men and woman who wore the uniform of the United States military, because he had not and it not for them, their efforts and their sacrifice, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on the face of the Earth.

It is so fitting that he was buried in Saratoga National Cemetery, which he worked 15 years to produce for the people of upstate New York.

Mr. Speaker, Jerry Solomon was famous for constantly saying “God bless America”; and today, I say may God bless Jerry Solomon.

SUPPORT YOUNG-MICA AIRPORT SECURITY BILL

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

Mr. FOLEY, Mr. Speaker, today we are dealing with airport security, an issue vitally important to the travel and transportation industry and to every American. I want to take a moment to reflect on this chart of the House aviation security plan, backed by the Secretary of Transportation, the former chairman of the Committee on Transportation for the Democratic Party, on this floor, a plan that he supports, President Bush supports, and I think every traveler will find comfort in.

My colleague, the gentleman from Indiana (Mr. PENCE), in a moment will talk a little bit about another bill that exists on the other side of the aisle, or the other Chamber, but let me show you exactly what is involved in our plan.

It covers everything in airport security, aera drop-off to transportation to terminal security to tarmac security, and it does so to ensure the American public that they are safe when they board aircraft.

There is going to be a fight and debate today about who should they be, Federal employees or law enforcement employees. My view is this: let us make it safe. In Palm Beach County, the sheriff department’s deputized law enforcement officers are well-equipped to, in fact, be the persons to intervene in the baggage screening area. I would welcome that. I would be delighted to have that.

I wish their side would recognize that local flexibility is vitally important in securing our air space. Support President Bush today in his call for aviation security. Support the Young-Mica bill. You will be pleased with the results of passage of that legislation.

PROVIDING FEDERAL AVIATION SECURITY

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

Mrs. MALONEY of New York. Mr. Speaker, those who oppose the aviation security bill which the other body passed 100 to 0 are arguing that the bill would not make airports safer. Those who preach the evils of public employees unions ought to remember one thing: the heroes of the World Trade Center disaster, the policemen, the firefighters, were union members, and about 400 of them lost their lives rescuing others.

Public employees do a great job protecting us here in the Capitol, and they can do a great job protecting our constituents at airports. We are at war. Polarizing a debate by criticizing working men and women who devote their lives to serving the public is exactly what we do not need to do. Terrorists look for weak spots. They do not care about unions either.

We cannot wait any longer for airport aviation security. Pass the Senate bill.

MAKING AIRPORTS SAFER

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

Mr. KNOLLENBERG. Mr. Speaker, simply making an airport baggage and passenger screener a Federal employee will not make airports safer. Tougher standards and strict Federal oversight will make airports safer; and that is exactly what this act does, the one we have up today.

The American public needs to regain its confidence in flying. How will they do that if we do not have the ability to discipline or remove screeners who are not performing? How will they regain confidence if we cannot equip personnel with superior technology? And how will they regain that confidence if qualified retired Federal workers, such as Federal marshals, are unable to be hired because they will have to sacrifice their benefits and their health care benefits?

The answer is they will not.

The Secure Transportation for America Act gives the administration the flexibility that they need to have the best possible employees screening passengers and baggage. The American people deserve no less.

CHINA AND PAKISTAN HELP TALIBAN

(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, a Taliban commander said, “China is secretly helping our Taliban government.” China has united.

In addition, news reports say that Pakistan is giving weapons to the Taliban. Pakistan has united.

Unbelievable here. China gets $100 billion a year in trade surplus from Uncle Sam, and Pakistan is now asking for foreign aid.

Beam me up.

I say it is time for China and Pakistan to stop their tricks and cheating here. I yield back the forked tongues of the lies coming out of China and Pakistan, who are subverting our mission against these terrorists.

SUPPORT SECURE TRANSPORTATION ACT FOR AMERICA

(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 rise today in strong support of the Secure Transportation for America Act. The Good Book tells us if we owe debts, pay debts; if honor, then honor; if respect, then respect.

I rise today to honor the President of the United States of America and his vision for airport security. As the gentleman from Florida indicated, it is a vision supported by his Transportation Secretary, who chairs the committee on Transportation and Infrastructure as a Democrat in this very institution, and the President’s vision is the right vision.

As Robert Poole of the Public Policy Institute wrote recently while all parts of airports need improving, the biggest hole is to secure areas. The truth is that the Senate bill does absolutely nothing. Mr. Speaker, to control access to secure areas of airport. Caterers, cleaners, refuelers and others who lack security background checks at the Nation’s airports are not addressed in the substitute bill.

Mr. Speaker, I urge all of my colleagues to honor the President of the United States, respect his vision for airport security and vote yes on H.R. 3150.

OVERHAULING THE AVIATION SECURITY BILL

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

Mr. DeFAZIO. Mr. Speaker, it has been 7 weeks and 2 days since the terrorist attacks, 2 weeks since the Senate passed the aviation security bill 100 to 0. Finally, we can overhaul this failed system. There are three private foreign-owned firms that provide security at most U.S. airports. Their performance is miserable. One is under indictment for having violated its parole from its last criminal conviction.

Now we are going to have a choice today. We could pass the Senate bill and have a bill on the President’s desk tonight and begin an overhaul, a major overhaul put those people out of business, or we can adopt the Republican manager’s amendments, which will not only continue these failed private
firms and convicted felons in business, it will reward them amazingly with an exemption from liability for past actions.

Yesterday was Halloween, but today the Republican leaders are trying one last trick and treat on the American public. Before they choose to privatize the private firms that have failed us so miserably. Put Federal law enforcement in the airports and make the traveling public safe.

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

Mr. GRAVES. Mr. Speaker, as we discuss the characteristics of an aviation security bill we must not lose focus of our responsibility to the flying public. Airline passengers must feel safe before they return en masse to the skies. Nothing will guarantee their safety until all items placed on an aircraft are thoroughly screened by skilled professionals using the best available technology. As we implement new changes to be aviation security, we must ensure that all baggage entering the plane is properly screened.

I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their untiring efforts to draft the most comprehensive, sensible transportation security legislation possible. Enforcing strict Federal supervision on the Nation’s screening programs makes sense. Furthermore, it is a method proven to work. Simply federalizing 28,000 employees will not change the quality of our screening process.

Now is the not the time to implement a one-size-fits-all cure. Rather, the security needs of each airport should determine what screening measures work best for their particular situation. It is absurd to think that mere federalization is the answer to such severe structural problems that presently exist.

Mr. Speaker, I adamantly believe that the Federal role is to set the standard and enforce it. Then each situation must be met as it dictates. I urge my colleagues to vote for H.R. 3150, the Transportation Act of 2001.

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

Ms. SANCHEZ. Mr. Speaker, I would like to speak today about something that is very important to our country, adult immunization. Immunizations have helped prevent many illnesses and possible complications due to illness. Unfortunately, there is a misconception that immunization is only for children and for childhood diseases. The fact is that adults benefit from immunizations also. Hepatitis B, chicken pox, pneumonia are just a few examples of vaccine preventable illnesses affecting adults.

Data for the year 2000 show an increase in the number of deaths due to influenza and pneumonia, now over 67,000 deaths. This is the seventh leading cause of death in the United States. Although the flu vaccine may not prevent the flu, it greatly reduces the severity of the illness and the risk of complications, especially in adults over 50 years of age and those who suffer chronic illnesses.

Immunization is a cost-effective way of preventing disease and at a time when our Nation is faced with the possibility of unlikely yet very threatening infections, we must take the opportunity to be proactive against illnesses that we can prevent.

EXTENDING CONDOLENCES TO FAMILIES OF MURDERED PAKISTANIS
(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 offer condolences to the families of the 16 Pakistanis brutally murdered on Sunday as they worshipped in their church in Pakistan. Barbaric criminals burst into the church, locked the doors behind them and started firing guns into the worshippers. These twisted terrorists then continued to pump bullets into toddlers and women who lay wounded and dying in a pile on the floor of the church.

To the families of those killed, please know that our hearts and prayers are with you in this time of suffering and mourning.

In the midst of the important battles against terrorists and the Taliban, our Nation must also continue to stand with the world whose fundamental rights are violated at the hands of extremists in their communities. The danger faced by Christians and other religious and ethnic minorities in Pakistan cannot be overstated, particularly in this time.

I commend President Musharraf for his unequivocal condemnation of this tragedy and his pursuit of the murderers, and urge him to do all in his power to ensure that this does not happen again and that they bring these criminals to justice.

BIPARTISAN SUPPORT FOR FEDERALIZING AIRPORT EMPLOYEES
(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, aviation security is a national security. Protecting our skies is a matter of national defense and we should not leave national security to the private companies that contract to the lowest bidder.

We would not expect the President to be protected by the lowest bidder. We do not do that. We do not expect our leadership here in the House to get protected by the lowest bidder contract.

The current system is broken and needs to be corrected. Contracting to the lowest bidder is where the screening employees are flawed. We need to make sure that every American feels secure when they go to the airport, and making them feel secure is by making sure that those people are well-trained and well-educated. The Air Pilots Association has endorsed it, and I ask your support.

FAITH IN THE AIRLINE INDUSTRY
(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise in strong support for the Senate version of the airline security bill. The plan presented by the majority is simply just flawed. It does nothing to ensure that screening routines in this country are uniform, where screening in La Guardia Airport in my district is the same as screening in Des Moines, Iowa, where the screening in LAX is the same as in Butte, Montana. That is what the Democratic substitute does and the majority bill simply does not.

The Senate bill passed 100 to 0 with 49 members of the Republican Party supporting that bill. Can they all be wrong? We need to give the American people full faith and confidence in the airline industry. The majority bill simply does not do that. The Senate bipartisan bill begins to do just that.

AMERICA’S FEAR OF FLYING
(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, while America is afflicted by a fear of flying, this House, or certain Members are afflicted by a fear of federalization and I have to ask, what are you all afraid of? What is wrong with a Federal workforce? Is it the same thing that is wrong with a Federal workforce at the FBI that is now investigating terrorist incidents? Do you criticize the so-called Federal bureaucracy at NASA that won us the race to the Moon? Are you afraid of government influence, such as the government’s presence on D-Day and won us World War II? Would you privatize the military now fighting in the Middle East? Of course not.
These are all good government employees who did their jobs well in the service to this country. And I might just say one more thing. If you are so afraid of Federal influence, I dare you, I just dare you to submit a bill to pri- vatize the Capitol Police that protects this building.

Now, this building does not take off and go anywhere. It does not fly, and Americans who do fly deserve just as good protection as the Members in this Chamber with a Federal force outside.

CREATING SAFE AIRLINES

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

Mr. MEEKS of New York. Mr. Speaker, it is time for us to end the rhetoric and do what is right for American people. We say that business must move on and we must continue as we did be- fore. But we cannot do that unless we fix the problem of airline security. And clearly, as the Senate has said in a unanimous voice, the way we fix security in the airline industry is by fed- eralizing it.

We must make sure that our airports are like our borders. We would not pri- vatize the border line with individuals to monitor the borders, nor can we do that with our airlines.

If we want to go back to normal, if we want our business community to re- sume, we must make it safe for them to fly, because that is what is going to help stimulate our economy so we can get back to normal and we can begin to focus on the things that are important to all Americans. We cannot do it until people feel safe flying, and the only way we can do that is by fed- eralizing it.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2311. ENERGY AND WATER DEVELOPMENT APPRO- PRIATIONS ACT, 2002

Mr. SESSIONS. Mr. Speaker, by di- rection of the Committee on Rules, I call up House Resolution 272 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 272

Resolved, That upon adoption of this reso- lution it shall be in order to consider the conference report to accompany the bill (H.R. 2311) for appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other pur- poses. All points of order against the con- ference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour. Mr. SESSIONS, Mr. Speaker; for the purpose of debate only, I yield the cus- tomary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may con- sume. During consideration of this res- olution, all time yielded is for the pur- pose of debate only. House Resolution 272 provides for consideration of the conference report to accompany H.R. 2311, the Energy and Water Development Appropriations Act of 2002. The rule waives all points of order against the conference report and against its consideration and pro- vides that the conference report shall be considered as read.

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

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

Mr. Speaker, I rise today to urge Members to support this rule and the underly- ing legislation.

I want to congratulate the conferences on their hard work and urge passage of the rule and the underlying legislation.

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

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

Mr. Speaker, I rise today to urge Members to support this rule and the con- ference report. Both the House and the Senate passed this bill on a bipartisan basis, and this conference report also represents a bipartisan, bicameral compromise.

Additionally, this conference report contains provisions that are very impor- tant to the people that I represent in north Texas. It provides $5.5 million in critical funding for a flood control project along Johnson Creek in Arlington, Texas. It provides $10 million for the Trinity River Extension, and it provides $1.2 for the Trinity River Basin. The final funding that each of us will receive meets the needs identified by the Army Corps of Engineers and local authorities.

The conference report also provides $1 million for a state of the art annex to the Science Center at Texas Wes- leyan University, which serves neigh- borhood children as well as students in a historic inner-city neighborhood on the east side of Fort Worth, Texas.

I also commend the gentleman from Indiana (Mr. VISCLOSKY) for working hard to put up about $65 million in the administration's ill-ad- vised and dangerous budget proposal that would have cut $100 million from our programs designed to keep nuclear material and weapons out of the hands of terrorists.

I know this bill will pass by a strong margin on a bipartisan basis because of all the good things in it. However, Mr. Speaker, in good conscience I cannot remain silent about some decisions that have been made by this Congress, some of which go beyond the authority of the Subcommittee on Energy and Water Development.

I find it unbelievable, Mr. Speaker, unbelievable that just 1 week ago this House voted to give $7.4 billion in unearned corporate re- beate checks to just 16 Fortune 500 cor- porations. Yet, this Congress to date will have cut programs designed to keep nuclear weapons and materials away from terrorists. I find it irresponsible and dangerous that even in light of the September 11 terrorist attacks, this House has said, in effect, by our votes that giving spe- cial huge tax breaks to corporations like General Motors, they got nearly $1 billion, IBM got $950 million, General Electric a little under $1 billion, that those tax rebate checks to those cor- porations are more important than...
Mr. Speaker, a recent report from a committee co-chaired by Republican former Senator Howard Baker and former Senator Sam Nunn, a Democrat, said that the threat of nuclear terrorism against the United States is the single most important national security concern facing this Nation.

I do not question anyone's intentions in this Legislature, but I believe genuinely that every one of us in this House shares the belief that protecting Americans' lives and security is the first responsibility of our government. But in government, good intentions do not count if our budget decisions undermine the principles we preach.

We can talk about homeland defense all we want, but may God help us in our war on terrorism if this Congress decides corporate tax rebate checks are more important than keeping nuclear weapons out of the hands of terrorists. Mr. Speaker, I would like to mention five facts about the possibility of nuclear terrorism against American citizens:

Fact No. 1, had the September 11 terrorists been able to use a nuclear bomb built with a Coke can size of plutonium and placed in it a car in Lower Manhattan, over 2 million American civilians, not 5,000, would have been killed;

Fact No. 2, there are over 600 metric tons of weapons-grade uranium that is in urgent need, urgent need of additional security improvements, according to our own U.S. Department of Energy;

Fact No. 3, we know of 14 separate seizures of highly-enriched, bomb-grade uranium that had been stolen from Russian nuclear sites since 1992. Frighteningly, in eight of those 14 cases the uranium was not seized until it had escaped out of Russia, and was found in Germany, the Czech Republic, and Bulgaria;

Fact No. 4, we know that since 1993 Osama bin Laden and his al-Qaeda organization have made attempts to obtain nuclear material from Russia;

Fact No. 5, because of an agreement just signed on September 26 of this year, just last month, between the United States and Russia, we have a window of opportunity to put in place additional security improvements at numerous Russian nuclear sites, some of which we have never been able to visit prior to this agreement.

Mr. Speaker, no one knows when that window of opportunity might close. I believe it would be dangerous for this Congress not to take advantage of such a chance and carry out our responsibilities to get better control of Russian nuclear material so it will not some day, God forbid, end up in a major nuclear material so it will not some day, God forbid, end up in a major nuclear material so it will not some day, God forbid, end up in a major nuclear material so it will not some day, God forbid, end up in a major nuclear material so it will not some day, God forbid, end up in a major nuclear material so it will not some day, God forbid, end up in a major nuclear material. We are currently doing our best to keep them out of our hands. But let us not be so deluded as to believe that a serious need for additional funds. We are going to find those funds. There were just no more additional funds available in this bill.

The gentleman from Texas and assure this Congress that we are going to provide adequate resources to this administration to ensure that the nonproliferation agreement works.

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

Mr. FROST. Mr. Speaker, I yield 1 additional minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, very briefly, I would just like to thank the gentleman from Texas (Mr. CALLAHAN), who just spoke, for his leadership to date on this effort. I am convinced had it not been for his work, along with that of the gentleman from Indiana (Mr. VISCOSKY), we would be looking at this administration's proposal for $300 million in nonproliferation nuclear programs.

I would have been much more comfortable had I been able to say to my colleagues and the American people that we are taking care of this problem, that we are taking this administration's proposal for $300 million in nonproliferation nuclear programs.

But I appreciate the leadership of the chairman to date, what he has already done, and I am especially deeply grateful for his commitment to this Congress to continue those efforts and see that we adequately fund this budget, in light of what has happened September 11.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, a number of years ago, right after the Soviet Union collapsed, I was at a bipartisan conference in Budapest and we met with a series of Soviet and Russian officials. Among those in attendance was the then Foreign Minister Andrei Kozyrev and the Deputy Defense Minister Andre Kokoshin. Also present at that meeting were a number of Members of this House and the other body, such as Senators Nunn, Lugar, Congressman Aspin, who later went on to become Secretary of Defense, Senator Lewis, myself, and a number of others.

We were asked by two Russian officials if we could come into a private hotel room to discuss a very serious situation that had gathered. They described to us the terror at the lack of security relative to the kind of nuclear material which the gentleman from Texas just discussed.
As a result of those discussions, the Nunn-Lugar program was born. This country then began an effort to try to slowly but surely pull nuclear weapons from the various Soviet provinces into Russia itself so there would be better control over them. And in addition, this country began, at the urging of the Russians, who were most concerned about it, we began a variety of programs to try to help not only secure nuclear material from warheads, but we also began to think about what we were doing about the fact that we had many, many Russian and Soviet scientists who were out of work, who had very little income, and who were very easy pickings for terrorist groups all around the world who might want to find a way to get knowledge they did not have or to obtain nuclear material that they did not have.

We fund these programs that have been sporadic at best since that time; and in my view, that is leading even more inexorably to a serious, serious problem and perhaps even at some point a crisis.

The little bit of land from Texas (Mr. EDWARDS) has pointed out to you that, even with the meager funds we have put into these programs, on eight occasions authorities have seized nuclear material that was in the wrong hands and had already been secreted out of Russia itself. Four of those recoveries took place in Germany; three took place in the Czech Republic; one in Bulgaria. In addition, there were six other incidences during which material was recovered with Russia itself that had fallen into the wrong hands, and we do not know how many other examples there are of this material falling into the wrong hands.

Now, under those circumstances, one would think that we would make as our number one priority securing that threat. We have not done so. We have had a lot of sporadic effort, but we have not accomplished what we needed to accomplish.

The Department of Defense has responsibilities in this area; so does the Department of Energy. This bill corrects some of the problems and vulnerabilities that exist outside those that have at least $1.2 billion of additional needs, and they have been funded only to a very small extent in this bill because of funding limitations imposed on it by the allocation.

In addition to that, we have been told that there are at least half a billion dollars in non-military requirements relating to nuclear material that we ought to be providing for recovery programs here or for security programs within our own country, and very little of that is being responded to.

Those requirements are far beyond what was included in the fiscal 2002 budget or the House or the Senate bill. It just does not seem to me that Congress can provide $25 billion in tax gifts to General Electric, to AT&T, to and to other truly needy people in this society like that, and I am being sarcastic, Mr. Speaker, when I say that, it seems to me that if Congress can find the money to provide that kind of gift to the non-needy, we certainly ought to have enough common sense to find enough room in our budget to deal with one of the most serious security problems that faces this country and this planet.

I regard the lack of funding across DOE for a number of programs not even mentioned here today, including one that I brought to the attention of the committee in a private session. I regard the neglect of those vulnerabilities would be almost criminal negligence, not on the part of this committee but on the part of people in the Government who have the serious problems and vulnerabilities that exist out there that are not being dealt with.

Now, I love to give tax cuts as much as the next man; but our first obligation in this instance is to secure the home front. We are not doing it sufficiently with this bill. We are not doing it sufficiently with other bills that will be before this Congress; and until we do, we are failing our principal obligation to protect the public safety of each and every citizen that we represent.

That is why, despite many of the good things in this bill, I will be voting against this bill to try to indicate my extreme concern about the lack of attention and the lack of follow-through on these problems.

I appreciate the consideration of the gentleman from Alabama (Mr. CALAHAN) when he says we will try to deal with this in a future bill. My suggestion to the House is that I think, if this is a high priority, it ought to be dealt with immediately. It is not, and that is why I am going to be voting against this bill.

This is not due to any negligence on the part of the subcommittee chairman or the ranking member, any of the subcommittees, but in my view the priorities of this Congress, given this problem, I think these priorities are misbegotten.

Mr. SESSIONS. Mr. Speaker, the majority wishes to reserve its time.

Mr. FROST. Mr. Speaker, I would advise the majority that we have no further speakers, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Texas (Mr. FROST) for that.

Mr. Speaker, I urge adoption of this rule, which will allow us to consider this important committee report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.
CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. CALLAHAN, Mr. Speaker, pursuant to House Resolution 272, I call up the conference report on the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The SPEAKER pro tempore. Pursuant to House Resolution 272, the conference report is considered as having been read.

I am pleased to present the House the conference report on H.R. 2311, the fiscal year 2002 Energy and Water Development Appropriations Act.

At the outset, I would like to state how pleased I am that the conference committee was able to work out the differentiations between the House and Senate bills so amicably and to such a positive effect. Given the great divide over the House and Senate priorities, many concluded that we would never be able to resolve our differences. Not only did we resolve those differences in such a way that the critical priorities of the House and Senate were carefully protected. I am proud of the agreement struck between the House and Senate on energy and water development programs. It was a difficult and arduous negotiation, but the product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure, and increase our scientific knowledge.

The total amount included in the conference agreement for energy and water programs is $24.6 billion. This is $891 million over the amount included in the House-passed bill and about $2.1 billion over the budget request. The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore.
I believe the conference agreement is balanced and fair, and I would urge a unanimous support of the House for its adoption. I would hope that we could quickly conclude action on this conference report so that we can get this bill to the White House for the President’s signature.
## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311)

*Amounts in thousands*

<table>
<thead>
<tr>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
</table>
| General
| 160,584 | 130,000 | 163,260 | 152,402 | 154,360 | -2,234 |
| Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee | 1,716,150 | 1,204,000 | 1,871,654 | 1,570,786 | 1,715,851 | -214 |
| Supplemental appropriations (P.L. 107-28) | 350,458 | 280,000 | 347,665 | 326,011 | 345,682 | -4,466 |
| Operation and maintenance, general | 9,000 | | | | | -9,000 |
| Supplemental appropriations (P.L. 107-28) | 1,697,775 | 1,745,000 | 1,864,464 | 1,833,283 | 1,874,803 | 22,572 |
| Regulatory program | 86,000 | | | | | -86,000 |
| PURPA | 124,725 | 128,000 | 128,000 | 126,000 | 127,000 | +2,275 |
| Flood control and coastal emergencies (supplemental appropriations) (P.L. 107-28) | 139,860 | 140,000 | 140,000 | 140,000 | 140,000 | +1,334 |
| Total, title I, Department of Defense - Civil | 4,686,565 | 3,900,000 | 4,486,233 | 4,305,474 | 4,486,098 | -200,469 |
| Central Utah project completion account | 19,524 | 24,169 | 24,169 | 24,169 | 24,169 | +4,645 |
| Fish, wildlife, and recreation mitigation and conservation | 14,193 | 10,749 | 10,749 | 10,749 | 10,749 | -3,507 |
| Utah reclamation and conservation account | 4,689 | | | | | -4,689 |
| Subtotal | 38,560 | 34,918 | 34,918 | 34,918 | 34,918 | -3,731 |
| Program oversight and administration | 1,213 | 1,310 | 1,310 | 1,310 | 1,310 | +97 |
| Total, Central Utah project completion account | 39,773 | 36,228 | 36,228 | 36,228 | 36,228 | -3,834 |
| Bureau of Reclamation | 678,651 | 647,967 | 691,160 | 732,498 | 762,531 | +83,578 |
| Loan program | 9,346 | 7,495 | 7,495 | 7,495 | 7,495 | -1,833 |
| (Limitation on direct loans) | 26,641 | 26,000 | 26,000 | 26,000 | 26,000 | -26,000 |
| California Bay-Delta restoration | 20,000 | | | | | -20,000 |
| Policy and administration | 50,114 | 52,668 | 52,668 | 52,668 | 52,968 | +2,298 |
| Total, Bureau of Reclamation | 776,775 | 783,499 | 806,662 | 847,996 | 878,033 | +101,258 |
| Total, title II, Bureau of the Interior | 816,037 | 819,727 | 842,880 | 884,220 | 914,261 | +97,224 |
| Energy supply | 659,616 | 544,245 | 639,371 | 726,139 | 666,768 | +8,600 |
| Non-defense environmental management | 277,200 | 225,553 | 237,872 | 235,553 | 236,372 | -40,826 |
| Supplemental appropriations (P.L. 107-28) | 11,650 | | | | | -11,650 |
| Uranium facilities maintenance and remediation | 382,032 | 363,425 | 363,425 | 408,725 | 418,425 | -26,722 |
| Science | 31,000 | 30,000 | 30,000 | 30,000 | 30,000 | -30,000 |
| Nuclear Waste Disposal | 10,900 | 127,978 | 127,978 | 127,978 | 127,978 | +58,077 |
| Miscellaneous revenues | 229,942 | 227,618 | 227,618 | 227,618 | 227,618 | -2,968 |
| Net appropriation | 74,940 | 83,608 | 83,608 | 71,601 | 71,138 | -1,692 |
| Office of the Inspector General | 31,430 | 31,430 | 31,430 | 31,430 | 31,430 | +1,000 |
| Environmental restoration and waste management: | | | | | | |
| Defense function | (8,254,496) | (5,740,726) | (8,410,825) | (8,677,943) | (8,460,991) | (+266,552) |
| Non-defense function | (711,692) | (591,978) | (621,297) | (637,278) | (654,797) | (-56,555) |
| Total | (8,966,118) | (6,332,706) | (8,031,923) | (8,309,221) | (8,115,798) | (+119,578) |
| Atomic Energy Defense Activities | | | | | | |
| National Nuclear Security Administration: | | | | | | |
| Weapons activities | 5,006,153 | 5,300,025 | 5,123,886 | 6,062,891 | 5,429,238 | +423,085 |
| Supplemental appropriations (P.L. 107-28) | 120,625 | | | | | -120,625 |
| Defense nuclear nonproliferation | 972,273 | 773,700 | 845,201 | 880,500 | 803,500 | -66,000 |
| Naval reactors | 885,645 | 688,045 | 688,045 | 688,045 | 688,045 | -100 |
| Office of the Administrator | 9,078 | 15,000 | 15,000 | 15,000 | 15,000 | 32,966 |
| Subtotal, National Nuclear Security Administration | 6,703,674 | 6,776,770 | 6,987,274 | 7,649,436 | 7,239,485 | +506,791 |
| Defense environmental restoration and waste management | 4,953,533 | 4,548,708 | 5,174,539 | 5,496,960 | 5,234,576 | +271,043 |
| Supplemental appropriations (P.L. 107-28) | 25,000 | | | | | -25,000 |
| Defense facilities closure projects | 1,030,331 | 1,050,536 | 1,092,876 | 1,092,876 | 1,092,876 | +12,547 |
| Supplemental appropriations (P.L. 107-28) | | | | | | -21,000 |
### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311) — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
</tr>
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<tbody>
<tr>
<td>Defense environmental management privatization</td>
<td>95,000</td>
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<td>143,206</td>
<td>157,537</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-9,660</td>
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<td>Subtotal, Defense environmental management</td>
<td>6,254,464</td>
<td>5,740,783</td>
<td>6,410,825</td>
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<tr>
<td>Other defense activities</td>
<td>582,468</td>
<td>527,914</td>
<td>487,484</td>
<td>564,166</td>
<td>544,044</td>
<td>-32,232</td>
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<td>Supplemental appropriations (P.L. 107-20)</td>
<td>5,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-5,000</td>
</tr>
<tr>
<td>Defense nuclear waste disposal</td>
<td>199,725</td>
<td>310,000</td>
<td>310,000</td>
<td>250,000</td>
<td>280,000</td>
<td>+60,275</td>
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<tr>
<td>Total, Atomic Energy Defense Activities</td>
<td>13,745,929</td>
<td>13,355,167</td>
<td>13,675,963</td>
<td>15,088,547</td>
<td>14,536,500</td>
<td>+793,172</td>
</tr>
</tbody>
</table>

**Power Marketing Administrations**

| Operation and maintenance, Southeastern Power Administration | 3,891 | 4,891 | 4,891 | 4,891 | 4,891 | +1,000 |
| Operation and maintenance, Southwestern Power Administration | 28,038 | 28,038 | 28,038 | 28,038 | -       |         |
| Construction, rehabilitation, operation and maintenance, Western Area Power Administration | 155,465 | 169,465 | 172,185 | 169,465 | 171,936 | +6,472 |
| Supplemental appropriations (P.L. 107-20) | 1,578 | - | - | - | - | -1,578 |
| Falcon and Amistad operating and maintenance fund | 2,663 | 2,663 | 2,663 | 2,663 | -       |         |
| Total, Power Marketing Administrations | 201,835 | 205,057 | 207,757 | 205,057 | 207,830 | +5,895 |

**Federal Energy Regulatory Commission**

| Salaries and expenses | 175,200 | 181,155 | 181,155 | 187,155 | 184,155 | +8,055 |
| Revenues applied      | -175,200 | -181,155 | -181,155 | -187,155 | -184,155 | -9,950 |
| Defense nuclear waste disposal (recission) | -75,000 | -75,000 | -75,000 | -75,000 | -75,000 | -75,000 |
| Defense environmental privatization (recission) | -97,000 | -97,000 | -97,000 | -97,000 | -97,000 | -97,000 |
| Total, title III, Department of Energy | 18,623,801 | 18,108,554 | 18,747,300 | 20,061,675 | 19,501,126 | +777,225 |

**TITLE IV - INDEPENDENT AGENCIES**

| Appalachian Regional Commission | 98,254 | 66,990 | 71,990 | 66,990 | 71,990 | +5,006 |
| Delta Regional Authority | 18,459 | 16,500 | 16,500 | 16,500 | 16,500 | +41 |
| Denali Commission | 19,919 | 16,992 | - | - | - | - |
| Nuclear Regulatory Commission: | | | | | | |
| Salaries and expenses | 451,825 | 506,900 | 516,900 | 516,900 | 516,900 | +35,075 |
| Subtotal | 33,867 | 43,652 | 43,980 | 48,652 | 43,860 | +9,513 |
| Office of Inspector General | 5,500 | 6,180 | 6,180 | 6,180 | 6,180 | +680 |
| Revenues | -5,500 | -6,932 | -5,933 | -5,930 | -5,933 | -543 |
| Subtotal | 110 | 248 | 247 | 220 | 247 | +137 |
| Total | 33,977 | 43,900 | 43,927 | 48,672 | 43,867 | +9,950 |
| Nuclear Waste Technical Review Board | 2,644 | 3,100 | 3,100 | 3,100 | 3,100 | +260 |
| Total, title IV, Independent agencies | 171,474 | 181,721 | 136,517 | 197,162 | 184,517 | +13,043 |

**TITLE V - EMERGENCY SUPPLEMENTAL**

**DEPARTMENT OF ENERGY**

| Atomic Energy Defense Activities | 203,012 | - | - | - | -203,012 | - |
| Appalachian Regional Commission (contingent emergency appropriations) | 10,076 | - | - | - | -10,076 | - |
| Total, title V, Emergency Supplemental | 213,088 | - | - | - | -213,088 | - |
| Grand total: | | | | | | |
| New budget (obligational) authority | 24,512,565 | 23,006,002 | 24,185,000 | 25,448,827 | 25,088,000 | +573,535 |
| Appropriations (P.L. 107-20) | (24,470,577) | (23,006,002) | (24,185,000) | (25,448,827) | (25,111,000) | -(440,232) |
| Contingent emergency appropriations | (213,088) | - | - | - | (213,088) | - |
| Resolutions | (-172,000) | - | - | - | (-172,000) | - |
Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman from Alabama (Mr. CALLAHAN) and congratulate him on the work product that the subcommittee has brought before the House today. The gentleman from Alabama (Mr. CALLAHAN) is the chairman, but he is also my classmate from the class of 1984 and also my good friend. He has been a delight to work with. He is very serious about the work product, but not serious about himself. He is very deliberate, and he is very conscientious. He has done a very good job.

The gentleman from Alabama (Mr. CALLAHAN) also enumerated by name each member of the staff on both sides of the aisle, and I would like to add my own personal gratitude for the work that our staff has done. We would not be here today without them.

Mr. Speaker, this is a very good solid work product. It is good for the American economy. It is good for the national security. I would hope that all Members of this body do support this bill.

I do, however, want to make two comments. One is that I would hope as the administration looks at its budget request for 2003, that it send a realistic budget for our investment in our economic infrastructure and our national security.

On the economic front, I would point out that while we did the absolute best that we could with the resources possible, in constant dollars in fiscal year 2002, the appropriations for the Army Corps of Engineers civil works has drastically declined. In fiscal year 2002, we appropriated $4.486 billion compared to $7 billion in constant dollars for 1967.

Additionally, a similar ratio would exist for the general construction dollars. I would point out that backlog for the Army Corps of Engineers totals about $40 billion, and backlog for operation and maintenance for this year alone is estimated to be about $353 million. I hope as the administration and as the Congress looks ahead to the next year, that we recognize a greater investment in our economic infrastructure is going to be necessary.

There has also been a lot of debate on the House floor in the last several days as far as nuclear proliferation, and within our financial limitations, we tried to do the best job possible, but there remains problems.

As we look towards a supplement for this time. But I want to compliment the chairman on the work that he has done. It is a good bill, and I ask my colleagues to support it.

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

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

Mr. Speaker, I want to compliment the gentleman made about the submission this year by the administration for these very important projects that are included in this bill, the gentleman is exactly right. In defense of the administration, they only had a couple of weeks to prepare a submission of the budget that they sent to the House. In subsequent discussions with both the director of OMB and the President, I recognize that they had to submit something. But along with the gentleman from Indiana, I would like to invite him to come with me to the White House between now and the end of the year so we can have a discussion with the President and with the director of OMB to submit to this body a more realistic proposal for the energy and water needs of this Nation.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I yield in this subcommittee for 10 or 12 years at least. I know how difficult it is to balance the needs of the Members of this body and the needs of the Nation, frankly, and these vital programs that this bill covers.

I have to tell Members that the maiden voyage that the captain has steered us on this bill has been masterfully done.

This is the first bill that Chairman CALLAHAN has had the opportunity to work on. This is a tough bill. You have got the nuclear weapons program, of course, in this bill; all of the energy issues of such vital importance to the Nation at this time. The security issues, of course, this year are very important; and also the work of the Corps of Engineers and all of the programs that Members are so vitally interested in. It is a tough bill to try to weigh all of those interests and find enough funds with which to do the necessary work. I want to complement the chairman and the ranking member for working together as they do, and have, and working with all the Members in such a nice spirit.

I was hopeful in this bill that we could have had some more money for those Krispy Kreme doughnuts, but I do not guess we are going to get that this time. But I want to compliment Chairman CALLAHAN and Ranking Member VISCLOSKY for a great job, salute them on the work that they have done, and wish them well.

Mr. VISCLOSKY, Mr. Speaker, I yield such time as my colleague from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I want to thank my colleague and dear friend the gentleman from Indiana (Mr. VISCLOSKY) for recognizing me and supporting our efforts to ban oil drilling in the Great Lakes.

I might say, Mr. Speaker, together this is a bipartisan effort. When we debated the amended House of Representatives, we garnered, I think, somewhere in the neighborhood of 70 Republican votes on this issue and we have worked hard and long on this issue. Today we will have achieved an important bipartisan compromise between both the House and the Senate. Today, that work that we have devoted over a period of years has paid off.

I want to particularly thank the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Michigan (Mr. HOEKSTRA) and others on the other side of the aisle who have worked to make this amendment happen. I want to thank all of my friends who came together on this issue. In the other body, Senators DEBBIE STABENOW and PETER FITZGERALD were very helpful in their efforts as well.

This legislation is a terrific victory for the people of Michigan and all of the Great Lakes States. Elementary school science will teach you that oil and water do not mix. One quart of oil could contaminate 2 million gallons of drinking water. The Great Lakes contain nearly a quarter of the world’s fresh water and 95 percent of all the fresh water in the United States. An accident in a contained system would indeed be catastrophic. We cannot afford the risk of drilling.

Michigan, my home State, is a land of breathtaking beauty. The Great Lakes define our communities, our recreation, our tourism, our landscape, our commerce. It is an integral part of who we are and what we are about in our history. Michigan lakes are not oil fields. Our shorelines are not pipelines. Michigan families deserve clean water and beaches free from oil. We have an enormous amount of people who come into our State, Mr. Speaker, every year who visit, who come and camp. They do not come to see oil wells. They do not come to see oil derricks. They come to use our beaches, to use our sand dunes, they come to swim in our beautiful lakes. This crucial environmental protection will keep big oil and reckless drilling out of our lakes.

This is a victory for Michigan, a victory for the environment, and a victory for future generations who deserve clean drinking water and an unspoiled landscape. I thank my colleagues for their help on this issue. I urge the House to pass the conference report.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), who is a member of our subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I want to thank the gentleman for yielding time. I rise in support of our energy and water appropriations bill.
Let me first thank Chairman CALAHAN for his forceful leadership of our committee’s work and also the ranking member’s leadership on this bill, and my thanks to the very forceful leadership, and to thank our subcommittee staff for their tireless efforts to put this bill together.

While much public attention is rightly focused on the war abroad, our committee continues to do its part to protect our national security at home. The issue of energy security is now clearly before us. Our energy facilities must be safe and secure and we must continue the critical work of the Department of Energy to research and develop domestic sources of energy of all types and to protect our nuclear stockpile.

On another front, Chairman CALAHAN has produced a bill, insisted on a bill, in fact, that continues our national commitment to work in partnership with our States and local communities to address such vital needs as flood control, shore protection, environmental restoration and improving our Nation’s waterways. I especially want to thank the chairman for his support of top priorities in my home State of New Jersey. Keeping our ports open for business is critical to our regional economy and the nearly 220,000 jobs related to port activity in both New York and New Jersey. Protecting and restoring our shoreline is also vital. This bill continues to protect communities from natural disasters such as flooding and continues New Jersey’s special need to provide all future energy sources that are clean and unlimited. That is the special work of the Princeton Plasma Physics Lab.

I also thank the chairman for working with me to consolidate the port dredging projects within the New York and New Jersey commercial waterways into one single project to expedite dredging to the recommended 50-foot depth. Combining these projects and expediting this critical work is a huge victory for our regional economy and for the environment and for the taxpayer at a time when our people are suffering and thousands of jobs have been lost in our area.

Finally, I want to pay special tribute to the Army Corps of Engineers for their response to the September 11 attack in Lower Manhattan and at the Pentagon. While we know the Army Corps does fantastic and important, essentially wartime war and in peace-time with flood control and dredging and other projects, many are not aware that the Army Corps acts in very important ways during times of disaster and national crisis. Since the day of these events, the Corps has assisted in the Federal national response both in Lower Manhattan and at the Pentagon. They have worked tirelessly to do emergency dredging, debris removal and to address complex engineering and safety/security issues along the entire Harbor of Lower Manhattan besides looking after thousands of people who needed transportation.

After visiting ground zero, Army Secretary White commented on the Corps effort and said, “While your history is impressive, given the current situation your finest hour is a chapter yet to be written.” I am sure we would agree with him.

I want to personally thank the Army Corps for all their work to meet the needs of our citizens and our communities when we needed it the most. I know our committee also shares my pride in its professionalism. Mr. Speaker, I wholeheartedly support the bill.

Mr. VISCHLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL) for purposes of a colloquy.

Mr. UDALL of Colorado. I thank my good friend from Indiana for yielding time.

Mr. Speaker, regarding the Corps of Engineers small flood control projects, also called section 205 projects, am I right in understanding that the conference report directs the Corps to proceed with all the projects listed in both the House and Senate reports?

Mr. VISCHLOSKY. Mr. Speaker, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Indiana.

Mr. VISCHLOSKY. The gentleman is correct.

Mr. UDALL of Colorado. So that would mean the conferences intend for the Corps to proceed with the Van Bibber-Arvada Plaza drainage project in Colorado as specified in the House report?

Mr. VISCHLOSKY. The gentleman is correct.

Mr. UDALL of Colorado. I thank the gentleman.

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

Mr. Speaker, few people ever get to witness a conference committee meeting. Generally it is in a late-night session, either in the basement of the House or the Capitol. That is where all of the serious negotiations take place rather than on the floor or even in a committee meeting. I wish the American people could have seen the professionalism and the dedication that the gentleman from Iowa (Mr. LATTHAM) had in trying to correct and trying to preserve some concerns that he had over the Missouri River project. He along with the gentlewoman from Missouri (Mrs. EMERSON), who also is a member, believes that we should have made the people of Missouri and Iowa proud.

I am proud to yield 2 minutes to the gentleman from Iowa (Mr. LATTHAM), a member of our subcommittee.

Mr. LATTHAM. Mr. Speaker, I thank the chairman for those kind words and also want to certainly thank the chairman for doing a fabulous job leading our subcommittee on these very, very important issues and the ranking member and the cooperation that we have on this subcommittee, and certainly the staff did an outstanding job and we really appreciate all of their efforts.

Mr. Speaker, this bill has a very broad jurisdiction but extraordinarily important when we talk about our nuclear arsenal, when we talk about research, trying to make America independent in its energy needs. This is the only place where that type of research is done, and I am very pleased with the funding levels. We could always find more uses for more money, obviously, but the chairman and ranking member did an outstanding job.

I would also like to say that this bill does a lot for Iowa. We have flood control projects in Sioux City, the Perry Creek ongoing project; in Denison, Iowa, where the floods were so devastating in 1993, the levee project there is funded to our request; and a couple of very, very important projects in Fort Dodge, Iowa, the river enhancement, in trying to make sure that that community can handle not only flood control but also have enhancement of the livelihood in Fort Dodge itself; and Webster County with their flood control concerns they have downriver on the Des Moines River.

The chairman brought up the issue of the Missouri River. I was somewhat disappointed in the results in this bill. Obviously the special interests up-stream, upriver had a major influence, especially in the other body, but I think working in a cooperative basis that we can be successful in the future if we all use some common sense to bring this issue finally to closure so that we can all proceed and not destroy the livelihood and endanger the lives of the people downstream.

I again thank the chairman very much for the opportunity and for his great work.

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

Mr. BENTSEN asked and was given permission to revise and extend his remarks.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding time. Let me thank the chairman and the ranking member of the subcommittee for the work that they have done on this bill. I also want to thank my fellow Texan and our colleague the gentleman from Texas (Mr. EDWARDS) for the help that he has provided.

Once again this bill provides necessary funds for a number of water projects in the Greater Houston Area. In particular, it provides $4 million for the Brays Bayou project which is a precursor to a large Federal-local flood control project that borders up against the Texas Medical Center, which is the largest medical center in the world; and it includes $9 million for the Sims Bayou project, which is a Federal-local project that is halfway through construction.

Last summer, as Members know, all of southeast Texas but in particular in the Greater Houston Area, we suffered a very catastrophic flood event through Tropical Storm Allison. In
fact, this was somewhat of a 100-year event. We had over 70,000 homes which had water damage. We had floodwaters come out of the banks of most of the bayous and watersheds in the area. The total cost of the storm is estimated to be in excess of $5 billion, close in this case to $2 billion that is currently in the Texas Medical Center with the 45 institutions that are included within that center. The four major hospitals in the Houston area were closed down for some period of time as a result of that storm as well. For those of you that live in this area, it will go a long way in helping to try and address and alleviate that situation for future storms.

While we would like to get more money, obviously that is true for every Member. I believe we were treated fairly in this. We also have to do this in a fiscally responsible way. I know that the chairman and the ranking member are committed to these projects for the long haul.

I would also just add that I appreciate the fact that the committee provided about $34 million for the ongoing Houston ship channel project, the deepening and widening project which will allow the Port of Houston to maintain its status as one of the powerful economic engines in the Greater Houston Area. I appreciate the work of the committee.

Mr. CALLAHAN. Mr. Speaker, putting together a bill such as this is not something one man can do. I thanked the chairman for their tremendous professionalism. But it also requires a lot of dedicated time and effort on the part of the subcommittee members as well as the full committee members.

With that, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), who has dedicated untold hours and tons of professionalism towards the drafting of this bill.

Mr. WICKER. Mr. Speaker, I thank my chairman for those kind remarks. I rise in strong support of this bill. It is a pleasure to be on this subcommittee.

Mr. Speaker, I want to make three points about this legislation which, of course, will pass overwhelmingly in just a few moments.

First of all, the chairman and the ranking member mentioned the Corps of Engineers construction account. My chairman mentioned that the administration’s request was, frankly, inadequate when it came to us. Certainly there may be reasons for that, the lack of time the administration had in being able to put the budget together. My friend from Mississippi (Mr. WICKER), called on Members to speak to the administration about the fact that, frankly, the request was unrealistic, and perhaps we can do a better job of communicating with the administration in the future about this.

But in year in and year out, Mr. Speaker. It is not just the Bush administration, and it was not just the Clinton administration. Year in and year out, Democrat and Republican administrations have cut needed funds from the Corps’ budget request, knowing full well that this House of Representatives and the other body would have to restore those funds in order to meet the needs.

There is a simple principle that applies to everyone’s home, or if you are in a business it applies to the businesses, and it is so simple it almost goes without saying. That principle, Mr. Speaker, is that oftentimes you can spend a little money today in order to save the expense of a whole lot of money tomorrow.

If there is a problem with the seal around your front door, if you just spend a little money and it keeps the water from coming in, you are saving yourself from having to replace a whole bunch of carpet and a whole bunch of things inside the building later on. If you own a business and that roof needs to be repaired, I think all of my colleagues would agree you better go ahead and spend the little money now to repair the roof, rather than to spend all the money that it will take to correct the situation once it gets out of hand.

That is why we needed the plus-up; and that is why I commend the leadership of the committee, both in the House and in the Senate, for putting the adequate money in there and addressing the need, so we could save money tomorrow.

Now, let me just also mention a second point. Waterways are national issues. Our Nation’s waterways do not recognize State lines. For example, over 40 percent of our Nation’s water flows by the borders of my home State of Mississippi. So flood control and maintaining navigable waterways is a national issue, and I am pleased that this subcommittee and this bill makes the needed infrastructure investments for those activities.

Finally, I would join the rest of my colleagues. Mr. Speaker, in commending the leadership of this committee, my chairman and my ranking member, for working on a bipartisan basis. This is a bipartisan effort, and this is the sort of way in which our House of Representatives should conduct itself.

I urge overwhelming support for this legislation.

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

Mr. Speaker, before I recognize the next gentleman, I would want to agree with the points that the previous speaker, my good friend the gentleman from Mississippi (Mr. WICKER), made and particularly the point that this was not just a failure of the current administration, whatever the circumstances, as far as timing, or the Clinton administration, and would reiterate remarks I mentioned in constant dollars since 1967 we have seen the Corps budget drop from $7 billion to $4.48 billion, so that clearly is a generational failure by administrations and Congresses of both parties.

It is time we all collectively come together to come to grips with this and make a solid investment in the United States of America. So I appreciate the gentleman’s comments.

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

Mr. GREEN of Texas. Mr. Speaker, I thank my ranking member and also our Chair of the committee.

Mr. Speaker, I rise in support of the energy and water conference report, and particularly appreciate the hard work of my friend and colleague, the gentleman from my home State of Texas (Mr. EDWARDS), and appreciate his advice during the process. I also appreciate the chairman of the committee and our ranking member, the gentleman from Indiana (Mr. VISCOLOSKY).

Mr. Speaker, I am pleased that the conferees saw fit to boost funding for the Houston-Galveston Navigation Channel and the Port of Houston by $3 million, to $33,785 million. The Houston Ship Channel and the Port of Houston are vital not just to the economy of Houston but to our national economy. It is the second largest port in America and the largest in the Nation in foreign tonnage. It is also critical to our Nation’s energy industry.

In addition to this channel project, I appreciate the conferees’ efforts on the flood control projects in my districts. The importance of the Port of Houston was highlighted by the disastrous flooding caused by Tropical Storm Allison in June 2001. Total damages from this storm are estimated to be $5 billion.

One of these projects is Greens Bayou, which I wish I could say was named after me, but was there long before I came around, which the committee saw fit to fund at $377,000; and I appreciate the work of the committee to provide this continuing funding. Greens Bayou alone was responsible for nearly half of the nearly 30,000 homes that were flooded by Tropical Storm Allison’s heavy rains.

The other major project in my district is Hunting Bayou, which was unfortunately not included in the conference report; and I will take a minute later to clear up some confusion. Hunting Bayou was mistakenly listed by the Corps as a new start and thus would have been funded out of the fiscal 2002 construction general account. What the Corps should have requested was the project continue to be funded under general investigation as it had been over the last 3 years.

While Hunting Bayou is progressing at a reasonable pace, it is not ready for a new start designation until fiscal year 2003, and I want to make sure this point is clear because of the critical public safety implications that we have for East Harris County.

Hunting Bayou, which flows through East Harris County, was again hit hard...
by Tropical Storm Allison. Approximately 7,500 homes were flooded, with damage estimated at $250 million. This total does not count the millions of dollars that were lost to businesses in the area through the loss of sales and cost of repairs.

Currently, the Hunting Bayou project is 80 percent through its general evaluation phase; and when the construction on this project is finished, it will reduce the number of structures subject to the 100-year flooding from 7,500 to 1,000. According to the estimates, this project could deliver $8.2 million per year in flood protection, and the minimum estimated life of this project would be at least 50 years, so it makes good sense.

I would like to engage in a brief colloquy with the chairman and ranking member to clear up any of the further issues with the project and seek commitment next year that we will continue to work on this important project.

Mr. Chairman, I want to begin by expressing my deep gratitude for the hard work you and your ranking member and staffs put on this legislation. I know you each had difficult decisions to make, and the bill we have before us today is a fair compromise for all concerned.

I just want to take the opportunity to clean up some confusion about the Hunting Bayou project created through the Corps of Engineers and maybe even our own problems.

In my earlier statement, I mentioned the Corps mistakenly classified the project as a new start under the construction account, when in fact it should have been listed as continuing investigation. Is that your understanding, Mr. Chairman?

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Texas, and want to say his understanding is identical to mine.

Mr. GREEN of Texas. Mr. Speaker, reclaiming my time. I would like to thank the chairman and my ranking member, and know that we will be back next year seeking a new start for Hunting Bayou, and with the cost-benefit analysis, I certainly will appreciate doing so at that time.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Speaker, I will be happy to continue to work with the gentleman on the matter.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I want to commend the chairman for a fine, fine bill and for working with me on several issues, and the ranking member as well.

I regretfully stand here today and tell you that I will have to vote "no." There is a provision in this bill that I think is extremely dangerous. The gentleman from Michigan, a previous speaker, spoke very eloquently about protecting Great Lakes and all that are right with our precious resources and that 20 percent of the fresh water of the whole world that resides there. I could not agree more with his intent. I could not agree more with his heart. I could not agree more with the policy, as I think it is extremely dangerous.

In this bill, there is a section that was not added by the Members of this body, but came out of that conference, that sets the Great Lakes as the largest encroachment over control of the Great Lakes that I have ever seen. It says to the Great Lakes Governors and the Great Lakes legislators that we know better in the United States Congress. We need to protect your resources, a place of previous jurisdiction that they had themselves.

As a matter of fact, the last time Congress tried this, they exempted in navigable vessels that outfit water. Now do you know what the number one threat is in our Great Lakes? It is non-native species that came to us because of that ballast water that the great wisdom in the halls of Washington, D.C., gave us.

Mr. Speaker, this is very, very dangerous stuff. What we have done now is we have taken control of the Great Lakes and given it to the majority of the southwest States that are thirsty, that see the Great Lakes as a great opportunity to water their lawns, to make their golf courses green. We have given the control of the Great Lakes to the oil-producing States that outnumber us in the Great Lakes; and believe me, I have attempted in the past to drill on our Great Lakes.

Something that started out I think pure of heart, is extremely dangerous. The Governor, who I happen to disagree with, Mr. Speaker, who has been on angle drilling in the Great Lakes, is working on this issue. But both bodies of the legislature are acting, and acting now to stop angle drilling in the Great Lakes, a place, Mr. Speaker, where it ought to be debated.

We are telling the people who are debating now, the Speaker of the House of the State of Michigan in a bipartisan way is working to stop angle drilling in Michigan; but we are going to stand here today and say Mr. Speaker, back there in Michigan, you do not know what you are doing. You cannot protect your Great Lakes. We are the Federal Government. Trust us.

We did not adopt the bill, Mr. Speaker; and we have the greatest threat, and I am going to say it again, to the Great Lakes, an act given to us by the United States Congress by not regulating ballast water, that gave us non-native species that are damaging and harming our Great Lakes today.

People who do not live there, people who do not work there, people who do not raise their children there, people who do not live there in February, and, believe me, Mr. Speaker, that is a trick, ought not to be making decisions about how to best protect our Great Lakes. This is the wrong direction. I think their intent is pure, but I think their results are disastrous.

I would urge those who believe that the States, our Great Lakes Governors, and Great Lakes legislators ought to control this issue, to vote "no" on the bill. I again regretfully, because there are so many good things in this bill, Mr. Speaker, will be voting "no" for that very specific reason.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

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

Mr. Speaker, I rise in strong support of this energy and water appropriations conference report. I want to begin by extending my sincere gratitude to the chairman, the gentleman from Alabama (Mr. CALLAHAN), for all of his work and for the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his great work in drafting a bipartisan piece of legislation, a bill that will meet many of the needs pertaining to important energy and infrastructure needs throughout our entire Nation.

Particularly, I want to thank both gentlemen for including in this bill $4.4 million for the cleanup of Flushing Bay and Creek in my congressional district. For those of you who may not be familiar where Flushing Bay is, when you land at LaGuardia Airport, between Shea Stadium and LaGuardia airport, that is Flushing Bay.

It is a gaping wound within the estuary of the Long Island Sound. For many, many years it has been in need of cleanup. The funding that will be provided here will be used to dredge parts of this water body, to clean up old sediment and other debris built up in the bay and creek for many years. The pollution built up in Flushing Bay has resulted in foul odors and water discoloration, making this a blight on the Borough of Queens. But this investment by the committee in the cleanup effort, as well as other infrastructure investments in the area, surrounding this water body, will make this portion of Flushing Sound a great what I believe will be the pride of Queens County.

There is a great deal of work that needs to be done. They are finishing the study stage, and we are grateful to the work of the Army Corps of Engineers; but we need to move beyond the study stage. We believe that will happen very soon, and a large portion of this $4.4 million will go towards actually dredging and cleaning up this bay, which is in desperate need of it, to give back to life for the people not only of my Borough of Queens County, but for all the city and all those people who visit our city on a daily basis and
Mr. CALLAHAN. Mr. Speaker, we have no further speakers, so I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. Holt).

Mr. HOLT. Mr. Speaker, there is much that is good in this bill, and I would commend the gentleman from Alabama (Mr. Callahan) and the gentleman from Indiana (Mr. Visclosky) for a good bipartisan effort. And that is why I would like to draw attention to a serious shortcoming in the bill.

This bill provides $69 million less than in fiscal year 2001 for nonproliferation programs to stop the development of nuclear weapons and to stop the spread of nuclear materials around the world. Is there a person in America who thinks we should be doing less this next year than this year to keep nuclear materials out of the hands of terrorists? There are at least 14 documented instances over recent years of diversion of nuclear materials from the Soviet Union. We think we have caught most of them.

On the front page of the New York Times on September 11 was an article about attempts to smuggle nuclear materials out of the Soviet Union. This is a real threat. Right now, because of new access and good agreements with the Soviet Union, we have a particularly good window of opportunity to put in place antiterrorist safeguards at numerous nuclear sites in Russia and the former Soviet Union. I do not see how we can look Americans in the face and say that we are going to shortchange this important program.

I would like to see the bill returned to committee so that we could make these very important changes.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Edwards), a very valuable member of the subcommittee.

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for his time and for his leadership, along with the gentleman from Alabama (Mr. Callahan). The primary statement I would like to make, Mr. Speaker, at this moment is that I deeply appreciate the very bipartisan, fair, conscientious leadership of this subcommittee through the gentleman from Alabama (Mr. Callahan) and the gentleman from Indiana (Mr. Visclosky). The work of this subcommittee, Mr. Speaker, is often passed over by members of the press in Washington, D.C., but to the communities who are affected by floods, devastated by floods, this bill is as important as any that will ever be considered in this House. To communities that benefit from the infrastructure committee, this bill, this legislation, is terribly, terribly important.

This bill deals with important university research across our country; it provides Department of Energy funding to protect American citizens from the threat of nuclear attack, terrorists; it deals with a wide range of issues that have a direct impact on the quality of life of American citizens. It is a pleasure as a member of this subcommittee to see its vote very fair, totally nonpartisan manner.

I also want to compliment the staff for their work on dealing with unlimited numbers of very legitimate requests from flood control to energy projects, to research. In making logical, carefully drawn out, fair decisions on how to allocate our limited resources.

A lot of people do not understand, Mr. Speaker, that this subcommittee, as a part of the Committee on Appropriations, does not make the decision on how big the pie is; we spend under which committee’s jurisdiction; the Committee on the Budget and other decisionmakers give us a size of the pie and then committee then has to decide how to divide it up. I think they have done excellent work.

The chairman and others know of my great concern about the overall lack of commitment of actual funds in this Congress to nuclear nonproliferation, to Congress to nuclear nonproliferation, to Congress to nuclear nonproliferation. And I frankly do wish we had been successful in convincing our colleagues in the other body in this bill that we should have spent somewhat less on strengthening the finest offensive nuclear arsenal in the world and spent significantly more using those dollars on protecting American citizens from the threat of terrorists getting their hands on nuclear material. But we did the best we could, and the leadership of this subcommittee by the gentleman from Alabama (Mr. Callahan) and the gentleman from Indiana (Mr. Visclosky) deserve great credit for stopping a proliferation, for strengthening the nonproliferation programs, recalculation, all of these things are always overlooked by these prognosticators of the news, and they are the ones who complain about this bill containing so much pork.

But that, in this country, is what we are all about. They have that right for their viewers. But I do wish once in a while they would take the time to look at the important issues that we address here.

Also, I mentioned the fact that many Members call on us about their issues, and one of these Members was the gentleman from New York (Mr. Houghton), who is very disrupted because his office is in the Longworth Building and he does not even have an office in this Capitol, yet he has made numerous trips back to this Capitol to talk with me and others, and I am pleased because of the gentleman’s efforts that we have corrected a portion of the bill that some people in New York were concerned about. Had it not been for the gentleman’s efforts on the West Valley project, the measure would have been wrong where it was when it left the House, but because of his efforts, we reinstated his requested language. One of those reporters wrote that he had nothing to do with it and gave the Members of the Senate credit for it from New York. Well, I never even heard from the Members of the Senate, I only heard from the gentleman from New York (Mr. Houghton) and, as a result, we corrected the bill, as he requested.

So with that, Mr. Speaker, I thank all of those involved.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of H.R. 2311, the Energy and Water Development Appropriations Bill for Fiscal Year 2002.

As a new member of the Energy and Water Subcommittee this year, I enjoyed working with Chairman Sonny Callahan, ranking Member Peter Visclosky and the other subcommittee members in support of projects and
activities that are important to California and the nation.

Although more than two-thirds of the spending in our bill is for the Department of Energy, the important work done by the U.S. Army Corps of Engineers and Department of the Interior’s Fish and Wildlife Service deserves much of our attention as our constituents request funding that will help our ports, waterways and communities.

In Los Angeles, a project to deepen the main channel of Los Angeles Harbor is key to economic activity throughout southern California. The Ports of Los Angeles and Long Beach have increased container traffic by 40 percent in just one year, and it is expected to double again in the next 10 years. I am pleased that our bill contains $2.825 million to complete the pre-construction, engineering and design for this important project and immediately move forward to the construction phase.

The Energy and Water Appropriations Bill has also provided a mechanism for solving a severe problem affecting the drinking water supply for millions of southern Californians. Last year, the San Gabriel Restoration Fund was established in order to assist the San Gabriel Water Control Authority and the Central Basin Municipal Water District with cleaning up contamination in the groundwater basins they administer. Unfortunately, $23 million sat in the fund all year while contamination seeped into the Central Basin from the San Gabriel Basin at a rate of nearly three feet per day.

Working with Congressman DAVID DREIER, we included statutory language that will permit clean-up of the San Gabriel and Central Basins to get underway almost immediately. We will accomplish this by transferring administration of the San Gabriel Restoration Fund to the Bureau of Reclamation, which is better suited to administer grants for these clean-up activities. Clean drinking water is far too important to my constituents and other southern Californians to let bureaucratic hang-ups get in the way, so I am pleased that this project can now begin to move forward.

The Water Appropriations Act, as passed by the House, funds important projects throughout the country. The $1 million was requested by the Administration for the Natural Resources Research Center at Gonzaga University, which is the nation’s only center focusing on the management of water resources in arid regions.

Another key to clean drinking water for southern Californians is a clean Colorado River, which is a major source of drinking water for the entire southern California region. Within the Department of Energy, $2 million has been included to begin clean-up of a uranium mill tailings disposal site in the Imperial Valley. Unfortunately, this project is long overdue. Fortunately, no contamination has been detected in the Colorado River, but if it was to occur, the clean-up would be far more costly than removing the pile of tailings.

The impact of commercial marine activity, flooding, and dispersal of pollutants from contaminated coastal sites upon the southern California shoreline is of enormous importance. The Corps of Engineers has been given $400,000 to complete a study of the Los Angeles County shoreline and to determine any needs for beach nourishment based on erosion and other factors.

The scope of the bill’s funding for programs of the Department of Energy is very wide and include activities vital to our national defense such as nuclear weapons and defense nuclear waste disposal and funding for the new National Nuclear Security Administration which works to keep our nuclear stockpile safe. We also provide funding for important energy supply activities such as research into renewable energy technologies including biomass, biofuels, solar energy and wind energy. These energy sources will play a significant role in meeting the nation’s energy needs of tomorrow.

I also want to take particular note of the extensive research that is conducted at national energy laboratories, including the Lawrence Livermore and Lawrence Berkeley Laboratories in California. Whether it is high-energy physics, nuclear physics or basic energy sciences such as materials, chemical, engineering and geosciences, these laboratories are on the cutting edge of scientific breakthroughs. Our national laboratories are a valuable national resource.

My only regret in the bill is that we didn’t do more for non-proliferation activities. I supported the effort made by Congressman CHET EDWARDS to use our House-Senate conference committee to provide additional resources for our non-proliferation program. The report issued by Howard Baker, Lloyd Cutler, and Sam Nunn on the DOE’s nonproliferation programs with Russia said:

The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction of weaponsusable material in Russia could be stolen or sold to terrorists or hostile nations, and used against American troops abroad or citizens at home.

Unfortunately, the conference amendment to transfer funds from some of our nuclear maintenance programs to this non-proliferation effort was unsuccessful. However, I am glad that the Energy and Water Subcommittee gave their commitment to pursuing significant funds in a supplemental appropriations bill to address this continuing threat to the security of the U.S. and the world.

It has been a delightful and satisfying year working with Chairman CALLAHAN and Ranking Democrat VISCLOSKY, and I look forward to years of service on this subcommittee and to working with these important agencies as they carry out their missions in service to our nation.

Mr. NETHERCUTT. Mr. Speaker, I rise in support of H.R. 2311, the Energy & Water Appropriations Conference Report. The bill contains important funding for America’s waterways, irrigation infrastructure, flood control and a project administered by the Department of Energy.

While I will support the conference report, I am disappointed that the conferences chose not to include an increase in borrowing authority for Bonneville Power Administration (BPA) to fund critical transmission improvements. The Northwest is still experiencing an electricity crisis caused by a shortage of new development, the failed attempt by California to achieve deregulation and a severe drought. Additional generation is under construction and on the drawing board. More than 3,000 megawatts of generation is now fully permitted in the Northwest with 20,000 more megawatts in the regulatory pipeline. BPA will need increased Treasury borrowing authority to assist the agency in upgrading and building transmission lines. Without transmission capacity in the Northwest, additional generation coming online may not be able to reliably reach consumers.

BPA’s transmission investments will easily pay for themselves in the long run and are essential in order to improve electricity markets in the Western United States, and to maintain the basic reliability of our region’s electrical system. The increase is supported by the Northwest Energy Caucus, consisting of every House Member from Oregon, Washington, Idaho and Montana. We will continue to pursue an increase in BPA’s borrowing authority through other venues.

I am pleased that the Conference Report continues funding for the Inland Northwest Natural Resources Research Center at Gonzaga University, albeit at a substantially lower level of funding than was provided by the Energy and Water Appropriations Conferences for fiscal year 2001. I will work to ensure that funding is provided in future years to allow for the smooth continuation of this project.

The conference report approves a request for the Walla Walla River feasibility study, the same level as was included in the House bill. The Walla Walla basin has established a successful broad-based watershed planning/HCP process. This formal process includes participation by federal, state, and local governments and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). It also includes participation by local and regional environmental groups and stakeholders representing local businesses, agri-business, recreation, and cultural interests. As its core, the watershed planning/HCP effort focuses on restoring adequate flows for listed species.

To ensure that the federal funding provided does not create a parallel process to the existing process underway, it is the intent of Congress that the Corps shall integrate its activities into the framework of the existing watershed planning/HCP process already established in the basin. In addition, to maintain the success of the efforts underway, it is the intent of Congress that the Corps shall not develop an instream flow target that is inconsistent with targets set through the Watershed Planning/HCP process.

Mr. CALLAHAN. Mr. Speaker, I yield back the balance of my time, and I
Mr. Speaker, I rise today to present the Legislative Branch Appropriations Conference Report for Fiscal Year 2002 to the House for consideration.

I’d like to thank the ranking member, Mr. Moran, and all the members of the subcommittee for their support in crafting this legislation.

I would like also to say a thank you to the staff for all their hard work during these times. Especially to Chuck Turner, Manny Crupi, Ed Lombard, Liz Dawson, Mark Murray, and Tim Siken—all members owe them special thanks.

And, Mr. Speaker a special thanks to the Capitol police who risk their lives daily, and have been doing so diligently, since the September 11 attacks, to protect House members and staff, and our visitors. They are heroes to all of us.

Mr. Speaker, we have a non-controversial, bipartisan bill. With respect to the items that were sent to the Senate in the House passed bill, we have held the increase over FY2001 to 4.6 percent. That’s an increase which is well below the President’s request for 2002 appropriations.

And the committee bill meets our 302(b) allocation in budget authority and is $15 million below our outlay target.

We have had some questions about a student loan repayment program for House staff. The Committee has no objection to including the appropriate legislation in the Legislative bill. But it is a complicated technical matter that involves internal House policy and must be integrated into the legislative authority for allowable uses of members’ allowances and committee funding. Under the rules, those matters are within the jurisdiction of the Administration Committee.

We have received no requests from the Administration Committee to include such authority. Therefore, the joint statement of the managers that accompanies this conference report encourages the House Administration Committee to develop and recommend guidelines and appropriate legislative language to establish a student loan repayment program. The funds to carry this out are included in the bill. The Appropriations Committee will be happy to carry such authorizing language in the appropriations bill. That is in accord with long standing practice of the Appropriations Committee to assist House Administration and the Leadership in achieving administrative improvements in the operations of the House.

Mr. Speaker, the House has approved the rule for this report. The committee has done its job and has done its job well. I believe, and this bill deserves the overwhelming support of the House. I do not intend to extend the debate, and I will include a summary of comparison of accounts in the RECORD.

Mr. Speaker, this bill does contain the funds and language to implement the tuition loan reimbursement plan for our agencies, for the Congressional Budget Office and the Senate, and the bill contains funds from committee and members’ representational allowances accounts to fund the program for House employees. We are awaiting the Committee on House Administration to respond to our call for rules and regulations in this area, and we feel that will be forthcoming.

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

Mr. Speaker, I urge my colleagues to support the bill.
### H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002

(Amounts in thousands)

<table>
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<tr>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
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### TITLE I - CONGRESSIONAL OPERATIONS

#### SENATE

Payments to Widows and Heirs of Deceased Members of Congress

| Gratuities, deceased Members | 141 |       |       |                        |

### Expense Allowances

#### Office of the Vice President

| President Pro Tempore of the Senate | 10  | 10    | 10    | 10 |                        |
| Majority Leader of the Senate       | 10  | 10    | 10    | 10 |                        |
| Minority Leader of the Senate       | 10  | 10    | 10    | 10 |                        |
| Majority Whip of the Senate         | 5   | 5     | 5     | 5  |                        |
| Minority Whip of the Senate         | 5   | 5     | 5     | 5  |                        |
| Chairman of the Majority Conference Committee | 3   | 3     | 3     | 3  |                        |
| Chairman of the Minority Conference Committee | 3   | 3     | 3     | 3  |                        |
| Chairman of the Majority Policy Committee | 3   | 3     | 3     | 3  |                        |
| Chairman of the Minority Policy Committee | 3   | 3     | 3     | 3  |                        |

| Subtotal, expense allowances       | 62  | 62    | 62    | 62 |                        |

| Representation allowances for the Majority and Minority Leaders | 30  | 30    | 30    | 30 |                        |

| Total, Expense allowances and representation | 92  | 92    | 92    | 92 |                        |

#### Salaries, Officers and Employees

| Office of the Vice President | 1,785 | 1,667 | 1,667 | 1,667 | +82 |
| Office of the President Pro Tempore | 453 | 473    | 473    | 473    | +20 |
| Offices of the Majority and Minority Leaders | 2,742 | 2,668 | 2,668 | 2,668 | +190 |
| Offices of the Majority and Minority Whips | 1,725 | 1,912 | 1,912 | 1,912 | +190 |
| Committee on Appropriations | 6,747 | 9,875 | 9,875 | 9,875 | +1,128 |
| Conference committees | 2,304 | 2,500 | 2,500 | 2,500 | +196 |
| Offices of the Secretary of the Conference of the Majority and the Conference of the Minority | 590 | 618 | 618 | 618 | +28 |
| Policy Committees | 2,342 | 2,550 | 2,550 | 2,550 | +208 |
| Office of the Chaplain | 268 | 301 | 301 | 301 | +13 |
| Office of the Secretary | 14,739 | 15,424 | 15,424 | 15,424 | +686 |
| Office of the Sergeant at Arms and Doorkeeper | 34,811 | 39,082 | 39,082 | 39,082 | +4,271 |
| Offices of the Secretaries for the Majority and Minority | 1,292 | 1,360 | 1,360 | 1,360 | +68 |
| Agency contributions and related expenses | 20,507 | 25,219 | 25,219 | 25,219 | +4,712 |

| Total, salaries, officers and employees | 92,321 | 104,039 | 104,039 | 104,039 | +11,718 |

#### Office of the Legislative Counsel of the Senate

| Salaries and expenses | 4,046 | 4,306 | 4,306 | 4,306 | +260 |

#### Office of Senate Legal Counsel

| Salaries and expenses | 1,089 | 1,109 | 1,109 | 1,109 | +40 |

#### Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate

| Expenses allowances | 12 | 12 | 12 | 12 |                        |

### Contingent Expenses of the Senate

| Inquiries and Investigations | 83,000 | 107,264 | 107,264 | 107,264 | +24,264 |
| Expenses of United States Senate Caucus on International Narcotics Control | 370 | 370 | 370 | 520 | +150 |
| Secretary of the Senate | 2,077 | 3,511 | 8,571 | 8,571 | +6,494 |
| Sergeant at Arms and Doorkeeper of the Senate | 71,511 | 95,004 | 95,004 | 95,004 | +24,293 |
| Miscellaneous Items | 8,655 | 15,274 | 11,274 | 14,274 | +5,019 |

#### Miscellaneous appropriations (P.L. 106-554)

| 6,000 | 270,484 | 270,484 | +18,555 |

#### Senators' Official Personnel and Office Expense Account

| 251,929 | 285,494 | 285,494 | 285,494 | +18,555 |

| Town Meeting notices | 5,000 |       |       |       |       |

#### Official Mail Costs

| 300 | 300 | 300 | 300 |                        |

| Total, contingent expenses of the Senate | 424,342 | 503,117 | 487,177 | 497,327 | +72,985 |

| Total, Senate | 522,223 | 612,675 | 506,735 | 606,585 | +84,862 |
### H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>vs. enacted</th>
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<tbody>
<tr>
<td><strong>Gratuities, deceased Members</strong></td>
<td>714</td>
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<td>-569</td>
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<td><strong>Salaries and Expenses</strong></td>
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<td></td>
<td></td>
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<td>1,806</td>
<td>1,806</td>
<td>1,806</td>
<td>1,806</td>
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<td>1,830</td>
<td>1,830</td>
<td>1,830</td>
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<td>2,224</td>
<td>2,224</td>
<td>2,224</td>
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<td>1,562</td>
<td>1,562</td>
<td>+96</td>
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<td>1,168</td>
<td>1,168</td>
<td>1,168</td>
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<td>431</td>
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<td>806</td>
<td>806</td>
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<td>104,514</td>
<td>104,514</td>
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<td>127,516</td>
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<td><strong>Salaries, Officers and Employees</strong></td>
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<td>67,495</td>
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<td>3,756</td>
<td>3,756</td>
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<td>Office of General Counsel</td>
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<td>892</td>
<td>894</td>
<td>894</td>
<td>894</td>
<td>+88</td>
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<tr>
<td>Office of the Chaplain</td>
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<td>144</td>
<td>144</td>
<td>144</td>
<td>144</td>
<td>+4</td>
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<td>1,344</td>
<td>1,344</td>
<td>1,344</td>
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<tr>
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<td>(1,168)</td>
<td>(1,168)</td>
<td>(1,168)</td>
<td>(1,168)</td>
<td>(1,133)</td>
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<td>Compilation of precedents of the House of Representatives</td>
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<td>(178)</td>
<td>(178)</td>
<td>(178)</td>
<td>(175)</td>
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<td>Office of the Legislative Counsel of the House</td>
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<td>5,456</td>
<td>5,456</td>
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<td>Corrections Calendar Office</td>
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<td>883</td>
<td>883</td>
<td>883</td>
<td>883</td>
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<td>Other authorized employees</td>
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<td>230</td>
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<td>140</td>
<td>-73</td>
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<td>Technical Assistants, Office of the Attending Physician</td>
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<td>(140)</td>
<td>(140)</td>
<td>(140)</td>
<td>(140)</td>
<td>(-73)</td>
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<td><strong>Subtotal, Salaries, Officials and Employees</strong></td>
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<td>102,393</td>
<td>101,768</td>
<td>101,768</td>
<td>101,768</td>
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<td><strong>Allotments and Expenses</strong></td>
<td></td>
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<td></td>
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<td>Supplies, materials, administrative costs and Federal tort claims</td>
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<td>3,359</td>
<td>3,379</td>
<td>3,379</td>
<td>3,379</td>
<td>+1,144</td>
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<tr>
<td>Official mail for committees, leadership offices, and administrative offices of the House</td>
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<td>410</td>
<td>410</td>
<td>410</td>
<td>410</td>
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<td>152,957</td>
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<td>Miscellaneous items</td>
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<td>690</td>
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<td>Special education needs</td>
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<td>215</td>
<td>215</td>
<td>0</td>
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<td><strong>Subtotal, Allotments and expenses</strong></td>
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<td>157,436</td>
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<td>157,436</td>
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<td><strong>Total, salaries and expenses</strong></td>
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<td>882,100</td>
<td>882,100</td>
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<td><strong>Undistributed reduction</strong></td>
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<td><strong>Total, House of Representatives</strong></td>
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<td>882,100</td>
<td>882,100</td>
<td>878,195</td>
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</tbody>
</table>
### H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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</thead>
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<tr>
<td>JOINT ITEMS</td>
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<td>3,424</td>
<td>3,424</td>
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<td>Office of the Attending Physician</td>
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<td>Medical supplies, equipment, expenses, and allowances</td>
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<td>1,765</td>
<td>1,865</td>
<td>1,765</td>
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<td>55,296</td>
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<td>57,626</td>
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<td>112,922</td>
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<td>2,102</td>
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<td>Capitol Buildings and Grounds</td>
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<td>-4,400</td>
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<td>Congressional Research Service</td>
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<td>-9,850</td>
<td>-9,850</td>
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<td>Subtotal, Salaries and expenses</td>
<td>375,746</td>
<td>297,275</td>
<td>297,812</td>
<td>297,775</td>
<td>297,775</td>
</tr>
<tr>
<td>Copyright Office, salaries and expenses</td>
<td>38,438</td>
<td>43,322</td>
<td>40,696</td>
<td>40,701</td>
<td>40,701</td>
</tr>
<tr>
<td>Authority to spend receipts</td>
<td>-29,270</td>
<td>-29,270</td>
<td>-29,270</td>
<td>-29,270</td>
<td>-29,270</td>
</tr>
<tr>
<td>Subtotal, Copyright Office</td>
<td>9,168</td>
<td>14,052</td>
<td>16,422</td>
<td>17,422</td>
<td>17,422</td>
</tr>
<tr>
<td>Books for the blind and physically handicapped, salaries and expenses</td>
<td>48,525</td>
<td>49,765</td>
<td>49,765</td>
<td>49,765</td>
<td>49,765</td>
</tr>
<tr>
<td>Furniture and furnishings</td>
<td>4,881</td>
<td>6,596</td>
<td>7,932</td>
<td>8,532</td>
<td>7,932</td>
</tr>
<tr>
<td>Total, Library of Congress (except CRS)</td>
<td>438,297</td>
<td>363,147</td>
<td>385,594</td>
<td>362,059</td>
<td>370,584</td>
</tr>
<tr>
<td>FY 2001 Enacted</td>
<td>FY 2002 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>------</td>
<td>-------</td>
<td>------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>ARCHITECT OF THE CAPITOL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capitol Visitors Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional Cemetery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Buildings and Grounds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural and mechanical care</td>
<td>15,935</td>
<td>21,402</td>
<td>22,252</td>
<td>18,753</td>
<td>21,753</td>
</tr>
<tr>
<td>Total, Architect of the Capitol</td>
<td>15,935</td>
<td>21,402</td>
<td>22,252</td>
<td>18,753</td>
<td>21,753</td>
</tr>
<tr>
<td><strong>GOVERNMENT PRINTING OFFICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Superintendent of Documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>27,893</td>
<td>29,639</td>
<td>29,639</td>
<td>28,728</td>
<td>29,639</td>
</tr>
<tr>
<td>Government Printing Office Revolving Fund</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Total, Government Printing Office</td>
<td>33,893</td>
<td>35,639</td>
<td>35,639</td>
<td>34,728</td>
<td>35,639</td>
</tr>
<tr>
<td><strong>GENERAL ACCOUNTING OFFICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>387,020</td>
<td>430,295</td>
<td>424,345</td>
<td>420,345</td>
<td>424,345</td>
</tr>
<tr>
<td>Total, General Accounting Office</td>
<td>384,020</td>
<td>427,794</td>
<td>421,844</td>
<td>417,843</td>
<td>421,844</td>
</tr>
<tr>
<td><strong>CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payment to Russian Leadership development trust funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, title II, Other agencies</td>
<td>875,466</td>
<td>854,111</td>
<td>848,275</td>
<td>846,712</td>
<td>928,726</td>
</tr>
<tr>
<td>Grand total</td>
<td>2,799,527</td>
<td>2,961,870</td>
<td>2,239,000</td>
<td>2,674,114</td>
<td>2,971,142</td>
</tr>
</tbody>
</table>

**TITLE I: CONGRESSIONAL OPERATIONS**

<table>
<thead>
<tr>
<th>Senate</th>
<th>522,023</th>
<th>612,675</th>
<th>606,735</th>
<th>606,885</th>
<th>64,825</th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Representatives</td>
<td>830,449</td>
<td>882,100</td>
<td>882,100</td>
<td>878,195</td>
<td>47,746</td>
</tr>
<tr>
<td>Joint Items</td>
<td>121,860</td>
<td>136,780</td>
<td>136,780</td>
<td>139,780</td>
<td>140,754</td>
</tr>
<tr>
<td>Office of Compliance</td>
<td>1,851</td>
<td>2,059</td>
<td>2,059</td>
<td>2,059</td>
<td>208</td>
</tr>
<tr>
<td>Congressional Budget Office</td>
<td>28,430</td>
<td>30,680</td>
<td>30,760</td>
<td>30,760</td>
<td>2,950</td>
</tr>
<tr>
<td>Architect of the Capitol</td>
<td>194,813</td>
<td>271,426</td>
<td>175,066</td>
<td>203,909</td>
<td>221,280</td>
</tr>
<tr>
<td>Library of Congress: Congressional Research Service</td>
<td>73,430</td>
<td>81,139</td>
<td>81,454</td>
<td>81,139</td>
<td>81,454</td>
</tr>
<tr>
<td>Congressional printing and binding, Government Printing Office</td>
<td>81,205</td>
<td>90,900</td>
<td>81,000</td>
<td>81,000</td>
<td>81,000</td>
</tr>
<tr>
<td>Total, title I, Congressional operations</td>
<td>1,854,061</td>
<td>2,107,759</td>
<td>1,960,725</td>
<td>2,027,402</td>
<td>2,042,418</td>
</tr>
</tbody>
</table>

**TITLE II: OTHER AGENCIES**

| Botanic Garden | 3,321 | 6,129 | 5,846 | 5,846 | 5,846 | +2,255 |
| Library of Congress (except CRS) | 438,297 | 363,147 | 366,564 | 360,059 | 370,594 | -7,703 |
| Architect of the Capitol | 15,935 | 21,402 | 22,252 | 22,253 | 22,253 | +2,255 |
| General Accounting Office | 384,020 | 427,794 | 421,844 | 417,843 | 421,844 | +37,824 |
| Center for Russian Leadership Development | | | | | |
| Total, title II, Other agencies | 875,466 | 854,111 | 848,275 | 846,712 | 928,726 | +33,260 |
| Grand total | 2,799,527 | 2,961,870 | 2,239,000 | 2,674,114 | 2,971,142 | +241,615 |

NOTE: FY 2001 enacted includes 0.22% rescissions.
Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, who is doing such an outstanding job as the ranking member, and I thank the gentleman from North Carolina (Mr. Taylor) and thank Ed and Liz for the outstanding job they are doing. We are glad to have Liz Dawson with us. She is doing an outstanding job, and now doing an outstanding job with the security of our Capitol. I appreciate our former Staff Director’s assistance as well.

Mr. Speaker, I am not going to take a long time, but I want to talk about just a couple of things, actually three things that are in this bill with which I am very pleased.

First of all, we are moving ahead on enhancing security in this complex. That is absolutely essential. I have been talking about that for some years. I appreciate the fact that the committee provided the Capitol police with all of the officers that they can train within the next year to fully fund the security requirements and the Capitol police in terms of their safety as well as the safety of this complex, both from a physical standpoint and from a personal standpoint. I do not mean us personally, but the individuals in the Capitol.

I also restore pay parity of the Capitol Police with the Park Police and Secret Service. I think that is important, because we do not want to spend a lot of money training people simply to have them go off to other agencies. So I thank the committee for their efforts in that regard.

Let me mention two additional provisions, and then I will cease. Both of these provisions are related to legislative branch workers.

First, section 133 of the bill will finally end the practice of employing temporary workers for long periods without providing them access to the same valuable Federal benefits that permanent employees enjoy from the first days on the job. I think that is important as a personnel policy, and I think it is important, from a fairness point of view, to our personnel.

The Architect now employs more than 300 such workers, mostly on construction projects. Many have been employed almost continually for years, and in some cases over 15 years, and still have not had benefits: no retirement, no health care. That is obviously, when one is 25 years of age, thought to be of much consequence; when one gets to be 50 years of age and one looks back, it is of great consequence. These workers will now have access to benefits, and no new hires can work more than 1 year without getting them.

Secondly, section 310 will ensure that the House telephone operators, who have played a key role in assuring continuity of operations during the instant crisis, will always receive the same annual wage adjustment ordered by House administration for all classified House employees. That initially didn’t happen this year.

Mr. Speaker, there are many other excellent provisions in this bill, far too many to list in the time allotted. Suffice it to say that it has been a joy to work this year with the gentlemen from North Carolina and Virginia, and with the able new subcommittee clerk, Elizabeth Dawson, all of whom I sincerely thank.

Let me say also, the minority subcommittee clerk, Tim Aiken of Mr. MORAN’s staff, and Roger Szemraj (“Shem-rye”) and Julie Little of Ms. KAPTUR’s staff, for their fine work. I urge an “aye” vote.

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

Mr. Speaker, I thank the gentleman for his cogent, concise, and very substantive statement.

Mr. Speaker, this is a good bill. I thank the gentleman for his statement. It is largely the same bill that got 380 votes in the House last time. I am going to thank the appropriate people, after I just say a few words or make a few points about this bill.

Mr. Speaker, it is important to make it clear that the Library of Congress, the General Accounting Office, the Government Printing Office, the Congressional Budget Office, all largely received whatever they requested; the joint committees and leadership accounts, as well.

There are a lot of provisions that will enable us to be better prepared to counter this new terrorist threat. Security and the need to preserve the ability of this institution to continue to function have been our paramount concern in putting this bill together.

Mr. Speaker, this does provide funds to hire an additional 79 Capitol Police officers. It will bring the total force up to 1,481 full-time equivalents, and it will fund all their benefit increases.

Several long-standing problems were resolved. The gentleman from Maryland (Mr. HOYER) had raised the issue of temporary workers being involved in long-term projects. These temporary workers have been working an average of 4½ years, but they were not getting health and pension benefits because they were still given that classification, which has been a key role in assuring continuity of operations during the instant crisis, will always receive the same annual wage adjustment ordered by House Administration for all classified House employees. That initially didn’t happen this year.

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Let me say also, the minority subcommittee clerk, Tim Aiken of Mr. MORAN’s staff, and Roger Szemraj (“Shem-rye”) and Julie Little of Ms. KAPTUR’s staff, for their fine work. I urge an “aye” vote.
transportation. They can get $65 a month tax-free. By next year, it goes up to $100 a month. The executive branch has provided this to their employees; we felt it was the appropriate thing to do here. We have done that.

There are provisions that will help us implement a teleworking policy, telecommuting. That is something the gentleman from Virginia (Mr. WOLF) has been pushing. And particularly during this period of time when the House offices were closed, we realized that we have to figure out ways to be able to continue functioning, albeit sometimes from remote locations. We will try to do that with home laptop computers, in some cases.

Mr. Speaker, I think those are most of the issues. There was an issue with regard to student loans. We hope that the Committee on House Administration can provide the same kind of student loan payback incentive that the Senate is providing because we may be losing some well-qualified people to the Senate, of all places, because we do not provide the same kind of incentive they do. So we would hope that the authorizing committee would take care of that.

Having said all of this, let me first of all thank the gentleman from North Carolina (Mr. TAYLOR), the chairman. He has been very good to work with. As I say, this is a good bill. Every request that was even remotely reasonable has been met.

I want to recognize Mark Murray, Liz Dawson, and certainly Ed Lombard, who has been brought into service. He is the repository of all institutional knowledge on the legislative branch appropriations bill. I remember when Vic Fazio was the Chair and I was on the committee, and Ed had been a senior pro even then, so we appreciate him.

I know Liz, as the gentleman from Maryland (Mr. HOYER), said, has been very much involved in all of the security functions that are going on. We thank Liz for doing that.

Well, Mike Harrison of the office of the gentleman from Maryland (Mr. HOYER), Roger France of the office of the gentleman from North Carolina (Mr. TAYLOR), we thank them for his help. Manny Crupi and Chuck Turner, and of course Tim Aiken of my staff, they all deserve credit for their assistance.

Mr. Speaker, this is a good bill. There is no good reason not to support it. It ought to be supported unanimously.

Ms. KAPTUR. Mr. Speaker, I rise in strong support of this Legislative Branch Appropriations Conference Report and as a new member of the subcommittee this year, I wish to thank Chairman TAYLOR, Ranking Member Jim MORAN, my esteemed colleague STENY HOYER, and the entire subcommittee for welcoming me so warmly and for their hard work in crafting this outstanding bill. I also rise to highlight a provision in the bill that I worked to have placed in the conference report and wish to thank the Majority for their assistance in this effort, along with Chief Administrative Officer Jay Eagen.

This provision permits the women and men who provide food service in our House office buildings to be paid for the time they were unable to work. It would allow them to collect at least some of the wages they lost—through no fault of their own—during recent shutdowns of House office buildings.

The genesis of this provision is particularly interesting—the result of one of my staff asking colleagues how the workers have been affected. The reply was: it hit home and it hit hard. Food service workers in the Ford building have not been paid since October 17. Food service workers in the other House buildings were paid for the first three days of the shutdown, but after that were forced to leave or assume leave without pay status. We are all acutely aware that not only the Ford building but also the Longworth building and therefore the Longworth Food Court remain closed today.

These women and men are neither salaried employees, nor federal employees like their counterparts in the Senate. Thanks to the great wave of privatization in 1995, these women and men instead earn hourly wages and may rely on and are challenged to stretch every penny of their paychecks to support themselves and their families. Quite literally, every dime counts.

Many of us through the years have come to know these women and men quite well. We know that they have come to rely not only on their service, but also their smiles. Whether it be a cup of coffee, lunch, just a mid afternoon snack people like Betty, Pat, Maria, and Doris play a meaningful and consistent role in our lives. They work hard. They help keep us going.

They deserve compensation for the demands they were unable to work, just like any member of our salaried staffs and I am very pleased that as a result of this provision and bill they will indeed receive at least some of it. Once again, I wish to thank my colleagues on the subcommittee for their work in bringing the conference report before us today and that we will indeed encourage all my colleagues to join me in supporting its passage.

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

Mr. TAYLOR of Virginia. Mr. Speaker, I have no further requests for the purposes of this hour. I yield back the balance of my time.
Ms. SANCHEZ and Mr. TIBERI changed their vote from “nay” to “yea.” So the conference report was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question on the conference report on the bill, H.R. 2647, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question on the conference report.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were yeas 374, nays 52, not voting 6, as follows:

[Roll No. 417] YEAS—374

ACHEMBROIE
Acker
Adeholt
Akin
Allen
Andrews
Ara
Baird
Baker
Ball
Ballenger
Barnes
Bartlett
Barton
Base
Becerra
Benjamin
Berger
Bilirakis
Bishop
Blagojevich
Blum
Bollin
Boren
Boswell
Boucher
Boyd
Bradly
Brown
Burton
Buyer
Calahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardiss
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clements
Clements
Clyburn
Cobb
Collins
Combett
Conduit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (GA)
Davis (IL)
Davis (LA)
Davis (MD)
De 
DeGette
DeLauro
DeLauro
DeLauro
DeMaio
Diaz-Balart
Dicks
Dingell
Dooley
Dooleittle
Dole
Dreier
Duncan
Dyers
Ehlers
Ehrlich
Emerson
Engel
English
Eskelle
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank
Frey
Frelinghuysen
Frost
Gallegher
Gallivan
Gallion
Gage
Gallaher
Gibbons
Gibson
Gichrest
Gillum
Gonzalez
Gordon
Gosar
Graham
Green
Greene
Griggs
Gutierrez
Hagedorn
Hale
Hall
Hale
Hammond
Hammar
Hanna
Hanlon
Hansen
Harper
Harman
Harrington
Harrington
Hart
Hart
Harvey
Hastings (FL)
Hastings (WA)
Hayworth
Hayes
Hayes
Hawkins (IL)
Hawkins (NY)
Hawk
Haugland
Haulotte
Haynes
Hayward
Hayworth
Haywood
Hefner
Hefner
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Hofstra
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Houghto...
Mr. DEUTCH and Mr. BARR of Georgia changed their vote from "yea" to "nay.

So the conference report was agreed to.

Mr. TAYLOR of Mississippi. Mr. Speaker, on rollcall 417, which I missed, had I been present, I would have voted "no."

The Speaker pro tempore. Mr. Speaker pro tempore announced that the ayes appeared to have it.

The SPEAKER pro tempore. Thismotion of the Speaker is agreed to. The pending business is the question of the Speaker of the House resolving into the Committee of the Whole. All points of order against such resolution shall not be debatable. The first reading of the bill shall be limited to the bill and shall not exceed one hour. The Committee on Rules accompanying this resolution the Speaker may, pursuant to clause 8 of rule XX, direct the printing of a Conference Report, which shall be considered as read, and may be offered only by a Member designated as proponent and an opponent, shall not be debatable. After general debate the bill shall be considered for amendment under the five-minute rule, and shall not be subject to a demand for division of the question of the Committee on Rules. Pursuant to the request of the gentleman from New Mexico, the Speaker pro tempore (Mr. THORNBERRY). Is there objection to the removal of the name of Member as cosponsor of H.R. 981

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981. The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the removal of the name of Member as cosponsor of H.R. 981? There was no objection.

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question of the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may be necessary.
Mr. Speaker, House Resolution 274 is a structured rule that provides for the consideration of H.R. 3150, the Secure Transportation for America Act. This is a fair rule, allowing ample time for free-flowing discussion on both the base text and the Democratic substitute. The rule provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure. The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. These amendments may be offered only in the order printed in the report and may be offered only by a Member designated in the report. They 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. Further, the rule waives all points of order against such amendments. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this point I would like to announce that at the conclusion of the debate on this resolution, it is my intention to offer an amendment to the rule that simply replaces the manager's amendment currently made in order under the rule with a new manager's amendment. This manager's amendment eliminates a provision dealing with preferred compensation for airline employees and adds airport parking lots to a provision that requires airports receiving financial aid to work with airlines, restaurants, retailers and other concessionaires on rent adjustments to account for their loss of revenue. The new manager's amendment also adds language that establishes a preference for the hiring of laid-off airline workers as screeners and a provision that states that where possible, airline security companies should be American companies.

Mr. Speaker, as our Nation searches for answers in the wake of the September 11 tragedy, we find ourselves in unfamiliar territory. Our personal freedoms and liberties are so rooted in the fabric of American society that we almost take them for granted. But now that those freedoms have been attacked in the most desperate and cowardly manner, we are all keenly aware of just how precious they are. As we strive to maintain a sense of normalcy and familiarity, we also struggle to reconcile our fears and apprehensions in a new and altered atmosphere. Enhancing our Nation's air travel by making it as safe and secure as possible is critical in easing those fears among our citizens.

The comprehensive legislation before us today focuses on our Nation's aviation security system. This security plan establishes a new transportation security administration within the Department of Transportation that will be responsible for the security of all forms of transportation, not just air travel. This legislation not only expands law enforcement on aircraft by placing Federal marshals on commercial airlines, but it also positions law enforcement personnel at every airport screening location, because safety must include defense on both the ground and in the air.

Additional ground safety measures incorporate strict new standards for screening, including certification and uniformed personnel. Federal supervision will oversee the screening process, background checks and testing. Baggage screeners will have to undergo more extensive training, adhere to tougher performance requirements, be U.S. citizens, and be deputized with law enforcement.

As the holiday season fast approaches, it is more important than ever that Americans are free to spend time with their families and their loved ones and it is incumbent upon us to do everything in our power to make sure that their travel, by any means, but especially by air, is as safe and as secure as possible. A stronger infrastructure means a stronger economy, and a stronger economy means a stronger America. By passing this rule and its underlying legislation, we can move quickly move forward with the important business of making our airports and airplanes safe and secure for the American people.

Mr. Speaker, as I conclude, I would like to commend the gentleman from Alaska (Mr. Young), the chairman of the Committee on Transportation and Infrastructure, for his hard work and the gentleman from Florida (Mr. Mica), chairman of the Subcommittee on Aviation, for his hard work.

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

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

Mr. Hastings of Florida, Mr. Speaker, I yield myself such time as I may consume. First, Mr. Speaker, let me thank the gentleman from New York for yielding me the time.

After September 11, it is patently clear that national air travel on our airlines as safe as possible. Leaving aside for the time being the fact that we have not done anything for the safety of passengers on our buses, trains or ships, what we are trying to do for the flying public is as important as anything we can do to help this economy. First, Mr. Speaker, let me speak to the rule itself.

Mr. Speaker, there were 20 Members of the House that asked that the Committee on Rules allow their amendments to be made in order. These were Members of both parties who have some thoughtful and substantive suggestions as to how to make this legislation stronger. Of those 20 Members, exactly two of them will have their amendments heard and debated by the House. The gentleman from Alaska (Mr. Young), chairman of the Committee on Transportation and Infrastructure, is permitted to offer an amendment, and, of course, the ranking member, the gentleman from Minnesota (Mr. Oberstar), will be allowed to offer his amendment. Other than the two most senior members of the Committee on Transportation and Infrastructure, not one other Member of the House of Representatives is permitted to offer an amendment.

Candidly, Mr. Speaker, I am very disappointed. While I very much appreciate the fact that in order the gentleman from Minnesota's substitute, the Committee on Rules spent hours this week listening to Members testify on behalf of their amendments. Unfortunately, the House this afternoon will not have this same opportunity.

What I heard at the Committee on Rules this week was interesting, provocative, insightful and worthy of consideration by this House. The gentleman from Ohio (Mr. LaTourette) made excellent points at the Committee on Rules which we will not consider today because of this closed rule. The gentleman from Iowa (Mr. Ganske), the gentleman from Washington (Mr. Inslee), the gentleman from Ohio (Mr. Strickland), the gentlewoman from California (Ms. Solis), the gentlewoman from California (Ms. Millender-McDonald), the gentleman from Illinois (Mr. Jackson), the gentleman from Vermont (Mr. Sanders) and the gentleman from Arizona (Mr. Shadegg) are all some of the other Members who will not have their amendments heard under this closed rule.

Why is the majority limiting debate on such an important issue? I have yet to hear one Member satisfactorily explain that to me. Worse, Mr. Speaker, the lengthy amendment from the Committee on Transportation and Infrastructure chairman constantly being amended, even here in the last 30 minutes, will only be debated for 20 minutes. This is a 16-page amendment which makes significant changes to the underlying bill. So each side will have 10 minutes to debate this. I find that incredible.

Moving beyond this restrictive rule, Mr. Speaker, I would like to touch briefly on the serious deficiencies of
the underlying bill. During the minimal time allowed to debate this bill, we will hear much about who and what is screening the people and baggage on our airlines. The seminal question in my view is this: Will we have Federal law enforcement personnel screen passengers before boarding airplanes or will this be left to private sector contract employees?

Before answering that question, let me ask my colleagues related questions: how did they screen the safety and security of their own safety and security and their constituents? My colleagues, do we not feel safer every morning that we enter the Capitol because we are protected by the United States Capitol Police? Do we not feel safer that our borders are protected by the United States Border Patrol and United States Customs Service? Do we not feel safer that our brave men and women in uniform and members of the United States Armed Services presently pursuing our interests here and elsewhere are members of the Armed Forces?

So what is my point? The point is we do not contract out our own security in the Capitol building, we do not contract out our security at our borders, and we do not contract out for our military. However, the leadership of this House is comfortable contracting out the security of the flying public. Again I say, incredible.

Mr. Speaker, I remember several weeks ago after my leader the gentleman from Florida (Mr. HASTINGS) came out of a White House meeting with the President and said, “This is a unity government now.” It seems that all 100 United States Senators understood what that meant. That means we should stop dickering around and pass a serious bill. The bill must include federalized passenger screeners at our airports. And in case it was not just made clear, the other Chamber passed the underlying bill without any indication that it is on the schedule by December 2003. Are we clear on this?

Mr. Speaker, more than 7 weeks have passed since the tragic events of September 11. Since that time, thousands and thousands of workers in the airline and related industries have lost their jobs. These people need relief immediately. When we passed the airline bailout the week after the terrorist attacks, promises were made at that time by the Republican leadership that a worker-relief package would soon follow. I do not have to say again that it has not happened yet, and I do not see any indication that will be the schedule in the immediate future. It is time for the House to do its work and pass legislation to help these people.

Let me make clear that a “no” vote on the previous question will not stop consideration of the airline safety bill. A “no” vote will allow the House to get on with the much-delayed airline industry worker-aid bill. However, a “yes” vote on the previous question will prevent the House from taking up the airline worker relief bill.

I urge a “no” vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

Mr. HASTINGS of Florida. Mr. Speaker, there was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, during the past 2 months, this Congress has been working with unusual dispatch with an unusual degree of bipartisanship. The consideration of this bill could have been another example of this. I am disappointed, as are many Members, that the leadership chose instead to have a closed, restrictive rule this afternoon and not allow Members to offer legitimate substantive and meaningful amendments. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, as my good friend, the gentleman from Florida (Mr. HASTINGS), commented on the length of debate, it is apparent that we will also add 60 minutes for the rule for additional debate on this subject as we continue through the time.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I would only advise my distinguished colleague that last night we asked for more time on the manager’s amendment so we could have more time on this matter.

Mr. REYNOLDS. Mr. Speaker, reclaiming my time, I remind the gentleman that the all-powerful Committee on Rules has afforded the opportunity to have an hour and a half on the witness stand of the inquiries that were made by both Democrat and Republican Members as to the legislation, the manager’s amendment, and the express of the Committee on Rules on various aspects of that legislation.

Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, first I want to say that this is an abundantly fair rule. It does give the minority two shots at the proposal. It does give them the opportunity to bring up in toto the Senate-passed language, as they requested.

The legislation that we have proposed on the House side, the majority side, in comments that were made by the previous speaker on the other side that it is important that we protect trains and planes and other modes of transportation, in fact the legislation that we are presenting here today is the most comprehensive security package, not only giving responsibility, which is so important, but, unlike the Senate proposal, it also gives the authority to deal with some of the problems.

In fact, today’s newspaper points out one of the problems we have had in the past with security or even dealing with defects of aviation, and this is in today’s Washington Post. This talks about the Value Jet crash which took place in 1996. It says: “In fact, Federal regulations were later strengthened to crack down on passenger flights carrying hazardous waste.”

Why am I pointing this out? Because the Senate bill, the bill proposed by the other side, does nothing to deal with giving authority to deal with regulations relating to security. That is the
The other side has said some 20 Members presented before the Committee on Rules. I participated in the Committee on Rules procedures. I will say many details from the other side have been incorporated into the manager’s amendment. We have tried to accommodate those requests, including probably one of the strongest provisions for checked baggage, which was also pointed out by the other side that baggagemakers did.

The gentleman from Washington (Mr. INSLEE) on the other side, who has done such a good job in promoting this strong provision, certainly would prefer our legislative proposal, which is the strongest ever proposed anywhere in Congress and contained in our manager’s amendment, and we modeled it partly after his recommendation.

So, no, good ideas have not been left out. This process has not been a partisan one worked with the gentleman from Minnesota (Mr. OBERSTAR), the gentleman on the other side, the ranking member, and the gentleman from Illinois (Mr. LIPINSKI). We have worked together in a bipartisan fashion, if you know in their heart of hearts that the bill proposed by the majority, they agree with 100 percent, with the exception of one part, and that is, shall all of the employees who are baggage screeners be Federal employees? What is sad about the proposal on the other side is, not only will this create a disjointed and dysfunctional security mechanism for airports, a lack of authority to deal specifically with other modes of transportation, which is so important in this time of crisis, but I have a letter from the Department of Justice, and the legislation from the other side actually will inhibit their ability to function.

The Department of Justice, let me read from their letter to the gentleman from Alaska (Mr. YOUNG), our chairman: “Unlike the Department of Justice, DOT has both the broad transportation-related statutory mandate and nearly 35 years of significant operational experience with transportation regulation, infrastructure, security and enforcement. Further, DOT’s two components of law enforcement authority, the United States Coast Guard and the Federal Aviation Administration, possess the necessary structure of enforcement personnel and expertise with broad domestic enforcement authority upon which the Congress can build and enhance DOT’s law enforcement authority and responsibility.”

Listen to this. They say: “In light of DOT’s strong capabilities and DOJ’s many responsibilities in fighting the war on terrorism, we feel that our resources would be better spent in carrying out our current mission than developing a new transportation infrastructure and expertise.”

So here we have the proposal from the other side, which actually will impair the Department of Justice mission which they have, and it will not do it in a small way, it will do it in an incredible way.

The Congressional Budget Office submitted to me today the proposal that it is not 7,000 additional employees; it is some 31,000 additional Federal employees. So you can go home and tell your constituents what we did is created the biggest bureaucracy in the history of a generation, the biggest bureaucracy, 31,000 Federal employees, as a cure-all, the House of Representatives had said in fact that you are interfering with our mission and they have no expertise to deal with this. We have created a two-tier system, which is the most disjointed approach to security that we could possibly have to guarantee the safety of the flying public. So I urge my colleagues to pass the rule and to consider very carefully what legislation is before them. When all else fails, my colleagues, read the bill. This is one of the worst pieces of legislation I have seen in 20 years in working on Capitol Hill. It was sent here in a hurry, almost immediately, so we could correct it. Now we need to do that. We cannot pass this failed piece of legislation.

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

Mr. Speaker, I just remind my distinguished colleagues from Florida that the Senate bill has been at the desk for an entire week, and I would also remind the gentleman that the vote in the United States Senate was 100 to nothing, and that included TRENT LOTT and JOHN MCCAIN and all of the other Republican Senators who still stand by their bill.

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

Mr. Speaker, bipartisanship comes from bringing two points of view together. That is going to happen if this rule is passed when the debate will go on the merit of the legislation of the underlying bill. It will happen when a vote occurs on the manager’s amendment, whether it occurs or not with partisanship or nonpartisanship today, and it will be a bipartisan substitute so the President can immediately sign this aviation security bill.

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

Mr. Speaker, we will hear a lot of rhetoric today; but the issue before this House is a very simple one: Do you support the system which low-bid private security companies are responsible for airline safety? If so, then vote for the Republican leadership’s bill. Or do you feel that the current system has failed the American people and should be replaced with Federal law enforcement professionals protecting our airports, just as they protect the Capitol, the White House, and America’s borders? If so, then vote for the bipartisan substitute.

Mr. Speaker, I think it is an easy choice. Replacing the current failed system is simple. The White House said today that the President is eager to sign an aviation security bill into law. Three weeks ago, the Senate unanimously passed on a vote of 100 to zero a strong bipartisan aviation security bill that we will offer as a substitute today.

This House can send that bipartisan bill to the President’s desk tonight. Then we can immediately start putting more sky marshals on planes, strengthen more cockpit doors, and start protecting our airports with Federal law enforcement professionals.

The other hands on Republican leaders today are offering the flying public nothing more than a fig leaf that will protect the same old failed private airport security system. Even worse, Mr. Speaker, Republican leaders are offering a manager’s amendment that would not just keep private security companies in charge of airport security, it would virtually exonerate them from the September 11 failures. The Republican manager’s amendment would provide the private security companies with liability protection, preventing the victims of September 11 from holding them accountable for allowing terrorists to get on planes with box cutters. This is nothing less than shameful, and I am stunned that Republican leaders are trying to slip it through the House.

Mr. Speaker, while the rest of this country pulls together to win the war on terrorism, the Republican leadership is playing politics as usual. I urge my colleagues to reject partisanship and special interest politics and to pass the bipartisan substitute so the President can immediately sign this aviation security bill.

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Mr. Speaker, we need to pass an air-line security bill identical to the Senate and send it to the President tonight. The American people have waited too long for airline security, and then come back and do the Hastings-Bonior bill that we need to deal with on employment compensation and health care.

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

Mr. Speaker, the privilege of my new office allows me the great honor of representing many of the neighborhoods and towns that surround Logan Airport in my district. And today I have the sad duty of meeting with many of the families from my district who lost loved ones aboard the flights which departed Logan Airport on September 11.

Mr. Speaker, today is not the day to exempt security screening companies who failed to protect the public on September 11. I am heartsick that these families are families that we were charged and sworn to protect. They should not be overlooked.

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Mr. Speaker, the Oberstar-Ganske substitute is yet another example of how many of these executive pay. These people earn hundreds of thousands of dollars that was in the manager's compensation. About 40 percent of people get it today if they are going to get it out of here today, but I tell my colleagues one thing; they had it in there originally. They are taking care of certain people and letting the others go.

We decided that we were in this together as a country, workers, executives, Democrats, Republicans. Well, that has not been the case.

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the world would we eliminate the cap instead of providing support for those who are on the frontline, those screeners?

Since screening personnel check more than 2 million pieces of luggage and go through and see millions of people a day, we should upgrade their salaries and their skills.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. FILNER), my good friend.

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

When I fly to Washington from Lindberg Field in San Diego and I check in my bags, I see hardworking people trying to do their best for the American public. But they are paid the minimum wage. They get 2 days of training, and there is almost a 200 percent turnover per year at our airport in San Diego.

Mr. Speaker, it is time to professionalize, it is time to stabilize, it is time to federalize that first line of defense for the traveling public. We would not contract out the defense of our border to the private sector. We are not going to contract out our national security. Let us pass the Oberstar-Ganske substitute.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from California (Ms. ESHOO), my good friend.

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague from Florida for the work that he has done on this and he is handling it, which is always, his work always bears the mark of excellence.

Mr. Speaker, I have long thought that our Nation’s airports are part of our Nation’s security. That was debated in the Congress for many years. September 11 changed that attitude in the country. I do not think there is a citizen in our Nation today that would question that our national airports are and should be part of our national security. That is why I rise in support of the Oberstar-Lipinski-DeFazio bill.

Now, the Senate passed it 100 to nothing. For those that say this is partisan, it does not have to be. The Senate showed the way. They very seldom do. We know that our firefighters are part of public service. We do not go to the ABC Corporation to hire them. We do not hire our police officers that way.

Today, we need Federal standards, Federal training, baggage checks; and our Nation’s airports must, indeed, be part of our national security. We need to pass the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERY). The Chair would also remind all Members that it is improper to characterize the action or inaction of the Senate.

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

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Florida will state it.

Mr. HASTINGS of Florida. Is it inappropriate to characterize that the Senate voted 100 to nothing on a specific measure?

The SPEAKER pro tempore. The Chair would respond to the gentleman that it is appropriate to state the collective facts of a Senate vote. It is inappropriate to characterize an action or inaction of the Senate.

Mr. HASTINGS of Florida. We could not even call it overwhelming. Okay.

Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD), my good friend.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in strong opposition to this piece of legislation proposed by the Senate. It did not pass a Senate vote. It will not be sent to the House in the Senate’s form.

Mr. Speaker, I rise in strong opposition to the rule for H.R. 3150, because this bill does not address some of the critical issues raised by millions across this country, port authorities, aviation authorities and emergency preparedness personnel, some of them which are the first-line responders.

There were 20 amendments that were presented to the Committee on Rules, in an attempt to try to fix a flawed bill that does not add anything that has to do with constituents in my district. I have not heard from any of the 20 Members about any of the amendments that are in this bill.

We have not talked about real anti-hijacking training for flight attendants.

I offered a noncontroversial and relevant amendment to H.R. 3150. It would require the Secretary of Transportation, in consultation with Federal departments and agencies, to conduct a threat assessment on all forms of public transportation, public facilities, and gathering places. No such proviso is included in any of the language in this bill.

I will say to all of my colleagues, vote no on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, when all else fails, why do we not consult the facts?

We have heard Members stand up and say that we would not contract out security responsibilities. Mr. Speaker, I will submit that 26 Federal agencies, including the Department of Defense, Department of Justice, Department of State, Army, Air Force, Navy, Coast Guard, Nuclear Regulatory Commission, our nuclear plants, all contracted out 26 Federal agencies. The list goes on.

Mr. Speaker, this deals with facts. In fact, we do contract this out. We are not hiring for any different level.

Mr. Speaker, I ask Members to please not come before the Congress and the American people and tell them that we are protecting those private screening companies that are now doing their job. We take this responsibility away from the airlines, we make it a Federal responsibility. It is federality managed, it is federality supervised. There are Federal background checks. There is Federal testing. Most importantly, there is Federal oversight.

The Israelis, the Europeans, tried the federalize-all-public-employees method, and what did they do? They eventually evolved into a public-private partnership where the government sets the high standards, and that is what we have proposed.

Mr. Speaker, let us deal with the facts. The facts are, this piece of legislation proposed and hastily passed by the Senate creates a two-tier disastrous system, part in the Department of Justice, part in the Department of Transportation. It creates two tiers of law enforcement and leaves law enforcement in the Department of Transportation. It is a disaster.

Mr. Speaker, if we want to pass something in a hurry that we can run up here and tell people we have created 31,000 Federal positions. Yet, they do not have any authority to deal with the problem.

Mr. Speaker, what is even more amazing, Mr. Speaker, I ask Members to please read again today’s Washington Post. See what is being proposed in the Senate. They are already trying to correct the mess that they passed here.

If we look at one of the provisions of this legislation, and again, I defy the Members, read the bill, they set up an information-sharing for the intelligence system, but they do not share it with the airlines. Who has the passengers list? The airlines. There is no provision in their bill for that.

There is no provision to require all airlines who have passenger lists, for international flights coming into the United States to provide that. That is in our bill. So their bill is a weak, hastily-passed piece of legislation that would cause untold turmoil and not do the job.

The American people want us to do it right, even if it takes a little longer. We passed legislation in 1996 on airline security and blew it. We passed legislation in 2006, and we still do not have rules in place. There were no rules in place for box cutters.

The biggest flaw, and do not talk about Federal employment, the biggest flaw with the bill proposed by the Senate and the other side is that it has no ability to execute on an immediate basis putting in place rules and regulations. There were no rules September
11 by Federal employees or Federal agencies to prohibit box cutters. There were no rules to get standards in place for baggage screeners.

For 6 years we have been waiting, and this bill will do nothing after this if they pass that bill. It is a shame. It is a sham. It is a box with no bill.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. VisCLOSKY).

Mr. Speaker, is it not characterizing the Senate’s actions to call it a sham, a mess, hastily made, disastrous, and weak?

The SPEAKER pro tempore. The Chair would respond that it is inappropriate to characterize the actions of the Senate. It may be possible to characterize particular pieces of legislation or bills in ways in which it is inappropriate to characterize the action.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the Speaker.

The SPEAKER pro tempore. If the gentleman will suspend, it is appropriate to summarize and extend the words that are being used.

Mr. HASTINGS of Florida. So continuing my parliamentary inquiry, “hastily” is not an action? I just want equal emphasis.

The SPEAKER pro tempore. If the gentleman will suspend, the Chair is simply trying to uphold the rules and precedents of the House.

Mr. HASTINGS of Florida. I appreciate it.

The SPEAKER pro tempore. It becomes a delicate matter with some of the words that are being used.

The Chair would recommend that if any Member has any question about language they can be extended to offer, if they would check with the Parliamentarian, it would certainly be appreciated.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield such time as he may consume to my friend, the gentleman from Indiana (Mr. VisCLOSKY).

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

Mr. VisCLOSKY. Mr. Speaker, I appreciate the gentleman’s yielding time to me.

I rise in support of the Democrat substitute to H.R. 3150.

Mr. Speaker, I rise today in support of the Democratic substitute to H.R. 3150, the Secure Transportation for American Act. This substitute measure would federalize all airport security-screening personnel and restore the feeling of personal security the airline industry lost in the wake of the September 11th terrorist attacks. This is a serious safety issue, one that directly concerns the life and death of innocent Americans. But the solution to this problem should not be politicized.

It has become abundantly clear in recent weeks that the current system of security checks performed by private firms in our nation’s airports do not work, and simply giving the Federal Government oversight over this flawed system will not satisfy the standards we, as Americans, should require in air travel. Since September 11th, the news media has presented countless accounts of security breaches and failures with passengers and customers. On a flight from New Orleans to Phoenix a passenger alerted the flight crew to a loaded weapon he had unknowingly brought onboard the airplane, a weapon which was not detected by airport security prior to his boarding that flight.

Mr. Speaker, this dangerous dependence of criminals and non-U.S. citizens employed by these private firms, overseeing the passenger and luggage screening on both our domestic and international flights. We need to look no further than right here at Dulles International Airport where Argenbright Security Inc., a foreign corporation, recently agreed to settle Justice Department allegations that the company violated a court order by, among other things, continuing to hire screeners with criminal records. Argenbright got a second chance. Airline passengers will not. As the old adage goes, fool me once, shame on you, fool me twice, shame on me.

Statistics have shown that the national turnover for airport screeners is around 120 percent annually. This should not come as a surprise to anyone, as a majority of the screeners receive little training and are often paid less than most the food services employees located within the same airport. With federal law enforcement personnel manning the security operations, we would develop a highly professional security operation, with the proper compensation and benefit programs to attract the right people. This solution would greatly improve the safety of not only airline passengers, but as the events of September 11th have shown, all Americans.

For the first time in our nation’s aviation history, parents are struggling with the question of not only whether it is safe for them to fly, but specifically whether it is safe to bring their children along on a commercial airliner. As the father of two young sons, I can sympathize with this difficult dilemma. I want to be able to return home each year as a family with all mothers and fathers that I am committed to doing what is necessary so they can safely take their children on family vacations or visits to their grandparents, without the lingering safety doubts we now face.

Airplanes are the primary mode for long distance transportation in this country, and will be for the foreseeable future. It is our duty as federal legislators to restore the confidence of the American people in the safety of air travel. That is why I urge my colleagues to support the Democrat substitute and ensure the safety of the airline industry.

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

Mr. Speaker, I heard the parliamentary inquiry from the gentleman from Florida. The gentleman from Florida (Mr. MICA) was discussing the contents of the bill. I believe under the rules of the House the gentleman has the free-
many not have been their first choice, but they are not going to vote against it because in the end it is about airport security.

I hope we are able to have a sensible debate that treats both sides fairly and does not make false claims.

In terms of Federal employees, terrorists would not have gotten into this country unless somebody allowed them to get here. They happened to have been Federal employees. They just were not Federal employees who were doing their job well enough.

We want professionals, whether they are Federal employees or not.

Mr. CONYERS, the ranking member, the gentleman from Michigan (Mr. LIPINSKI), a gentleman that has a great deal of knowledge about the subject we are discussing.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman very much for yielding time to me.

First of all, I would like to thank the Committee on Rules and the Speaker for giving us an opportunity to actually have an up-or-down vote on this particular issue we are all debating at the present time, the Federal screening of individuals.

I also would like to compliment the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for the great deal of work they have put into this bill. They have done an outstanding job. It would have been nice if we could have come to an agreement, but unfortunately, we could not have done so.

I also want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and my very good friend, the gentleman from Oregon (Mr. DeFAZIO), for all the great work they have done on this bill.

I would simply like to make mention at the present time, the gentleman from Florida (Chairman MICA) has talked about the failure of the FAA and the Department of Transportation to put rules in place over the course of the last 5 to 10 years.

I certainly agree with him on that. That is why I am happy to see that the bipartisan Senate voted on 100 to 1.

Mr. Speaker, the Oberstar substitute to the underlying aviation security bill. The substitute is a bipartisan Senate voted on 100 to 1.

That bill, if we pass it today, at 8:05 can be on the President's desk and he can sign it, more than 1½ months after the day of the terrorist attack against America. We must say to the American people that the Federal Government will provide for their security on our airlines.

It makes a difference to have every checked bag screened, to have airfield security, and to include the provision for Federal air marshals on our airliners.

However, Mr. Speaker, we need also to insure that this legislation allows for the opportunity for those existing contract screening employees to apply for these new federal jobs.

Many of these employees desire to offer their services to the new system and they should be allowed to do so.

I thank the gentleman from Florida (Mr. HASTINGS) because this is an important issue. We will for the first time in the United States of America be checking every bag that goes on the airplane, checking all checked bags. We will have Federal air marshals. We will have a reinforced cockpit. But what will be most important is the flight crew will have air hijacking training; give those frontline people, the flight attendants, the people who we hope will not have to come out of the cockpit, that kind of safety training.

This is an important piece of legislation. If Members only knew the Calderon family and the children, ages 4 years and 20 months old, that lost their mother in the World Trade crash, they would know that we have to pass this bill. I ask my colleagues to support this legislation. I am disappointed that we have yet to provide for the laid off workers impacted by Sept. 11, therefore I will vote to defeat the previous question.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the very thoughtful gentlewoman from California (Mrs. CAPPS), who has distinguished herself in this body.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague for yielding me time. I rise in strong support of the Oberstar substitute to make our skies safe.

September 11 demonstrated that aviation security must be part of the frontline of our national defense. As such, it must be the responsibility of Federal Government. This means putting professional law enforcement agents in charge of securing our airports and our airplanes. This is essential to protect American citizens.

Mr. Speaker, those of us who fly across the country back and forth each week have come to know the flight attendants, the pilots, people who handle our bags very well. They are passionate as they tell us that today's system simply does not work. The present system has not worked in the past as we have seen, and it will not work in the future.

The Oberstar substitute makes substantive and fundamental changes in our airport security. It will give the public confidence to fly again. We need a system that works and it is in order.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank my friend for yielding me time. I had not planned to discuss this bill, but I felt obliged to come over here and join the fray.

This airline security proposal is a much-needed piece of legislation. The
Young-Mica bill federalizes the process and the process should indeed be federalized. But should we bring 25,000 to 28,000 additional Federal employees on the payroll to be subsidized by taxpayers where the Government will be virtually inflexible as far as getting them on board, getting them on line? Lord only knows how long that would take. And once they are on line, in the event of abuse of employment, to terminate them would be virtually impossible.

I do not suggest, Mr. Speaker, that we need to emulate other countries, but I do think we can learn from other countries. The United Kingdom, Belgium, Israel, the Netherlands, perhaps others tried federalizing screeners and baggage employees initially, and I am told that each of those four scrapped the plans and perhaps other countries have done so as well.

I think to federalize the process is a course that we need to pursue to give the Federal Government to the Congress, in fact, this body and the other body, much oversight to see that it is done properly, but not to have these additional thousands of employees on the Federal payroll to do a job that may better be done, provided the standards are properly enhanced; and I am confident they will be. Provided that is addressed, the way to do it is as laid out in Young-Mica, Mr. Speaker.

I urge my colleagues to support the Young-Mica bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON), my very good friend.

Ms. CARSON of Indiana. Mr. Speaker, I thank my dear friend, the gentleman from Florida (Mr. HASTINGS), who is certainly a superhero on behalf of the citizens of this country and across this Nation.

Mr. Speaker, when Thomas Edison was attempting to invent the light bulb, history suggested he tried thousands and thousands of ways, maybe 8,000, maybe 10,000. Nobody said that Thomas Edison failed to invent the light bulb. They said he simply discovered 10,000 ways that it would not work. So I am here because I know I have to be very careful about the words that I use about the manager’s amendment, so I cannot call it shameless or callous or indifferent or dispassionate because that may intrude upon House rules.

So let me simply say that it will not work. I am here to represent people that are out of work and who need to work. I am here to represent people who ride the airplanes on a daily basis and are waiting for Congress to provide some common sense to protect those riders who have to fly across America, from sea to shining sea as we would wave our flag. I support the Oberstar substitute amendment because it will work.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I know that the debate has already begun on this issue, and I would like to take just a couple of moments to say what this bill is not. I have been heatedly criticized by many people saying that this measure, the package that the gentleman from Alaska (Mr. YOUNG) is going to be managing here, will block the federalization of those who are screeners at airports. It does not do that at all.

Basically, what we are saying is rather than having the United States Congress micromanage the process of determining what the very best system is to ensure the safety and security of travelers is to allow some kind of flexibility.

We know that under this bill there would be a new Secretary who would handle this, the Secretary of Transportation is the former chairman of the Committee on Transportation and Infrastructure in this place, one of the predecessors to the gentleman from Alaska (Mr. YOUNG). He was a Democratic Member of the House. He is still a Democrat as far as I know, and he is our former colleague, Norm Mineta; and he is the Secretary of Transportation.

What we want to do, Mr. Speaker, is to ensure that they have the flexibility, the tools so that they can go forward and decide how to best implement a system that will ensure the safety of our travelers here in the United States. So very basic is that need to be understood as we proceed with this debate.

The rule is very fair. It does provide, in fact, an opportunity for not only a manager’s amendment, which the gentleman from Florida (Mr. HASTINGS) will be offering, addressing a wide range of concerns, and we worked very carefully to make modifications in his manager’s amendment so we could address some of the concerns of Members who came forward over the last few days; and at the same time we do provide the Democratic substitute, which the gentleman from Minnesota (Mr. OBERSTAR) will be offering.

I think that at the end of the day we clearly would pass this rule, and I think there should be strong bipartisan support for that; but understand that we are not preemining any kind of decision that this administration might make. It is just that we entrust with them the power and the authority to make what we believe will be an appropriate decision to ensure the safety of all travelers.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished colleague from Oregon (Mr. BLUMENBAUER), my good friend.

Mr. BLUMENBAUER. Mr. Speaker, I appreciate the gentleman from Florida’s (Mr. HASTINGS) courtesy in allowing me to speak on this rule and this issue.

I take rare exception with my friend from California who just spoke. The notion somehow that we are going to establish a system that will deal with the problems of an already failed, decentralized, privatized system for hundreds of airports is not micro-management. Being able to step forward with a Federal program similar to what we have with Customs, as I believe is the plan, what we have benefiting people here in the Capitol, as my good friend from Florida has pointed out, is not micro-management.

What we are doing is acknowledging that the American public deserves our best. The Senate has already ratified by a hundred votes a program that steps up. We are not Europe where we have one or two airports in a small country. We have more airports in a small portion of the United States than they have in the entire European Union.

The only way we are going to get the training, the professionalism and the uniform protection for our travelers is to allow some kind of flexibility.

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The only way we are going to get the training, the professionalism and the uniform protection for our travelers is to allow some kind of flexibility.
gentleman yields back his time. I will close out with a summary.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. THORNBERY). I would say to the gentleman from Florida (Mr. HASTINGS) that both sides have 3 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding the time, the very distinguished gentleman from Florida (Mr. HASTINGS), who has so ably led the debate on our side on this rule; and I do appreciate that the rule makes in order the Oberstar-Ganske substitute without playing any parliamentary games with it.

In my opinion, the manager on the Republican side for the rule will be offering an amendment to substitute a new manager’s amendment for the manager’s amendment made in order last night, and I call this the weight-and-balance amendment. It is an aviation term for moving small commuter aircraft when they need to shift people and baggage around to make sure the plane does not tilt one way or another or crash. They have so much ballast on board this bill that it is about to sink. So now they are coming in adding parking lots for financial aid with other airport restaurants, shops, concessionaries. They are taking out something which is very embarrassing, preferred, in the gentleman’s language, I think it means deferred, compensation for airline employees. That is the well-known Delta amendment, Delta Airlines, and then adds language for hiring airline workers to screeners, and where possible, security companies should hire American companies.

That is really going to be a fun thing to do. They are going to do an awful lot of negotiating and renegotiating of contracts. They are going to have a fun time with that; but then my good friend, the chairman of the Subcommittee on Aviation, characterized the Senate bill as sloppily drawn, hastily drawn, but there is a lot of haste in the provisions here in this new manager’s amendment that are internally contradictory.

I just think that it is ditch a little here, add a little there and again it is hastily drawn.

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

Mr. HASTINGS of Florida. Mr. Speaker, under the inquiry of my distinguished colleague, we have one speaker remaining, and if the gentleman would utilize at least one of his speakers.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my distinguished colleague, and I yield myself the remaining time.

I have heard an alarming amount of discussion on this floor of the House today, suggesting that there may be something wrong with federalizing employees who have the responsibility to check luggage and screen passengers.

Sec. 1430.

I have been a Federal employee three times in my life, and each of those three times I felt a whole whale of a lot more secure when we used a minimum-wage worker stripping celery. What federalization does is provide worker security, it provides better wages, it provides better health care, the same kind of health care that we have, and it enhances morale. All of us go through those checkpoints at airports and all of us are confronted with the same persons that had the responsibility on September 11 who, in many instances, are poorly trained, poorly paid, and their morale is at its lowest ebb on a continuing basis. At the very least we need to ensure that they are trained.

I urge a “no” vote on the previous question so that the Airline Industry Worker Benefits bill will immediately after passage of the Insecure Airline Security bill.

Mr. REYNOLDS. Mr. Speaker, do I understand the Democrat minority time has expired?

The SPEAKER pro tempore (Mr. THORNBERY). The gentleman is correct.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, let me just again try to set the record straight. We heard speakers say that these screeners, and they continue to pick on sort of the lowest end of the feeding chain here, the lowest paid, were at fault on September 11.

My fellow colleagues, our intelligence system and Federal employees involved in intelligence failed. We did not know that they were here. Our Federa l employees who were issued visas failed, because most of the hijackers came into this country with visas issued by Federal Government employees. Our FAA failed because we had no rules in place for box cutters.

We have no provision for expedited rulemaking in the Senate bill, and that is the biggest flaw. It takes, on average, 3.8 years to pass a rule through the Department of Transportation. Look at the bill in more technology with the Department of Transportation; 3.8 years to get in place technology that will do the job. It will not work.

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

The comprehensive legislation before us today focuses on our Nation’s security system. The security plan establishes a new transportation security administration within the Department of Transportation that will be responsible for security for all forms of transportation, not just air travel.

As the holiday season fast approaches, it is more important than ever that Americans are free to spend time with their families and loved ones. It is incumbent upon us to do everything in our power to make sure their travel by any means, but especially by air, is as safe and secure as possible. By passing this rule and its underlying legislation, we can quickly move forward with the important business of making our airports safe and secure for the American people.

AMENDMENT OFFERED BY MR. REYNOLDS

Mr. Speaker, I offer an amendment. The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered by Mr. REYNOLDS:

At the end of the resolution add the following:

Sec. 2. Notwithstanding any other proviso of this resolution, the amendment specified in section 3 of this resolution shall be in order in lieu of the amendment printed in House Report 107-284 and numbered 1.

The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 3150

OFFERED BY MR. YOUNG OF ALASKA

Page 1, line 6, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001.”

At the end of the table of contents after line 8, strike the item relating to section 15 and insert the following:

Sec. 15. Technical corrections.

Page 2, before line 9, insert the following:

TITLE I—AVIATION SECURITY

Redesignate sections 2 through 22 of the bill as sections 101 through 121, respectively. Conform the table of contents of the bill, accordingly.

Page 13, line 17, strike “(1) in subsection (a) by striking” and inserting the following: “(1) in subsection (a)—

(A) by striking “a cabin of”;

(B) by striking “or”;

Page 14, line 2, strike “The responsibility” and insert the following:

“(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

“(2) ADDITIONAL SCREENING AUTHORITY.—

The Under Secretary may perform any such additional screening functions as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.

Page 14, line 20, strike the closing quotation marks and the final period and insert the following:

“(c) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.

Page 15, after line 24, insert the following:

“(b) requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

Page 16, line 1, strike “(7)” and insert “(8)”.

Page 16, line 2, strike “and”.

Page 16, line 3, strike “or”. Page 16, line 7, strike “for”. Page 16, line 14, strike “and”.

Page 16, line 18, strike “any”. Page 16, line 19, strike “and”.

Page 16, line 23, strike “or”.
Page 16, line 3, strike "(8)" and insert "(9)".

Page 16, line 7, strike both periods and the closing quotation marks and insert "; and the following:

"(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was ended as a result of a reduction in the workforce of the air carrier.

Page 16, lines 11 and 12, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 16, line 20, strike "pursuant" and insert "pursuant to".

Page 19, line 22, strike "and". Page 20, line 2, strike the period and insert "; and" and the following:

(1) First, to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Page 21, line 14, strike "and".

Page 21, line 20, strike the period and insert a semicolon and the following:

"(5) require air carriers to provide, on a space available basis, to an official of the Federal special general aviation airport a seat on a flight to the airport nearest the marshal's home at no cost to the marshal. States Government or the marshal is traveling to that airport after completing his or her security duties; and

"(6) provide, in choosing among applicants for a position as a Federal special general aviation airport security officer whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

Page 22, line 3, after "consultation with" insert "and" and the following:

Page 22, line 4, insert the following:

(c) BASIC PAY DEFINED.

Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

"(E) availability pay—

"(i) received by a criminal investigator under section 554a of this title; or

"(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation;".

Page 24, line 1, strike "Provide" and insert "Establish performance goals for individuals described in paragraph (6), provide procedures under which a medical product to be transported on a flight of an air carrier, unless the passenger who checks the baggage is able to demonstrate to a physician of the air carrier or foreign air carrier, unescorted access to a secured area of an airport that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to a background check before the individual began his or her current employment, or is exempted from such a check under section 101(b) of title 14, Code of Federal Regulations.

Page 29, line 10, strike "and" and insert the following:

(2) by adding at the end of paragraph (1) the following:

"(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES—

"(i) Individuals described in paragraph (6) shall be subject to a background check before the individual began his or her current employment, or is exempted from such a check under section 101(b) of title 14, Code of Federal Regulations.

Page 30, line 11, strike "and" and insert "(B)"

Page 34, strike line 23 and all that follows through line 4 on page 35 and insert the following:

(c) AIRPORT SECURITY—

"(1) In general—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse air carriers for the costs incurred by the Department of Transportation for airport security

Page 36, strike line 19 and all that follows through line 7 on page 27 and insert the following:

(4) PROPERTY SECURITY PROGRAM—

"(1) CHECKED BAGGAGE—

"(A) FINAL DEADLINE FOR SCREENING—A system must be in operation to screen all checked baggage at all airports in the United States on or after December 31, 2003.

"(B) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible to screen checked baggage before being placed in an aircraft.

(5) INTRASYNO BAG-MATCH PROGRAMS—Until the Under Secretary certifies that sufficient explosive detection equipment is in operation to screen all checked baggage as soon as possible after the date of enactment of this paragraph.


Page 43, line 22, after "sponsor" insert "or at a privately owned or operated airport passenger terminal financed by indebtedness incurred pursuant to the authority of the sponsor"


Page 45, after line 15, insert the following:

"(B) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER—Section 103 of such Act is amended by adding at the end the following:

"(J) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES—

"(1) SET-ASIDE—The President may set aside a portion of the amounts of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A) by the amount set aside under this subsection.

"(2) DISTRIBUTION OF AMOUNTS—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"(41722. Requirement to honor passenger tickets of other carriers—

"Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that submits an interruption of service to the operator of the air carrier providing air transportation on or after September 11, 2001. Such sums shall remain available until expended.

"(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

"(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent or fees charged airport operators for direct costs in- incurred by the sponsor.


Page 45, after line 15, insert the following:

"(B) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER—Section 103 of such Act is amended by adding at the end the following:

"(J) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES—

"(1) SET-ASIDE—The President may set aside a portion of the amounts of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A) by the amount set aside under this subsection.

"(2) DISTRIBUTION OF AMOUNTS—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 123. SENSE OF CONGRESS ON CERTAIN MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue to fulfill his responsibilities based on good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

"(b) AIRCRAFT RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the
Air Transportation Safety and System Stabilization Act (Public Law 107-42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation airports.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or in transport by air (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that in awarding a contract for airport security services, the Under Secretary of Transportation for Security should require, to the maximum extent practicable, the award to the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended

(1) by amending the section heading to read as follows: "SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.;"

(2) by amending subsection (a) to read as follows: "(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law, or rule or regulation promulgated in accordance therewith, which would permit recovery of the damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.;"

(3) in subsection (b), by adding at the end the following paragraph:

"(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—" "(A) to damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking or subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.;"

"(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

"(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.;"

(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that percent of recovery he or she has been determined shall be fined not more than $2,000 or imprisoned not more than one year, or both.";

(4) by amending subsection (c) to read as follows: "(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—" "(1) hijacks any aircraft or commits any terrorist act; or

"(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act.;" and

(5) by adding at the end the following subsection:

"(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

(e) STATE DEFINED.—In this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory of possession of the United States or any political subdivision of any of the foregoing.;"

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or in transport by air (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

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

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON RULE ON H.R. 3150, SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

At the end of the resolution, the Speaker shall declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2955) 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. The first reading of the bill shall be dispensed with. All points of order against considerations of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Notwithstanding any other provision in this resolution, immediately after disposition of H.R. 3150, the Speaker shall declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2955) 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. The first reading of the bill shall be dispensed with. All points of order against considerations of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. If the Committee of the Whole rises and reports that it has come to no resolution on H.R. 3150 or H.R. 2955, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

The SPEAKER pro tempore (Mr. THORNBERY). The question is on ordering the previous question on the amendment and on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of agreeing to the amendment and on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 207, not voting 7, as follows:

Aderholt Baker Barrett "YEAS—218
Balleguer Barr Bereuter Big uncertified
Bilirakis Barton Biltz Baker Bouchert
Baker Barr Bouchert
Ms. McCOLLUM changed her vote from “yes” to “no.” So the previous vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERY). The question is on the amendment offered by the gentleman from New York (Mr. REDELLS).

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 379, noes 50, not voting 3, as follows:

[Roll No. 420]  

AYES—379

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 379, noes 50, not voting 3, as follows:

[Roll No. 420]
BILLS AND RESOLUTIONS

Mr. LaHOOD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 981.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. GOODE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 981.

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

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.
The Senate met at 10 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, the source of inner grace and outward joy, You have taught us that it is not just our aptitude, but our attitude, that determines the altitude of our success in our work and in our relationships. We confess that often it is not You but the danger and difficulties of these days that dominate our inner feelings and control our attitudes. It is hard to be up for others when we get down on ourselves. So thank You for this attitude adjustment time we call prayer when we can admit any negative attitudes and submit to the transforming power of Your hope. True hope is faith in action and the constancy of faith in all contradictory circumstances. You have told us that there is no danger of developing eyestrain from looking at the bright side of things. There is a great need for this quality of hope in our Nation this morning. May the attitude of the American people toward our present challenges be uplifted by their trust in You, the positive assurance of Your victory over the tyranny of terrorism, and the inspiring attitude of this Senate and all of us who work in the Senate family. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER 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.

APPPOINTMENT 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning there will be two amendments that will be debated for a maximum time of 1 hour each. These amendments are the Gregg school construction amendment and the Landrieu title I targeting amendment.

For the information of all Senators, there will be two votes on these amendments that will occur a little after noon today. Therefore, there will be two back-to-back votes at that time.

As we move forward to complete action on this important appropriations bill—and we are going to complete it today; if not today, we will complete it tomorrow, but we are going to complete action on this bill—Senators should expect other votes throughout the day. We have had no recorded votes the last 2 days, even though the managers have worked through a number of important issues.

In addition, the Senate could also act on several appropriations conference reports as they become available. The first one is going to be voted on in the House about noon today.

As the majority leader announced yesterday, should we complete action on the Labor-HHS Appropriations Act today, and any available conference reports, then it is likely that there would not be any rollcall votes on Friday, November 2. The managers of the bill have been encouraging Senators with amendments on this finite list that has been filed to come to the floor and work with them on these amendments.

When we finish the votes at noon today, Senator BROWNBACK has a number of amendments that the managers have been unable to resolve. I ask he make himself available at that time to offer these amendments.

If there are other Senators wishing to offer amendments, they should come forward and make their amendments known to the rest of us. We have a finite list, but a number of Senators have indicated to the managers and to me that they are not going to offer those amendments. We need to complete action on this bill so we can move forward to other very pressing matters.

Mr. SPECTER. Mr. President, I join the Senator from Nevada in urging our colleagues to come forward. It has been very slow making progress. There were some 62 possible amendments listed. Most of those are place-holders, we know. But anybody who has an amendment to offer ought to come to the floor now. Senator HARKIN and I will be in a position to discuss the matters with you, to see what is acceptable, see what will require rollcall votes, to try to work out time agreements, and try to move ahead to finish this bill as early today as possible.

It is no secret, Senators have a lot of commitments on Friday, and Thursday is the heavy workday. But the sooner...
we get this bill completed, the sooner we can move ahead and try to get it conferenced and resolved.

Mr. REID. Will the Senator yield for a brief comment? I want to make sure everyone understands what the majority position is. Under the current rules we are going to complete this bill and conference reports before we leave this week.

Also, if we complete work on the bill, we could move to the D.C. appropriations bill, but at the very least we are going to complete the conference reports on this bill before we leave, no matter how long it takes today or tomorrow.

Mr. SPECKER. Or Saturday.

Mr. REID. Or Saturday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MEASURE PLACED ON THE CALENDAR—S. 1601

Mr. REID. Mr. President, I understand S. 1601 is the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1601) to provide for the conveyance of certain land in Clark County, NV, for use as a shooting range.

Mr. REID. Mr. President, S. 1601 having been read for a second time, then I object to any further proceedings at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Grassley amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire is recognized to offer an amendment, on which there shall be 60 minutes debate to be equally divided.
we will give those low-income districts strong, new tools to help those kids in those districts catch up with their peers. But those tools will only work if there are dollars to support them.

This amendment goes a long way down the road to accomplishing the goal of ensuring the dollars where the Federal Government has set the priorities, the dollars to the low-income child instead of to some sort of grandiose bricks-and-mortar program that may not benefit the low-income child at all.

That is the concept of this amendment. It is really pretty simple. It takes $295 million out of a program which has been on two different occasions rejected by this Senate, the school construction program, and moves it to the new targeted formula for low-income kids under title I.

I hope everybody here will review how their State benefits from this in their title I accounts.

AMENDMENT NO. 2056

Mr. GREGG. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. Gregg] and himself and Mr. DeWine, proposes an amendment numbered 2056.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore.

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for targeted grants under the Elementary and Secondary Education Act of 1965)

Beginning on page 54, strike line 19 through “and renovation” on line 14, page 57, and insert the following:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESEA”); and the McKinney-Vento Homeless Assistance Act; and section 416A of the Higher Education Act of 1965, $12,804,900,000, of which $5,029,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003; Provided, That $28,000,000 shall be for part A of title XII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers: On page 69, strike lines 14 through “2002” on line 6, page 73.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore.

Without objection, it is so ordered.

The amendment is as follows:

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The ACTING PRESIDENT pro tempore.

Without objection, it is so ordered.

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Mr. GREGG. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore.

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is why I will have to oppose the amendment of the Senator from New Hampshire.

We can do the school construction funding so that we can help build our schools and give our children the kind of physical facilities they need to meet these standards.

This is not the time to stop job creation in America. Millions of people are out of work because of the September 11 attacks and subsequent attacks because of their effect on our economy.

One billion dollars under Senator HARKIN’s and Senator SPECKER’s amendment—of which there is the attempt to move—will put 24,000 people who live in Georgia, in Louisiana, in Iowa, and in New Hampshire to work.

One billion dollars spent on school construction will employ 24,000 people. Believe me, there are people in all of our States who want the Federal Government to spend money on public investments. What better place could we be spending money than building schools for our future, giving our children a chance for a first-class quality education?

Finally, I will say this: I know the Republican leadership has not been excited about school construction. They have fought it every step of the way. There have been some Republicans who have supported it. The Republican leadership is against the idea of the Federal Government getting involved with school construction. And that argument has merit. I am not saying it does not.

But in light of September 11, I would hope the arguments on the other side would weaken because we need to be putting Americans to work. These are good construction jobs. And they do two things. They give a man or a woman a job, so he or she can bring home a paycheck to feed their family and pay their mortgage. By doing that, you are also investing in our children by building schools so they can compete in the challenging world which we all now face.

Those are the arguments. Again, I hate to oppose the Senator, but I am opposing this amendment on those grounds. And I ask other Members to join with me in that opposition and to support the mark of the chairman and the ranking member.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRAMM. Mr. President, yesterday, in guaranteeing the right, under the Daschle amendment, for people to join or not join a union, I did not include the critical right for them, if they choose not to join a union, to not have to pay union dues. I have corrected this with this modification. It fits the principle we set out.

The Daschle amendment preempts State law and preempts county ordinances and city ordinances to set up a structure for unionism. I am opposed to that. But it seems to me, if the Federal Government is going to preempt State law and preempt counties and cities to set up a structure for unionism, it ought to also allow people to decide if they do not want to be members of the union and they do not want to pay union dues. So through this modification, I have corrected that problem.

I thank my colleagues and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HARKIN. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, here we are again. Senator Gregg, my friend from New Hampshire, is trying to say we have no obligation to help our local schools meet safety and fire codes and to renovate and build our schools. That is not the kind of argument to say we have no responsibility, to say what he said earlier, that this is a State and local responsibility. After all, we use Federal money for rural water systems in this country. Should we not have local responsibility? His State gets some of that. There are waste water programs, bridges, highways, all kinds of things that the Federal Government is involved in terms of construction.

As we look around the country, we see our schools are falling down. The average age is 42 years old. Fourteen million kids attend school in buildings that are unsafe or inadequate. So, quite frankly, there is a crying need out there for school construction.

The American Society of Civil Engineers, in their report card on America’s infrastructure, listed schools as the worst. They listed bridges and roads and highways and sewage disposal systems and airports, but the one that got the lowest grade was our public schools in America.

My friend, with his amendment, basically is going to take the money and put it into title I. So I think what he is trying to do is put all the money in title I to send poor kids to poor schools.

I am not saying we should not be doing more for title I, but I am going to be supporting the Cochran-Landrieu amendment, which I think is a better formula for title I. But I find it odd that the Senator from New Hampshire said we don’t need to fix up these schools; we just need to put more money in. I find it odd that they will go to schools that are unsafe, insecure, with ceilings that are cracked and with water leaking in. They do not meet fire and water safety codes. They are not wired for the Internet. That is not going to help these communities and States and we can do something of lasting value, which is to...
repair schools and build new schools so that our kids have the latest technologies, that is a pretty good investment of taxpayers’ money. That is exactly what is happening. They are leveraging this money in a big way. Here is kind of busy. I will hold it up. This indicates all of the renovation funding that went out this last year for different States. I see that some of the States received more than others based upon population and a few other factors. This would be the kind of money that would be lost for school construction. If, in fact, the amendment of the Senator from New Hampshire prevailed.

Lastly, everyone is talking about a stimulus package. We have stimulated the economy. This is what Senator LANDRIEU was discussing. We want to put people to work around this country. What job needs to be done more than repairing and modernizing our schools? We get a lot of bang for this buck. We can’t just stand around and do nothing. We will put people to work immediately. These jobs are ready to go. There are schools all over this country that already have their plans in place, that have requests in for modernizing, for fixing, improving, meetings and fire and safety codes. This is something we can do right away. It stimulates the economy. It puts people to work. We get better schools. We leverage the money all over the country.

If we would want to pull the rug out from underneath this right now. This money goes to the States and from the States to the local school districts. I believe this is an important element for us in the Federal Government. People say we haven’t done it before, that this is something new. Is that the reason we are here? Just to continue to plow the same old ground over and over again?

I keep asking, where in the Constitution of the United States does elementary and secondary education is to be funded only by property taxes? It is nowhere in the Constitution. That is just the way it sprung up because in the early days of our country we wanted to have a free public education for everyone—for white males at that time but for everyone later on. There was no taxing base. All they had was property taxes and a few excise and tariff taxes. It was not until 1914 or 1917 that we had the income tax. So there were no other taxes before. We grew up a system in this country based on property taxes.

That is all broken down. We provide Pell grants for kids to go to college. Under elementary and secondary education, we provide teacher training, funding for special education. We do all of this. Why shouldn’t we use the power in the Federal Government to help our State and local schools repair and modernize, build new facilities for the new century for our kids.

In every case where I have seen this work, the money has been leveraged 6, 7, as much as 10 to 1 in those State and local communities. Especially with the economy going down, this is not the time to pull the rug out from underneath school construction.

I yield the floor and reserve the remainder of my time.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Hampshire for yielding time to me.

I will take just a minute or two and suggest that this amendment that is offered by the Senator from New Hampshire has great merit because it shifts funds into a program that has historically been grossly underfunded. The title I program has about four different categories of authorized funding in it. Over the last several years only two of those programs have been funded by the Congress.

I am supporting an effort to increase the funding in the targeted assistance so States such as mine, who have high concentrations of poor students, will have a better chance of providing the quality of education that those students deserve and which is needed so much by the poor students.

Sixty-five percent of the students in my State have been classified by our State department of education as poor. I am a member of the term in the Elementary and Secondary Education Act that contains this title I funding.

This program was begun in an effort not to supplant the State’s responsibilities but to emphasize the importance of reaching out to those who had not been well served by the public education school system, and those were the poor students. Most of those communities have low tax bases, not much business activity, high rates of unemployment; dollars that flow directly into the accounts of poor communities will flow into the accounts of poor communities.

The Federal Government realized it had a responsibility to try to help. We are not trying to take over the running of the schools in title I. We don’t want that.

Just as recently as this spring, I had hearings in my State and meetings with the State board of education to talk about the title I program and how we could better design it so it would benefit low-income kids rather than into a general account which, as the Senator from Iowa mentioned, is basically where the States make the decision. It can go to a poor district or a poor district. It can go to Safe and Drug Free Schools, which we already fund under another account, or it can go to security, which we fund under another account, which is duplicative. The purpose of the Federal dollar should be to get low-income kids. That is why we need to fund these targeted formulas, especially in areas where you have a large concentration of low-income children. That is why this amendment makes a lot of sense.

I thank the Senator from Mississippi for his comments and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Mississippi for making that very excellent point. This is not an either/or choice. We can vote for the Landrieu-Cochran amendment and we can vote for this because essentially what this amendment does is take the construction money and move it into the title I targeted formula. What the Landrieu amendment does is restructure the new money for title I and reallocate some of it to the targeted formula, some of it to the equity formula.

As a practical matter, the two are not exclusive. You can support both. If you are interested in getting more money into the title I accounts and essential dollars would now go into the accounts that benefit low-income kids under the targeted formula, then you should definitely vote for this amendment which takes the money from the school construction accounts.

Just to give a couple examples: California, under present law, gets $1.5 billion; under this proposal, they would get $1.5 billion. So they pick up about $30 million out of this account which would be going into the targeted formula.

Florida gets $400 million. Under this proposal, they get $558 million. That is $158 million going to the targeted formula.

The State of the presiding Senator from Georgia would get $250 million under present law; $330 million would go into the title I formula.

Yes, it means there wouldn’t be school construction money going into those States, but what would be happening is that dollars would now be flowing directly into the accounts which benefit low-income kids rather than into a general account which, as the Senator from Iowa mentioned, is basically where the States make the decision. It can go to a poor district or a poor district. It can go to Safe and Drug Free Schools, which we already fund under another account, or it can go to security, which we fund under another account, which is duplicative.

The purpose of the Federal dollar should be to get low-income kids. That is why we need to fund these targeted formulas, especially in areas where you have a large concentration of low-income children. That is why this amendment makes a lot of sense.

I thank the Senator from Mississippi for his comments and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KOHL. Mr. President, I rise today to oppose the Gregg amendment.
This amendment would entirely eliminate the $925 million in this bill that is intended to help school districts with critical construction and renovation needs, and instead divert it to title I. I strongly support both of these important programs. Titled "Building a Strong and Safe Education Infrastructure" for 2002, this amendment is a laudable purpose. The Senator from Iowa, Mr. SPECTER, has a lot of different views. We hammer them out, and we come to accommodations. This is a program that is very near and dear to Senator HARKIN's heart. Again, to repeat, which I don't like to do, I supported it with Senator Carol Moseley-Braun many years ago. There are many accommodations in this bill that I agree with. Some they would not see as Republicans, but I think it is important, as the Senator from Iowa points out, that there was leveraging of these funds. It is never easy to say where a Federal responsibility ends and where a State responsibility begins. Ideally, the funding perhaps should come from State and local government, not the Federal Government at all.

One of the difficulties with school construction is that the $925 million allocation is questionable, as to how far that will go on the school needs of America. We had a very tough debate on this issue last year when Republicans controlled the Senate and President Clinton, a Democrat, was in the White House. We ended up with an allocation for school construction of $1.175 billion, but we put in language that if, after all, if the school boards on a local basis decided they didn't want the money for school construction, they could use it for other educational needs—virtually a block grant. That language and that approach has been maintained here.

I am not saying local boards are going to turn down school construction money. But in the event that does happen, the school districts will be able to make the allocations as they see fit on a local basis.

Senator HARKIN has been a strong advocate for school construction beyond any cap. I was supportive of Senator Carol Moseley-Braun when she advanced this idea several years ago to sort of give it a start. Although you could allocate these funds in many different directions, arguably with forceful positions, it is my stance that we have made an appropriate allocation and this $925 million is appropriate. So I am going to support the chairman and the subcommittee report, which we have submitted.

I yield the floor.

The ACTING PRESIDENT pro tempore.

Mr. SPECTER. Mr. President, I yield myself another minute.

I thank my colleague and the ranking member, Senator SPECTER, for his support of this amendment. We have worked very closely together over the years, and it is sort of a sign of Senator SPECTER that he has given some of this money to go out to the States and if in fact they do not need it for construction, they can use it for other purposes.

So this is a great help to those local school districts.

Mr. SPECTER. If my colleague will yield for a moment.

Mr. HARKIN. Yes.

Mr. SPECTER. Mr. President, we alluded to the fact that the Senator from Illinois, Carol Moseley-Braun, brought this forward several years ago, as has Senator HARKIN.

My conclusion is to support what the subcommittee report had, and, reluctantly, to oppose what the Senator from New Hampshire wants, and what the Senator from Mississippi would like to have, because their goals are laudable.

One of the difficulties with school construction is that the $925 million allocation is questionable, as to how far that will go on the school needs of America. We had a very tough debate on this issue last year when Republicans controlled the Senate and President Clinton was in the White House. We ended up with an allocation for school construction of $1.175 billion, but we put in language that if, after all, if the school boards on a local basis decided they didn't want the money for school construction, they could use it for other educational needs—virtually a block grant. That language and that approach has been maintained here.

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CONGRESSIONAL RECORD — SENATE

November 1, 2001

S11305

REBUILD AMERICA’S SCHOOLS,

Hon. Tom Harkin,
Chairman, Senate Appropriations Subcommittee on Labor, Health and Human Services and Education, Washington, DC.

DEAR SENATOR HARKIN:
Re: Build America’s Schools (BAS).

The President’s 2002 budget proposal clearly shows how important it is to rebuild our nation’s schools. We have a moral obligation to ensure that our schools provide students with the best learning environments possible. As America’s schools are crumbling, unsafe, and unhealthy, our nation’s children are being denied the opportunity to reach their full potential. It is critical that the Congress make a long-term commitment to our schools and to the children they serve.

The Schools Reinvestment Act of 2000 created the $925 million Emergency School Repair Program. This is not an example of pork barrel spending. The funds from the program are desperately needed to address some of the most pressing facilities needs at the nation’s schools.

The BAS in the Senate bill will help to provide needed funding for school facilities needs. The President’s budget proposal for school facilities is $550 million, which is inadequate and falls short of the needs of our nation’s schools.

In 2002, our schools need help to repair their leaking roofs, crumbling ceilings and outdated ventilation and heating systems. In fact, according to the American Institute of Architects, one in every four schools in America needs major repair. The American Society of Civil Engineers recently reported that school facilities are in worse condition than any other major infrastructure. In addition, a June 2000 study report by the National Center for Education Statistics reported that 11 million students—one in every four—attended schools in less than adequate condition, and 3.5 million of these students were in schools in poor condition.

HR 3061 builds on legislation passed in the 106th Congress by providing $1.2 billion in grants to high-need school districts to pay the cost of urgent repairs and renovations. As of the beginning of the 2001 school year, 42 states and 2 outlying areas had submitted applications for their funding grants under this program. The resources provided under last year’s legislation combined with the funds included in the FY 02 Senate appropriations bill will help to fix leaky roofs and provide the cost of urgent repairs and renovations.

Mr. President, the need for school repairs continues. In this Congress, we have a chance to set our children on a course for success. We need to continue to increase our commitment to our schools so that every child can have the opportunity to learn in a healthy and safe environment.

Thank you for your leadership.

Sincerely,

Robert P. Canavan,
Chair.

Mr. HARKIN. Mr. President, again, I keep hearing this argument that this money can go to rich as well as poor districts. The Senator from New Hampshire says that the money will be sent to all into poor districts. I find that an odd position for my friend to take since he is a very strong supporter of States rights. This money goes to the States. If the State government in New Hampshire wants to put that money into the richest school districts, I assume they can do that. I don’t think State governments would do that.

Our experience from the last year is that States take this money and focus it on those very districts where they have a low tax base because they have poor housing in low-income areas. That is where they focus the attention for school construction, not in rich areas. So I find the Senator from New Hampshire doesn’t trust the State governments to do this. Well, I think they will do this. They will focus it on the poor districts.

Lastly, I wish to make this point, and I think my friend knows this. In the conference that we are now in on the education bill, the reauthorization of elementary and secondary education, there is a provision that was adopted unanimously that provides for the full funding, 40 percent funding that the Federal Government should be doing for special education. That is supported strongly on the Senate side.

The House is sort of wavering on that, but the Senate has been strong on this support. If that is the case, that will free up a lot of money which we can then use to help our title I schools. I am making the argument in conference right now that if the House will help us to provide the mandatory funding for special education, that will release up a lot of money which we can then put into title I programs. We should not sacrifice school construction for that. As I said before, it does not make much sense to put a lot of money in to send poor kids to poor schools. Let us help both. Let us help title I, and let us help rebuild our schools.

Mr. President, there is an article that appears in Education Week about Federal funding for school renovation. The title of it is “Iowa Is Laboratory For Federal Role In Building Schools.” By Joetta L. Sack.

[From Education Week, Oct. 24, 2001]

Iowa Is Laboratory For Federal Role In Building Schools
(By Joetta L. Sack)

The teachers at Decatur City Elementary School had become accustomed to the eccentricities of their 1912-era building. Despite its sloping concrete floors, its basement room used as both a gym and a cafeteria, and its out-of-the-way location, some admit it was their pride and joy. It was an old, little-blocked, shaped, brick schoolhouse.

Sentimentality aside, leaders of the Central Decatur schools here on southern Iowa’s married the educational needs of their students to the goals of economic development. Now in its fourth year, the program begun in the just-ended 2001 fiscal year, the senator contends that the Iowa program is proof that money for school building should remain in the federal government’s portfolio.

Nobody questions the need for school repairs and renovations. School officials estimate range from $112 billion to $250 billion or more to bring all school facilities to basic levels, and nearly every district has seen problems with overcrowding or dilapidation. Sen. Harkin’s program in Iowa gives grants for emergency repairs or new construction.

“The most pressing needs are in the schools that need to be brought up to fire and safety codes,” Sen. Harkin said last week. “And then, we just have a lot of old schools in Iowa, like a lot of states do, that need to be rebuilt or totally refurbished.”

In the final days of last year’s appropriations process, the senator—then the ranking minority member on the subcommittee he now chairs—helped win approval of the national program, which is based on Iowa’s experiment. The fiscal 2001 budget included $2 billion for emergency repairs.

Now, Congress must decide whether to continue the national program and the Iowa grants. As the fiscal 2002 appropriations bills move through the process this year the version passed by the now-Democratic-controlled Senate appropriations committee includes continuation of the funding through fiscal 2006 at 10 percent of the current level, while the House version eliminates it.

President Bush favors eliminating the school renovation funds.

School construction is an area where the federal government does not have a meaningful role, and never did,” said Lindsey
Mr. Harkin, who has named the school construction program the “Harkin grants,” often hosts back-home events on concerns such as education, health care, and agriculture.

“The image we see here is that he’s involved in education a lot,” said Joseph S. Drips, the superintendent of the 4,700-student Southeast Polk district in the Des Moines suburbs, which also received a Harkin grant.

A report released last year by the National Education Association said that in Iowa, 25% of the states in school modernization needs, with a total estimate of $3.9 billion for infrastructure and technology needs.

Iowa has seen an economic downturn and declining population in recent years, which have reduced its ability to fund local districts. And the state has seen its center of gravity shift from farms to more urban areas, meaning that some urban districts are facing unprecedented growth while some rural districts struggle to stay open.

“The needs generally run across the board,” said Marcus J. Haack, the associate executive director of School Administrators of Iowa. While the money from the Harkin grants has helped, his group advocates a more comprehensive over-haul of school finance.

Now nearing the end of his third term in the Senate, Mr. Harkin has become a fixture in Washington. He is a strong proponent of federal aid for school construction, ranked Iowa 25th among the states in school modernization needs, with a total estimate of $3.9 billion for infrastructure and technology needs.

One issue that continues to divide Democrats and Republicans is the need for increased federal funding for school construction. Many Iowa districts are still using the traditional three-story red-brick buildings like Decatur City Elementary School that were constructed in nearly every small town in the state at the beginning of the last century. The Southeast Polk district will soon use its $500,000 Harkin grant to replace one of those buildings that engineers unexpectedly deemed to be a fire hazard.

According to the senator, the initial $28 million dispensed in the Iowa program’s first three years leveraged $311 million in local funding for school construction. And although those funds might have been raised without an incentive, he believes the Harkin grants made the difference in persuading some communities to go forth with a project.

“It’s proven that a little bit of money can go a long way,” Mr. Drips said. When you can get one federal dollar to leverage $10 in state and local funds, that’s a pretty good use of federal money.”

Many Iowa districts are still using the traditional three-story red-brick buildings like Decatur City Elementary School that were constructed in nearly every small town in the state at the beginning of the last century. The Southeast Polk district will soon use its $500,000 Harkin grant to replace one of those buildings that engineers unexpectedly deemed to be a fire hazard.

“Two years out of 10 years, it is not going to be a new building,” Mr. Drips said. “But it will be a major renovation.”

A new building did not figure into the district’s carefully crafted 10-year building plan, but Mr. Drips and school board members realized it would be more economical to build a new facility than try to renovate the old building.

Formerly a rural community, Southeast Polk is now seeing its cornfields become middle-class subdivisions, and its enrollment has increased by about 825 students annually in recent years. To help manage that growth, the district is using a 1-cent local sales tax that generates about $4 million a year.

Without that revenue, the district would not have been able to meet the grants match requirement. That requirement sometimes leaves behind the neediest schools if they are unable to raise the necessary funds. Mr. Drips said.

Sen. Harkin, though, said the local matching requirement was key to retaining local control, and that cash-poor districts could still apply for federal money grants. Meanwhile, he said, Iowa districts can count on the federal aid for the near future—and he’s going to fight to continue the national program as long as he can.

“I have been such a resounding success on Iowa, and our needs are so great that I intend to keep it,” he said. “After 10 years of fighting on this, I’m finally getting people to realize that there is a federal role and we can do this while retaining local control.”

Mr. Harkin has become a fixture in Washington. He is a strong proponent of federal aid for school construction, ranked Iowa 25th among the states in school modernization needs, with a total estimate of $3.9 billion for infrastructure and technology needs.

The Senate Appropriations Committee has recognized the danger of creating new questionable obligations in the face of our existing appropriate obligation to low-income and disadvantaged children.

We already said we are going to do that. We are not doing it adequately, but now we say: Oh, I have this great idea for an economic stimulus; let’s jump on this and build some schools. It is not just the construction industry having a little bit of a problem. In fact, the construction industry is not hit as hard as other industries.

The Gregg amendment reflects the pure policy we all espouse. His amendment would redirect $925 million into the title I Targeted Assistance Grant Program. That program disburses funds based on a pure poverty formula. Again, that is what we all say our policy does. The underlying bill creates a new program with almost $1 billion in new spending.

The greater concern which I have raised many times is that this bill would violate the prevailing wisdom that school construction is a State and local funding obligation.

My policy concerns go even further. I offered an amendment to the ESEA bill when it was considered by the Senate earlier this year which addressed my concerns about providing any Federal assistance in the absence of maximized State and local effort and without the strictest eligibility requirements based on need.

We somehow, to do the school construction, are going to have to get together and talk about that, but that is where it gets difficult. I can relate to some of my previous experience. The Wyoming Compromise requires an equal education for all kids. That is very tough to define and very tough to do.
One of the equal education issues determined by our supreme court is equal buildings. What is an equal building? We have one school district that has about 800 students with a declining enrollment for a number of years. For a high school, we can determine to be for 6 or 9 years; hence the circumstance that the population is going to be based on the other schools that are below it—that it is going to be a continuing declining population. There is a requirement that the State build a new school for them. They have not done that. That is going to go the other way. We are having to go the other way. We are talking about maintenance, too. The State constitution in Wyoming, interpreted by our supreme court, says there has to be equality. If you tell people you are going to build school buildings or suggest perhaps if they do not do maintenance, they will get a new school building sooner.

What is the result of this? The State is having to take over school construction. We are probably the ultimate State in the belief of local control, and we are having to go the other way. We are going to have a State organization now that will determine building maintenance. That is a pretty basic school board job. But if you are going to build the building, you have to have some control over the maintenance. If you are going to build the building, you also have to determine minimum requirements and maximum requirements. That has never been the case. Before, communities were able to build the kind of building they wanted to build or not build a building at all. That is not going to happen anymore.

Those are issues we have not addressed at the Federal level. I can tell my colleagues that with the difficulty the State of Wyoming is having, it is new ground we do not want to cover without a very basic discussion.

"Equity" is very hard to define, and I can tell my colleagues they are going to be even tougher to fund because an equal school building is going to have absolutely everything, and that means the finest football field, the finest swimming pool, and the finest gymnasium. In a lot of communities, that creates some controversy as to whether that is the epitome of education or whether it ought to be the finest chemistry classroom or the finest math facility.

We have not had that basic discussion here. We have not been forced to have that basic discussion because we have not gotten into this area. We are starting to get into that area, and we better have that discussion before we find out that we have bitten off a bigger spending bill than this country would ever be able to afford and freed up local governments to again let us buy their votes with their dollars.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. ENZI. I thank the Chair and reserve the remainder of the time. I ask that my colleagues support this amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HARKIN. Mr. President, again, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. HARKIN. How much time does the other side have remaining?

The ACTING PRESIDENT pro tempore. The other side has 6 1/2 minutes.

Mr. HARKIN. I yield 4 minutes—my colleagues, if he needs more time, I will give him more—I yield 4 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first, I agree with the goal of dramatically expanding and making the best use of title I money. The Cochrans-Landrieu amendment, about which we will hear more later, goes much further in that direction. By the way, I support that goal because I believe with all the mandates that are coming out of Washington, DC, right now—test every child, every grade, 3, 4, 5, 6, 7 and 8—we better make sure we get the resources to the school districts so they have a chance to do the job.

I reject this tradeoff. I cannot believe we are arguing that rebuilding crumbling schools and making sure they are inviting places is somehow unimportant. I do not believe we are talking so much about brand new swimming pools and brand new gyms. We are talking about many school buildings all across the country that are dilapidated. We are talking about children who know that if they want to see something great, they can go to a shopping mall or they can go to a brand new sports arena or they can go to the latest fanciest movie theater, but about the worst place they can go is their own rundown school. When our children go to these schools and they are so decrepit and run down, the heating does not work or the air conditioning does not work or the toilets do not work, we are telling our children we do not value them.

I refuse to accept this tradeoff which pits helping children with title I program funding versus whether or not we are now going to abandon a Federal program which has provided some funding for our school repair. By the way, in every State, there is a huge backlog of repair work. I thank Senator HARKIN for his leadership in talking about the importance of school renovation.

My second point is one of the ways we can get more money for title I and distribute that money in the most efficacious manner is to take the IDEA program for children with special needs and make it mandatory. That is the language we now have. That is what we fight to keep in conference committee. We should be getting support from every Senator and the administration.

As a former Governor, the President knows how strongly our States feel about giving the States the funding the Federal Government promised them for children with special needs. Then we can do a much better job for all children.

That is the direction in which to go. Then finally, actually this whole debate is a little bit of a fantasy debate in that I do not think we are recognizing we are in a recession. These are hard economic times, and right now our States are having to cut teachers, cut teacher assistance; they are having to cut counselors. If anything, we should get serious about an economic recovery plan.

I argue we need an additional $3 billion to go for school construction, for renovation of schools. It is win, win, win. You do not eliminate this program during a recession. A, the schools are more inviting for the children; B, you are creating jobs; C, you are contributing to the construction of schools. D, you are doing something about the recession, and you are getting money in the economy, which is all about what we have to do for economic recovery.

I think the amendment of my friend from New Hampshire goes precisely in all the wrong directions. I hope Senators will vote no.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GREGG. Mr. President, what is the status of the time?

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has 8 1/2 minutes. The Senator from Iowa has 1 minute.

Mr. GREGG. I do not think it is the wrong direction when one is trying to help low-income kids be more competitive in a school environment where they have been left behind.

The goal of the Federal Government has been stated. One goal, as the Federal Government under title I is to help low-income kids. The problem is we have not adequately funded the formulas to accomplish that. In fact, we have not even funded the targeted formula which was passed in 1996.

We funded a formula that was a pre-1996 formula or a 1994 formula, which has been nothing more than a hold harmless for a bunch of States which may or may not help the targeted population in need.

Now we create this new program, $925 million of new money being spent on a capital program for construction of facilities which can go to any school. As the Senator from Iowa said, it can go to the richest school districts. It can go to any school. It does not go to the low-income children. It does not go to the school districts with low-income children. It can go anywhere in the school system. It can go for swimming pools. It can go for squash courts. It can go for whatever the school system decides to build.

That is not our responsibility as a Federal legislature. We have been very
What we have said is those 6 percent of dollars are going to be focused; they are not going to be spread all over the map. The construction dollars spread it all over the map, whereas this amendment puts it into a formula which is extremely focused. It is directed right at the low-income child who today, unfortunately, has been left behind. That low-income child today simply is not getting a fair and competitive education. We are going to try to fix that under the new ESEA bill. In the same way, we are using dollars to support the new initiatives. That is what this amendment does.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. I understand I have about a minute remaining. I respond to my friend from New Hampshire, there is a chart that is being passed out that has fiscal year 2001, and it has Landrieu, then it has Gregg, and it looks as if the Gregg amendment gives a lot more to each of these States the Senator from New Hampshire just mentioned—Connecticut and a few others—but you have to add to the Landrieu column the school construction money, which the Senator from New Hampshire does not do.

So if we add that up, we will get—

Mr. GREGG. Will the Senator yield on that point?

Mr. HARKIN. Sure. If I made a mistake, I will be glad to yield.

Mr. GREGG. That speaks to title I.

Mr. HARKIN. Yes.

Mr. GREGG. This is the title I dollars. School construction is not a title I program.

Mr. HARKIN. No. I am saying the amendment funding, the Senator is talking about funding total. It does not say title I. It says funding comparison. I am saying, under the Landrieu column, all of the money would have to be added that is in the amendment that would go to schools or to States for school construction to get a better comparison. That is all I am saying.

Lastly, I say why send poor kids to poor schools? Let us help the poor kids, but let us rebuild our schools, too.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

The Senator from New Hampshire has 3 minutes 20 seconds remaining.

Mr. GREGG. The Senator from Iowa, of course, raises a valid point, which is the money is still going back to the States if it goes back to school construction. The point, however, which is the whole essence of this argument or debate—"argument" is the wrong term. The essence of this debate is that the dollars under the title I program, especially the new formula which targets those dollars, is used on low-income kids and actually goes to the kids in low-income schools.

The school construction money is outside title I. It is not an authorized program. It does not even exist as a Federal program. It just exists as an expenditure under the appropriating process, and it does not flow at all under the title I process.

The goal of title I is to benefit the low-income child. School construction money does not benefit the low-income child. There is no structure to do that. It is money that is spent by the States however they want to spend it on construction. It makes much more sense to take this money and move it into the title I account into the new targeted formula so we end up with a child who comes from a low-income background actually benefiting from these dollars. That is the purpose of this amendment.

I yield back the remainder of my time.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. Under the previous order, the pending amendment was set aside and the Senator from Louisiana, Ms. LANDRIEU, is to be recognized to offer an amendment on which there will be 60 minutes of debate equally divided.

AMENDMENT NO. 258

Ms. LANDRIEU. Mr. President, I thank the Chair and the ranking member for their fine work on this appropriation bill that is so important to our schools, to our health care infrastructure throughout the Nation at this important time, as well as to our labor community and the work they have done.

I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. COCHRAN, Mr. BENNETT, Mr. HATCH, and Mr. ENSIGN proposes an amendment numbered 258.

Ms. LANDRIEU. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

AMENDMENT NO. 258

(Purpose: To redistribute certain funds under title I of the Elementary and Secondary Education Act of 1965)

On page 55, line 6, strike "$8,568,000,000" and insert "$7,172,690,000".

On page 55, line 11, strike "$1,632,000,000" and insert "$1,365,031,000".

On page 55, line 12, after "section 112A:", insert the following: "Provided further, That
Senator SPECTER, who is cosponsor of an honor and a pleasure for me and proceeded to consider the resolution.

Mr. SPECTER. I thank my distinguished colleague from Louisiana for yielding, at least before she starts her presentation, to my colleague from Pennsylvania for a resolution.

Mr. REID. If I could ask the two Senators from Pennsylvania a question, I understand how important this resolution is, but do you have an idea how long it will take? We have to get the votes out of the way before 1 o’clock.

Mr. SPECTER. If I might respond, I think we can dispense with it in the course of 6 or 7 minutes.

Mr. REID. I ask unanimous consent that the two Senators each have 4 minutes to speak on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

HONORING COACH JOE PATERO

Mr. SANTORUM. I ask unanimous consent that the Senate turn to the consideration of S. Res. 175, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 175) honoring Penn State University as a great American, a great Pennsylvanian—although he was born in New York, we consider him a great Pennsylvanian—Coach Joe Paterno.

This past weekend—and I see my colleague from Louisiana here, so I mention Penn State defeated the Ohio State Buckeyes on October 27—he becomes the “winningest” coach in Division I-A history, surpassing Paul “Bear” Bryant.

I recognize and celebrate that great accomplishment of Coach Paterno, but the bottom line is, of all the things he has accomplished at Penn State, this is one of his lesser accomplishments. This is a man who really tries to hold athletics and everything he does to the highest level of integrity. He teaches that to his children—yes, to his children, and to his kids who are on the team, but he also teaches it to the whole university community and to us as a nation.

He is a man of incredible character. He said: Success without honor is an unseasoned dish. It will satisfy your hunger, but it won’t taste good.

This is a man who understands that there is more to life than just winning. He has won more than anybody, but he understands there is a much bigger picture, and if you tell the kids who have graduated from his program—by the way, he has one of the highest graduation rates of any football program in the NCAA, almost double the average for the NCAA—this is a man who understands football is not just about winning but about building character, building a better foundation for our country and our kids and the people who touch the program.

Finally, I must discuss his humility. Those in public life, in the eye of the media all the time, understand when you are the “winningest” coach in college football history, it is easy to be full of yourself, but this man understands that humility is the key to success. It is an important virtue that we have far too little of in this country.

I quote again from Joe Paterno: Publicity is like fish; it doesn’t hurt unless you swallow it.

Joe Paterno has never swallowed the poison of media attention, trying to push him up. He understands his greatness is in his humility, his simplicity, and his integrity in doing the little things well every day.

As a Penn State alumus, I congratulate him. I congratulate Joe’s wife, Sue, a great partner in Joe’s career. I thank him for what he has done for the university, not just in the football field. They have done a tremendous amount of charitable giving and leadership for the university.

I thank him and recognize him. As a Senator from Pennsylvania, he is someone I am very proud to call one of our own.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I join my colleague, Senator SANTORUM, in offering praise to Coach Paterno for his tenure spanning the administrations of 11 United States Presidents.

I also ask unanimous consent that the Chair and I thank Senator from Louisiana for yielding me this time.

The PRESIDING OFFICER. Without objection, the Senate resolution submitted earlier by the Senator from Pennsylvania, S. Res. 175, and the preamble are agreed to.

The resolution (S. Res. 175), with its preamble, reads as follows:

Whereas Joe Paterno has served Penn State University as a coach for 52 years, a tenure spanning the administrations of 11 United States Presidents.

Whereas Joe Paterno has served as Penn State’s 14th head coach for nearly 38 years, since February 19, 1966.

Whereas Joe Paterno has been on the coaching staff for more than half of the football games played by the Nittany Lions since the program began in 1887.

Whereas Joe Paterno always places a very strong emphasis on academic achievement and character building, as evidenced by the selection of 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarship winners so far during his tenure.

Whereas Joe Paterno’s most recent NCAA 4-year player graduation rate of 76 percent.
Mr. DeWINE. Mr. President, I thank my colleague from Louisiana for her nice comments. I appreciate the fact that she has yielded to me. I congratulate her for not only this amendment but for all the work she does for all children, and particularly poor children. The coming years will be more demanding than is she to the children of this country.

I rise today to express my support for Senator LANDRIEU's amendment as well as for Senator LIEBERMAN and Senator DEFRANCO's amendment to fund this grant program—what is until now with these two amendments. These amendments would fundamentally begin to fulfill the promise and commitment the Federal Government made to the poor children of this country in 1994. This is unprecedented. It is historic. So I congratulate both of my colleagues for their amendments.

Under Senator GREGG's amendment, the districts most in need would not only receive the money they deserve but also would have the flexibility to decide how best to use their title I funds, whether that is to hire more teachers, provide professional development, or purchase instructional material—whatever they wanted to do. The districts, the local communities, would be able to decide for themselves where and how those dollars would do the most good.

For example, one school may have a lot of students who are having problems in math. That school district could use their title I dollars on math instructional materials or to better train their math teachers. Another school might have a small group of students who would need more individualized instruction in reading and the language arts.

The problem is that this funding enables the local school to use this money to help the distinct needs of their own students. By funding these targeted grants, we are finally focusing on those kids truly in need. This gets us back to the original intent of the Elementary and Secondary Education Act and the title I program, which is to help address the needs of children in low-income areas where the districts simply cannot meet their basic needs on their own.

The problem has been that over the course of the last 3½ decades, the Federal Government really has strayed from this point, from its intent, with politics often driving education policy and not the needs of these low-income students. As a result, the money intended to reach the most impoverished districts, and the most poor children, has simply not been getting there. These amendments go a long way to begin to rectify that.

Because the Federal role in education accounts for only a small percentage of school spending—about 8 percent—we must be especially prudent and wise in allocating those very limited, finite Federal resources. That means we should direct those resources strategically, and foremost to America’s most needy children. That means we need to fund the targeted grant program.

The tragedy today is that not all children are getting the quality education they deserve because our society is divided along economic and educational lines. This division is nothing new. Scholars and sociologists warned us really for decades that this was where our Nation was heading, particularly if we did not properly educate our children.

Unfortunately, we did not heed the warnings and, as a result, our Nation today is a nation split really into two Americas, one where children get educated and one where, tragically, they do not.

This gap in educational knowledge and economic standing is entrenching thousands upon thousands of children into an underclass and into futures filled with poverty, little opportunity, and little room for advancement. That is exactly what is happening in my home State of Ohio and across the country.

Ohio generally is a microcosm of what we see in the country. When we look at this growing gap, when we see this development of the two Americas, what we see in Ohio is also what we see in our Nation. In Ohio, growing income and educational disparities are creating our own very permanent underclass.

Most of Ohio is still doing pretty well and doing pretty well educationally. Children in those areas have a great future. However, when we look across our State, when we look across the Nation, we see two areas where that is not taking place, areas where the children are not being educated as well as we would like and where the income level shows that disparity. One place is in rural Appalachia, our Appalachian counties, and the other is in our inner cities. This is where we as a society, we as a people, face our greatest challenge.
The children living in these high-poverty areas are at risk, every single one of them. The structural conditions of poverty make it very difficult for these children to succeed in life and to move up and out of their impoverished circumstances.

The fact is that with poverty often come drugs, crime, broken homes, unemployment, violence, and lower educational levels. In fact, according to the National Center for Educational Statistics, in 1999, young adults living in families in the lowest 20 percent of all family incomes were five times as likely to drop out of high school as their peers with families in the top 20 percent of the income distribution.

The point is not that money solves all problems. The point is we have an obligation, with the finite dollars we have available to us, to spend them wisely and prudently. We need today to fulfill to what we have committed in the past. We have not done; that is, help poor children of this country.

In conclusion, because of the cyclical nature of poverty and the systemic problems associated with it, I believe that the best way we can get to these children before they are educated to do the things in life that they need to do is to provide them the tools necessary to rise above individual situations in poverty and instability and individual situations of hopelessness and despair. When education is not working to give our kids the tools they need to move ahead in life, those children suffer.

We can’t solve all the problems of this country. We can’t fix all the broken homes. But we can use Federal dollars in ways that help close the educational gap in America.

That is exactly what we are doing with my colleague’s amendment and with Senator Gzug’s amendment. We are finally putting our money where our mouth is. No more lip service. This funding would go to enable schools to provide opportunities for low-income and low-achieving children to gain the knowledge and skills necessary to succeed in school and later in life.

In doing so, we will help education equalize the environment for our children. That is the right thing to do.

I thank the Chair. I thank my colleague, and I again congratulate her for the excellent amendment and for the work she does for children every day.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I appreciate the remarks of my colleague from Mississippi and my neighbor to the south right across the line because we both know the common challenges in Mississippi and Louisiana. The Senator spoke about the need for this amendment and called the attention of the Nation to the fact that about 60 percent of the students in Mississippi—that would be about the same for Louisiana, probably about 65 percent—live below the poverty line or are so close to it that opportunities are hard to come by. I think it is important for us to step back and take a moment to recognize that great inequity.

As I refer to my notes, I am reminded that in order for students to be eligible for title I, as the distinguished Senator from Mississippi knows, it means a family of four can make no more than $22,000. It is hard for an individual to live on $22,000, much less a family, whether they live in rural Mississippi or rural Louisiana or right here in Washington, DC. But there are many working families who have incomes at that level, and all they are asking for is that they be given the same educational opportunities, so that instead of bringing in that $22,000, they could bring in $45,000 or $65,000 or $100,000, and not only help...
tough because there are some States we have received. And I know it is to meet these higher standards. That is Mississippi, and places in Delaware that we are expecting to do better. When we give them by giving this additional funding, we can also expect higher standards from us. The President wants us to do. It has been funded in the Senate. It is the first time the targeted grant formula has been used in the Senate.

As we push our schools to greater heights, as we expect higher standards, there is a sense of urgency to move our schools to a higher level, expecting performance and not concentrating on process, but expecting results, accountability, improvements, and working with the local people in a partnership to do that.

Why is that important? It has always been important. It has always been important, but I think in the wake of September 11 it has become even more obvious why it is important to have excellence in our schools and to give every child, regardless of whether they come from a wealthy district in Connecticut or the cotton fields of Mississippi and Louisiana, the chance to succeed, to carry the flag that we all share as Americans, and to do the very best we can to hold up that flag when our Nation calls upon us to do so.

I have been very impressed with the work of the Business Roundtable on education. They, along with many corporate executives, have supported some of the educational reform efforts that are being made in this Congress. I commend them for their focus.

They issued a poem, written by one of their members, that I will ask to be printed in the RECORD. I want to share it with my colleagues this morning because it so clarifies where we are today in America and why the underlying bill is important, and why the targeting amendment is important.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. It is entitled "Pretty Good." It reads as follows:

Pretty Good
(By Charles Osgood)

There once was a pretty good student,
Who was taught by a pretty good teacher,
Who always let pretty good pass.
He wasn't a whiz-bang student;
But for him education was leading Straight down a pretty good path.
He didn't find school too exciting;
He never thought of his education.
And he did have some trouble with writing
And nobody taught him to spell.
When doing arithmetic problems,
Pretty good was regarded as fine.
Five plus five needn't always add up to ten,
A pretty good answer was nine.
There's a pretty good chance that in
Was part of a pretty good school.
On the contrary, he was the rule. The pretty good school that he went to was in a pretty good town. And nobody seemed to notice. He could not tell a verb from a noun. The pretty good student in fact was Part of a pretty good mob. And the first time he knew what he lacked when he looked for a pretty good job. It was then, when he sought a position. He discovered that life could be tough. And he soon had a sneaky suspicion. Pretty good might not be good enough. The pretty good town in our story was part of a pretty good state, Which he perhaps did not appreciate, And prayed for a pretty good fate. There once was a pretty good nation, Pretty proud of the greatness it had, Which learned much too late. If you want to be great, Pretty good is, in fact, pretty bad.

We have some pretty good schools. We have some pretty good students. We have some pretty good teachers. We have to have great schools, great students, and great teachers. We need them in Mississippi. We need them in Connecticut. We need them in Pennsylvania. Our country depends on educated citizens to lift this democracy, to help lift this world, and to become a beacon of light. We can do that. It is not that complicated. It just takes some principles, some determination and some funding levels, partnerships with local governments, to make it happen.

The underlying bill, with this amendment, and the work that has been done in the authorizing committee will get us from pretty good to great. That is what our Nation needs at this time.

It yield back the remainder of my time.

Mr. HATCH. Mr. President, I am delighted to support, enthusiastically, the Landrieu-Cochran amendment. I am proud to be an original cosponsor of this amendment. I believe this is a balanced and bipartisan amendment. I am especially pleased that this amendment represents a change in the way the title I formula is funded. My State of Utah has been socked by this formula so that there are more funds targeted to poor areas, and States which have already targeted poor areas. This amendment would assist States which currently are being compelled to address this issue.

This means that based on the per-pupil expenditure, Utah ranks relatively low. But the per-pupil expenditure is only one measure to judge a State’s commitment to education. Utah has a relatively low tax-base and the highest percentage of school aged children.

This means that the formula sends a strong signal to these students that the Congress deem it a priority for a State to find a way to eliminate this barrier to academic progress. I am very proud that my State of Utah has had a policy of equalizing resources among school districts for decades.

A majority of States have either been taken to court or been threatened with lawsuits over the issue of equalized resources among school districts. This amendment would assist States which currently are being compelled to address this issue.

As a conservative, I am pleased that the equity provision does not mandate to States how they should achieve a more equitable school funding strategy. It merely rewards them when they do achieve a more equitable school funding strategy.

I am also pleased that this amendment would establish an alternative proxy for determining a State’s commitment to education. Currently, the only measure is the per-pupil expenditure. That measure unfairly evaluates a State like Utah’s commitment to education. Utah has a relatively low tax-base and the highest percentage of school aged children.

Funding for the Education Finance Incentive Grant program is good policy. It just makes sense. I am pleased to support the Landrieu-Cochran amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from Louisiana makes changes in the formula so that there are more funds targeted to poor areas, and States which have already targeted poor areas are going to receive more funding. Pennsylvania is a winner in this formula fight. I tend to support the amendment.

Nobody has appeared in opposition to the amendment, and there are a number of States which are adversely affected. It is my hope that other Senators wishing to protect their interests will come to the floor to present their arguments.

Parliamentary inquiry, Mr. President. If we now go to a quorum call, the time can’t be charged against the Senator from Louisiana because she has no time remaining. So is the time charged against the opponents of the amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I re-
realize my time has expired. Since no one is here to speak against the amendment, would there be any objection to my taking an additional few minutes?

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, may I inquire of the Senator from Louisiana how much additional time she wants?

Ms. LANDRIEU. I would only need 2 or 3 minutes.

Mr. SPECTER. I have no objection.

Ms. LANDRIEU. Then I would be happy to yield to Senator KENNEDY.

Mr. KENNEDY. Would the Senator be kind enough to yield 1 minute to the Senator from Massachusetts in opposition to the Gregg amendment.

Mr. SPECTER. I will accommodate the Senator from Massachusetts on that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, to go into some more detail about the importance to Louisiana, Louisiana is slated to receive approximately $212 million in title I funding. Under this amendment, that will be $21 million more than we received last year. We spend about $600 per title I student. This amount will increase by almost a third for the students in Louisiana, increasing it to $900.

Caddo Parish may receive a 21 percent increase in title I funding. East Baton Rouge, the capital parish, will receive a 16 percent increase. Orleans parish could receive a 24 percent increase. These are several examples of how beneficial this will be to the parishes in Louisiana, and I am sure to counties in Mississippi as well as to the State of Delaware.

This is an amendment that will help all school districts by trying to target more of the resources to those school districts that have high concentrations of poor students and limited opportunities to raise their own funds locally. That, clearly, is a role the Federal Government should play.

I will submit for the RECORD a more comprehensive list of what it will mean to all of the States, as well as the State of Louisiana, in terms of percentage of increase.

Again, this is a beginning. I know Senator KENNEDY will join me in saying that $1 billion is not really enough. But given the other pulls on our budget, it is what we can do this year.
Ms. LANDRIEU. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I thank the Senator from Pennsylvania for allowing me a minute. We have been in a markup. Everyone is pressed.

I rise in opposition to the Gregg amendment. The Gregg amendment deals with public school construction but doesn’t cut out charter school construction resources. I appreciate the fact that Senator Gregg understands that we need additional resources in title I. We are only reaching about 35 percent of all of the children. Even with the increases that we anticipate this year, with the increasing challenges we are facing economically, we are still only going to reach a relatively small percentage of children that are needy.

I understand we need additional resources. The fact is, we shouldn’t be robbing Peter to pay Paul. We need to invest in and increase title I. We need an effective program of construction, public school construction and charter school construction.

Every day, until recently relatively, in my own city of Boston, when the temperature went below 20 degrees, we had 15 schools that closed, where there are a number of title I children, because of the fact that they didn’t have the heating and because of the construction lapses. We were denying these children the opportunities for learning.

This is a carefully targeted program that Senator Harkin has directed. It is a necessary one for needy children. I hope the Gregg amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, how much time remains on both sides on the Landrieu amendment?

The PRESIDING OFFICER. There is no time on the side of the Senator from Louisiana. The opponents have 20 minutes remaining.

Mr. REID. Would the Senator from Pennsylvania be willing to yield back the time? Then we could go to the vote on the Gregg amendment.

Mr. SPECTER. I would. I think we should proceed with the business of the Senate. If I might ask my colleague from Nevada, what would happen then to those who want to make arguments in opposition to the Landrieu amendment?

Mr. REID. They would not be able to make any argument.
This is the first significant change in title I in its philosophy and approach that we have had in many years. It rewards effort and it brings equity. If we want to have true education reform, we vote for the Cochran-Landrieu amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HARKIN. Madam President, is there time remaining?

The PRESIDING OFFICER. There is 1 minute in opposition.

Mr. REID. Madam President, I ask unanimous consent that the time in opposition be yielded back and we begin the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Members should be advised this is a 10-minute vote.

The PRESIDING OFFICER. The question is on agreement to amendment No. 2058.

Mr. KENNEDY. I ask for the yeas and nays.

Is there a sufficient second?

Yes.

The assistant legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 317 Leg.]

Mr. BYRD. Madam President, may I say to Senators that the Chair has been trying to get order. The Chair has been trying to get order. The Chair has been trying to get order.

I think it is about time that Senators pay some respect, show some respect toward the Chair.

Madam President, I thank the Chair and I thank all Senators.

I have sought the floor at this time to urge that we get on with action on this bill. I believe today is the beginning of the period allotted by the fourth CR.

Mr. STEVENS. Right.

Mr. BYRD. Which extends from November 1 to the 16th. It is not a very pretty picture when we pause to reflect on the work that remains to be done—remains to be done on appropriations bills. Here we are on November 1. We have 2 months left in this year, in this calendar year, and we are far into the fiscal year. Two conference reports have passed the House and Senate and are pending at the White House, the Interior bill and the military construction bill.

There have been conferences completed with floor action pending—the House will act on the three conference reports and may have already acted on them by this time; I am not sure—on Treasury, on energy and water development, and on legislative branch.

The Senate could proceed quickly to finish those. If the Senate is able to finish those 3 conference reports by the end of the day, that will make a total of 5 out of 13.

There are five conferences that are expected to be completed by Tuesday, November 6. They are these: VA-HUD, foreign operations, Transportation, Agriculture, and Commerce-State-Justice. That will make a total of 10 if those conferences can be completed.

Senator STEVENS and I have talked with the chairman of the House Appropriations Committee and urged that we get our conferees together and get these conferences going. So there is a lot of effort being expended. A lot of time is being expended that isn’t seen on this floor.

We do a lot of work off this floor. We are here in the evenings. We are here when darkness has fallen over the city. It is not a safe city to be in. It has not been for a long time, for that matter. But that is an aside.

We need to get this work done on the floor. We have a bill here that we ought to move. I urge all Senators who have amendments not to put them off until next week thinking they can do better next week. They are not going to do as well next week. I urge Senators to call up their amendments and let the managers know. Both managers are here. They have been here. Let’s get on with this business.

Mr. BYRD. Madam President, may I remind Senators how important this bill is. If any Senators are here expressing the amounts of money for anything in this bill, or to add moneys, let me tell you what you
are doing. If there is any effort here to alter the 302(b) allocation, you had better forget it because I am here ready, as one Senator, to move to table any such amendment. Just as quickly as I can get the floor, I will move to table it.

I have discussed this with my counterpart, my distinguished friend, Mr. STEVENS. He is here to speak for him—such amendment. Just as quickly as I as one Senator, to move to table any forget it because I am here ready, as I am doing. If there is any effort here to because the House Appropriations Committee and subcommittees have the same allocation that we have over here in the Senate.

This bill includes $51 billion for the Department of Education, $4 billion above the President’s request. I fought to get at least $4 billion more. They wrestled like Jacob with the angel overnight to get that additional $4 billion for education in this bill.

Let me tell you what you will be doing. You will be creating problems for items that are vital to you and your constituents. You will be creating problems in the House if you do that because the House Appropriations Committee and subcommittees have the same allocation that we have over here in the Senate.

This bill includes $51 billion for the Department of Education, $4 billion above the President’s request. I fought to get at least $4 billion more. They wrestled like Jacob with the angel overnight to get that additional $4 billion for education in this bill.

Let some Senator come on this floor and try to alter the allocation. They are going to get a fight. You will not get as well as things are doing. I say to all Senators that I don’t mean to be mean spirited, but I am trying to be realistic. We have to get this work done. If you are counting on coming here and adding moneys on this bill and calling the addition an emergency, forget it, because we included in that agreement among the four House and Senate chairmen, the ranking member of the House committee, and the ranking member of the Senate committee—an agreed-to the $4 billion.

I say to all Senators that I don’t mean to be mean spirited, but I am trying to be realistic. We have to get this work done. If you are counting on coming here and adding moneys on this bill and calling the addition an emergency, forget it, because we included in that agreement among the four House and Senate chairmen, the ranking member of the House committee, and the ranking member of the Senate committee—an agreed-to the $4 billion.

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Mr. BYRD. Madam President, I thank my distinguished friend, the former chairman of the Appropriations Committee.

I wonder if we might raise a question here concerning the DC appropriations bill. This is another bill that we could act upon, I would think, today. I wonder if we might be able to make some arrangement that will allow us to complete the DC appropriations bill today.

Mr. STEVENS. Madam President, if the Senator will yield, I understand the negotiations are underway to try to pursue the concept that we previously discussed. That could be a means of trying to report the bill from committee with an amendment. That has not been agreed to yet, but I hope it will be soon. Personally I will support that concept. It would be a matter of putting one amendment on the bill as it comes out of committee; and that amendment would be in conference. It is not an amendment that is in the House bill.

So I would hope we would have an opportunity to take that path.

Mr. BYRD. I thank the distinguished Senator.

Mr. REID. If the distinguished chairman of the Appropriations Committee will yield, there have been conversations with the distinguished Senator from Texas, Mrs. Hutchison. The only way out of the problem we have is what I talked about with the chairman. If the committee were limited to one amendment, that could happen very quickly. It could come to the floor, and we could finish the bill rapidly at that time.

I also say to my friend from West Virginia that during the votes, significant progress has been made on this bill. I think the light at the end of the tunnel will be able to be seen in a little while.

Mr. BYRD. Madam President, I thank all Senators who have spoken. I particularly thank the distinguished Senator from Alaska, Mr. Stevens. And I thank the majority whip. I am available if I can be of assistance to him in pursuing this matter. I believe, as he says, we can see the light at the end of the tunnel. There seems to be a willingness on the part of Senators who have an interest in the DC appropriations bill to come to some agreement. As chairman of the committee, if I can be helpful in engineering a reporting from the committee of the House bill with an amendment, I will be happy to be of help.

I thank all Senators for listening. And I particularly thank the managers of the bill for the progress that has been made on the bill thus far.

I yield the floor.

The PRESIDING OFFICER (Mr. Nelson of Nebraska). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Iowa, I will be just 2 or 3 minutes.
appreciate it if whoever has an anonymous hold on this bill would be willing to step forward. But I want to make it crystal clear to the majority leader, and other colleagues, that I have a hold on every piece of legislation from the other side of the aisle that is not emergency legislation. I have a standing hold on all of your legislation.

Mr. GRASSLEY. Mr. President, before I speak on another subject, I say to the Senator from Minnesota, I hope he knows my practice; when I put a hold on a piece of legislation or an individual, I put a statement in the RECORD as to why I have put on that hold, so you know that it is Senator GRASSLEY who has a hold on that item. I do not approve of Senators putting holds on legislation and not doing it that way. But, on the other hand, I am doing it for whoever that anonymous person is.

Mr. WELLSTONE. I thank the Senator for his courtesy. I know that about how I put a hold on the Senator from Iowa, with a twinkle in my eye, I am not putting any anonymous holds on any other legislation he is trying to move. I made it clear on the floor of the Senate, I am putting a hold on all of it unless it is absolutely an emergency.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent of the Senate to proceed to the period of morning business until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

RESPONSE TO ATTACKS ON THE SENATE REPUBLICAN CAUCUS STIMULUS BILL

Mr. GRASSLEY. Mr. President, I come to this Chamber to address an issue that was discussed yesterday. I do it because I am the ranking Republican on the Senate Finance Committee. I want to respond to some Senators on the other side of the aisle—meaning the majority side of the aisle—who have raised concerns about legislation that I have put forth as part of a stimulus package. I put forth this legislation for our Republican caucus in my capacity as former chairman and now ranking member of the Finance Committee. So I want to respond, first, to the majority leader’s and Budget Committee chairman’s comments about the Senate Republican caucus proposal.

From my point of view, these comments were destructive of bipartisanship. The attacks came yesterday afternoon on the floor, following a news conference that was held on the Capitol grounds. In contrast, while these things were going on yesterday, I spent time working for an agreement that on a piece of legislation or an other word, for a bipartisan agreement.

In fact, for a number of weeks, the chairman of the Finance Committee, Senator BAUCUS, and I have been meeting in an attempt to find an agreement on a stimulus package. Last week, Senator DASCHLE and Senator BAUCUS released a stimulus proposal that, as they indicated, clearly reflected the main line of the Democratic caucus. Senator BAUCUS made it clear that it was basically a negotiating position and that he would be willing to move to the center.

The proposal was released as a position for the caucus. It was made very clear in statements, well-intentioned on the part of Senator BAUCUS, that it was basically a negotiating position and that he would be willing to move to the center, or saw that as necessary as part of the process to get legislation through the Senate.

In general, Republicans such as myself reacted constructively to the proposal. I was quoted in the press accordingly. I disagreed with the proposal Senator BAUCUS put forward, but I recognized it as an essential part of a normal process of getting a bill through the Senate. I saw it as a positive step. Quite frankly, I viewed it as a response to the bill that passed the House of Representatives.

On Tuesday of this week, we Republicans responded to the Democratic caucus position with one from our own caucus. From our point of view, it mirrored the President’s stimulus plan. What kind of a reception did we get after we released our plan? In this era of bipartisanism and collegiality, something had happened. The attack dogs were unleashed and with a fury. The same day, Senator DASCHLE harshly attacked our proposal in an extremely partisan, stilted manner.

The next afternoon, which was yesterday, Senator CONRAD was on the floor with the usual props he has—uses them well—ferociously denouncing the Senate Republican proposal. Rather than use the proposal as part of the process, as we Republicans viewed the Democratic proposal, the Democrats instead have turned up the partisan heat and are trying to torch any real plan that will help our economy and our country. One has to wonder why we have such a double standard. Why is it that one side obsessively attacks the other, that fault is not found on that side? Senator DASCHLE, along with Senator LOTT, has exercised leadership since September 11. This had been a most important feature of doing business in Washington, DC, in these times of anxiety while we are trying to win the war on terrorism. The tone, as much as the substance, has been critical to the success of the proposal.

Senator DASCHLE himself said we should not be “strident” in these times of trying to win a war. So you can imagine my surprise, even anger, and surely disappointment, when I read the tone of Senator DASCHLE’s attack on the plan and, frankly, on me in press reports. Basically, Senator DASCHLE accused me of unilaterally stopping the stimulus process, particularly as it related to Republicans and Democrats working out a bipartisan agreement.

I will read the quote into the RECORD:

We’ve waited in an effort to try and find a way to work in a bipartisan manner. Unfortunately, as a result of Grassley’s decision yesterday . . . that will not be possible, at least in the short run . . .

I focus on Senator DASCHLE’s quote because it is a bit ironic. As he was criticizing me, I was preparing for a meeting with Senator BAUCUS on the stimulus package. I guess if you ignore the fact that Democrats put out a partisan package last week, then Senator DASCHLE’s quote would make some sense. But, of course, that is not true. So Senator DASCHLE seems to be saying that it is fine for Democrats to put out a caucus position and Republicans to be constructive, but if Republicans respond to our own caucus position, then that is partisanship. The Republican response justifies ramping up the content and the tone of the partisan rhetoric.

The American people expect better. They know a double standard when they see it. Let’s get back to the tone Senator DASCHLE set earlier. That is what I am asking for; that is a very good tone.

Let’s not descend to name calling, destructive partisan comments, and double standards.

Now I move to Senator CONRAD’s attacks which occurred yesterday afternoon. Let me say, this is a preliminary response to Senator CONRAD’s attack on the Senate Republican caucus plan. I will have a lot more to say on that later, particularly after I get some figures back from the Joint Committee on Taxation.

Senator CONRAD spent a lot of time yesterday developing charts that were to support his own Senate Republican caucus positions which he personalized by calling it the Grassley plan. He personalized his attacks, and that should be avoided. He decided to appoint himself as the teacher and accordingly grade everyone’s economic stimulus proposal. That is fine. He has that right. I don’t have a problem with that. If he is going to be the grader, though, I think he needs to be objective. He needs to treat those plans that he opposes the same way he treats those plans he supports. He does not do that.

The report card Senator CONRAD used yesterday is not the whole set of principles upon which the budgeteers agreed. I ask unanimous consent to print in the RECORD a copy of the budgeteers’ documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRINCIPLES FOR ECONOMIC STIMULUS

The Chairmen and Ranking Members of the House and Senate Budget Committees recognize the extraordinary circumstances resulting from the September 11, 2001 attacks, our country’s urgent attacks have created a national emergency, instigated a war on terrorism, and exacerbated
Mr. GRASSLEY. Under Chairman CONRAD’s methodology, one of two conclusions is apparent from this exercise. One, if tax cuts and new spending are treated similarly, then under Chairman CONRAD’s methodology, the Democratic package is $350 billion bigger than the Republican caucus package. That is a 2-to-1 ratio in favor of new spending. Alternatively, maybe Senator CONRAD is arguing that in scoring there should be a bias against tax cuts and in favor of new spending by assuming that new spending is temporary.

Since a key element of the budgeteers’ principles was long-term budget effect, you would think Senator CONRAD would have more carefully considered the 10-year cost of new appropriations and new entitlements. It seems to me he graded these plans long before he analyzed them. How else can Senator CONRAD explain the laxity of the long-term spending effect?

Adding new appropriations and new entitlement spending to the budget, even if labeled temporary, brings a long-term budget cost. Otherwise, we are trying to kid people. When was the last time we cut the appropriations baseline or a new entitlement? It doesn’t happen around here.

Now keep in mind that I have also asked the Joint Committee on Taxation to score the permanent effect of temporary tax cuts in each plan, but I do not have that analysis yet. I have had my staff work on it. They tell me it might narrow the gap some but would simply add to the total 10-year cost of each plan. Keep in mind that in making this comparison, I did not include the revenue loss of the Democratic caucus plan.

When former Senator Bradley left this body, he cited many reasons for leaving. One of the colorful references was to the deterioration of the level of floor debate. He referred to Senate debate as deteriorating to competing partisan cartoon-type characters endlessly talking past one another. Unfortunately, yesterday’s attack charts seem to me to illustrate the deterioration of the respect to which Senator Bradley was referring.
A few months ago, the Washington Post reported approvingly of the Democratic leadership’s message strategy. The article referred to a blackboard with a basic daily or weekly message. Apparently, yesterday’s message was to attack a good-faith Republican caucus attack me. I guess I say good job, or congratulations are in order, because the people who did it pulled off a well-coordinated attack.

What did such a harsh attack accomplish? When I go back to my farm this weekend, I imagine some of the folks back home might ask what the point of all that was. That is where I am, Mr. President. What is the point of this excessive partisan gamesmanship? What is the point of dumbing down the level of civility around here?

I say all these things in a constructive manner—from a person who just yesterday met with Senator BAUCUS to talk about a process of getting a stimulus package—hopefully, a bipartisan stimulus package—to the floor of the Senate. Although the transgressors in this case were Democrats, at times even my own Republicans have done the same thing. In this case, though, there really seems to be a Democratic rule book that includes a double standard.

So as one who practices bipartisanship, I say to those who talk about it: Practice what you preach.

As I said, I will have more to say in a comprehensive way about some of Senator CONRAD’s attacks on the specific pieces of the Senate Republican stimulus package.

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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. SPECTER. Mr. President, there have been very extensive discussions on the issue relating to stem cells, which, relating to what President Bush did on August 9 using existing stem cell lines, in an effort to codify that and give the President authority to move in that direction. The stem cell issue has been very controversial for reasons which do not have to be amplified at this time.

A good bit of the debate on the subject has been between the Senator from Kansas, Mr. BROWNBACK, and myself. Senator BROWNBACK has posed a series of amendments, which he intends to bring up at a roll call of very complex nature. The amendments Senator BROWNBACK has proposed to bring up involve the questions of the human germ line gene which I will not begin to explain at the moment, issues about therapeutic cloning, where science has given a name which suggests reproductive cloning, which it is not, but very complicated as to how it is worked out; amendments on the prohibition of the use of human fetal tissue, where there has been some scientific thought that although very repugnant on its face, there are some important scientific issues involved.

One of the matters was submitted to the American Society for Reproductive Medicine, and they have not even taken a position on it, which shows the complexity of the issue.

Were we to proceed with these amendments, on which we have consulted with the Parliamentarian, who says they are germane because there is some sufficient—it does not require a whole lot to make them appropriate, and the Senator from Kansas has every right to bring them. I do not know how long we would take to debate them.

In the course of the past 2 days, we have talked about second-degree amendments, and we have talked about many subjects which are extraordinarily complicated. I have been trying to get us up to speed to know what to say about them.

The concerns I have involve the issue of unintended consequences. That is a doctrine well-known in our culture. When one deals with these scientific issues, many scientists have told me it would stultify their activities, or at a minimum have a profoundly chilling effect.

So after very extensive discussions, what we have decided to do is to defer this matter to another day. We have a very important appropriations bill funding the Departments of Labor, Education, and Health and Human Services, and the continuation of the government early date is important so we can go to conference.

Ten days ago, I had a long discussion with Senator LOTT about seeing the need to conclude our work by November 16, which is the week before Thanksgiving. I have found my constituents in Pennsylvania are more interested in hearing what is going on in Washington now than they have ever been in the 21 years I have been in the Senate. I know that the war on terrorism going on, with the fighting in Afghanistan against the Taliban, and the bombing and the complexities there, then with the anthrax, there is an enormous concern across the country about bioterrorism. There is a real need, it seems to me, to bring all Senators to bring in their States and Members of the House to be in their districts to talk to their constituents, to tell them we do have a plan, we do know what is going on, and we are working constructively on these issues.

Ideally we should complete work on these appropriations bills as of September 30, but we know from practice we have continuing resolutions and the complexities of our work take us beyond that point. What really happens is that among the 535 of us, and add the executive branch, we debate and argue and hassle until we have our backs against the wall and really have to conclude our deliberations.

I said to Senator LOTT about 10 days ago I thought all of us were going to have to make concessions on some of the issues which we thought were of enormous importance and had to be really secured, and I am glad that today, Senator BROWNBACK is prepared to do that today.

These issues will be taken up, though, and in the very near future. Senator BROWNBACK and I talked to the majority leader, Senator DASCHLE, who agreed to bring up the stem cell issue with an opportunity for Senator BROWNBACK to raise his issues in the February/March timeframe. I consulted with Senator LOTT, in the event Senator LOTT would be the majority leader at that time, and got a similar commitment from Senator LOTT to bring up stem cells and Senator BROWNBACK’s issues in the February/March timeframe.

Senator LOTT had agreed to have a freestanding bill when he was majority leader, where we deferred action on stem cells going back to September in the fall of 1999. It was a very different issue, and he wanted to await development of whether or not it would indeed develop on the scientific front.

These discussions were held. Senator REID was a party to them.

I yield to the Senator from Nevada to confirm the representations I have made about Senator DASCHLE’s commitment to have a freestanding bill in the February/March timeframe.

Mr. REID. The majority leader understands how important this is to the Senate from Pennsylvania. I am a member of the appropriations committee and of which he is now the ranking member. He has held a number of extremely interesting hearings on this subject and has really perked everyone’s interest in the Senate on this issue.

Senator BROWNBACK feels just as fervently, and I think it is extremely appropriate, as does the majority leader, that there be a discussion on this issue, as indicated by the Senator from Pennsylvania, with Senator HARKIN, will hold a number of hearings on this prior to that date. I look forward to the discussion.

I think it is really good these two fine Senators worked out this arrangement because I think everyone needs more knowledge. This is a new area, a new field of science, at least for most of us. I think the passage of a few months we will be in much better shape to listen intelligently, and perhaps a number of us will be able to join in the debate. If we had these votes today, a lot of us would be really in uncharted territory. We have not had
Mr. PRESIDING OFFICER. Mr. President, I yield to my colleague from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues, and particularly Senator SPECTER from Pennsylvania who has been quite patient and diligent in working with me. I might also note that Bettilou Taylor on his staff has been so kind in working with us. Senator REID from Nevada, who has really worked to try to push these issues forward so we can get to some point of resolution on the underlying bill. I am not unaware of the need to move this bill through. We need to get the appropriations bills moved. We need to get this done so we can get to the economic stimulus package and be able to conclude it. I am pleased to see we have some resolution on the overall issue.

I will point out what I am thinking about in the amendments I was proposing. We had filed four of these amendments and were willing to put them into one amendment, have one vote, and have a moratorium for 1 year on several items. The moratorium would include human cloning. No human cloning, whether it be reproductive, or so-called their futurist-type, for 1 year. The moratorium, as well as Senator SPECTER from Nevada, who has really worked to try to push these issues forward so we can get to some point of resolution on the underlying bill. I am not unaware of the need to move this bill through. We need to get the appropriations bills moved. We need to get this done so we can get to the economic stimulus package and be able to conclude it. I am pleased to see we have some resolution on the overall issue.

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in the RECORD. I hope this is accurately reflected as to when Senator REID and the majority leader agreed on bringing up this issue.

Mr. REID. I say to my friend from Kansas, the statement made by you and the Senator from Pennsylvania is accurate. I recall the conversation of the majority leader and he, without any hesitation, indicated he would hold the hearings within the timeframe you indicated, the February–March time period.

We all acknowledge it is the right thing to do, and it is something we need to do. The statement made by the Senator from Pennsylvania and the Senator from Kansas is absolutely accurate.

EXHIBIT No. 1

[From Reuters, Oct. 5, 2001]

SCIENTIST SAYS FIRST HUMAN CLONE IS NEAR

(By Michele Kambas)

Nicotis (Reuters).—Scientists could create the first cloned human before the end of the year, a doctor with the controversial project said Friday. Dr. Panayiotis Zavos, who along with his Italian colleague Dr. Servino Antinorit, who triggered worldwide alarm with plans to create tailor-made offspring, said research was going faster than initially expected. The team has been banned from carrying out research in most European countries (news—web sites) countries. Zavos said that was not hindering progress. “It is going well enough so we may attempt the first production of embryos—cloned embryos—in the very near future. That is, three or four months from now,” Cypriot-born Zavos told Reuters in an interview on Friday.

Human cloning could effectively create a replica of another living or dead person. But Zavos, who said the “genie was out of the bottle” when researchers cloned the first mammal, Dolly the sheep, insisted there was nothing sinister in the endeavor. He said he was not in the business of creating “genetically-modified doppelgangers,” but in helping infertile couples have a child. “We are not interested in cloning the human being,” the maverick in the medical world, Zavos, whose work will be watched closely by groups interested in creating the first human clone, Severino Antinorit, an Italian fertility specialist, said, has set up a group of researchers who hope to create the first human clone “within months.”

The new discoveries have been described as “a significant step in the wrong direction” by Prof. Life All Dollo, Rockefeller Institute, its spokesman, said: “Cloning has so far been confined to livestock animals for which there can, arguably, be agricultural reasons for cloning research. “But what possible reason can there be for replicating a rhesus monkey? There is no reason we can see, to employ formal cloning processes which can be used later for cloning humans.” The alliance will take the Government to the High Court on Wednesday to seek a judicial review of Britain’s cloning legislation. The group says the laws are full of loopholes.

[From the Sunday Times (London), Oct. 28, 2001]

MONKEY TEST BREAKTHROUGH BRINGS HUMAN CLONES CLOSER

(By Jonathan Leake, Science Editor)

Scientists have created the first embryonic clones of an adult primate and are preparing to implant them into surrogate mothers. The work—involving embryos cloned from a rhesus monkey—is a significant development in cloning technology. Until now all the research had suggested that primates would be far more difficult to clone than species such as sheep and goats, which have already been used successfully in experiments. The primates’ breakthrough is certain to be seen as powerful evidence that it is now possible to clone a human being. The researchers have predicted that they will achieve the live birth of a non-human primate within months.

The latest results were achieved in America by Professor Don Wolf, of the Oregon Regional Primate Research Center, who is one of the most respected workers in the field. His results culminate from embryos is known to be relatively easy. This weekend, however, Wolf said the same technique was working well with somatic cells. To the kind that make up the bodies of adult mammals. He said: “We have been working with somatic cells and believe that success is just around the corner and embryos created from them are growing well in vivo.”

Wolf was unable to say when the embryos might be implanted into surrogate mothers. Scientists are said to be at exactly the right stage of their oestrous cycles, and this is hard to predict.
Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I was up in the Chamber a few minutes ago, but I want to compliment my distinguished ranking member, Senator SPECTER, for working out an agreement on the vital issue of stem cell research. I know there are Steel workers strongly about this one way or the other. I understand that. But I believe the agreement Senator SPECTER has worked out is one that will serve us well. We will have hearings. We will welcome all to come in and testify at these hearings on stem cells. I understand the agreement is that prior to the end of March, sometime in either February or March of next year, both the majority leader and minority leader have agreed that we will bring a stem cell research bill to the floor for our consideration. With that agreement, I think it paves the way for us to have some more indepth hearings on whether or not we have enough stem cell lines to do the kind of research that needs to be done, or whether we need some more stem cell lines to conduct this kind of robust research. We will be having those hearings.

Sometimes Senator SPECTER chairs them and sometimes I do. But we will continue to have those hearings throughout the next few months. Even though the Senate may not be in session, we will continue to have those hearings to try to get a better understanding of what we need to do to provide the ethical guidelines and the kind of monetary support that we need for our science to conduct embryonic stem cell research.

Because I was missing from the Chamber when that agreement was worked out, I want to commend Senator SPECTER and other Senators for working out an agreement on that issue.

Lastly, we are on the floor. Debate on the Labor, Health and Human Services, Education, and related agencies appropriations bill is about over. There are some amendments to offer. I ask Senators who have amendments to please come to the floor and offer those amendments. The sooner we get to amendments, the sooner we will get out of here. I just had one Senator come up to me asking about catching a flight out tonight. I say to my fellow Senators, if you will come over and offer those amendments, then people could get out of here. The longer people stay away from the floor and don’t offer their amendments, people can’t get out of here.

Mr. REID. Madam President, if the Senator will yield, this is the third day that the Senator from Iowa and Senator SPECTER have managed this bill. Significant progress has been made, especially today. But I think enough time has gone by to wait for people to arrive. I hope that in a reasonable period of time, if people are not here to offer their amendments, the Senator from Iowa and the Senator from Pennsylvania can move to third reading. It is not fair to the people who are sitting around, I, as the Senator from Iowa, have been approached several times. People say they have things to do rather than waiting around doing nothing.

What drives people to distraction, as rightfully so, is when they free in these endless quorum calls waiting for people to come over with amendments. They are not doing us a favor by offering the amendment, but it is a right established under the precedents of the Senate.

I hope the two managers of the bill, in a reasonable period of time if we don’t have people offering amendments, will move to third reading. We have a lot of other things to do tomorrow. If we have the full conference reports that have been approved by the House, we have to take care of those today if we want to be out of session tomorrow. The leader indicated to me just a short time ago that he would like to not have any votes tomorrow. But he is going to have votes tomorrow if we don’t complete this bill.

With the progress the Senator from Iowa and Senator SPECTER have made during the time since the vote expired, I think we can clearly finish the bill tonight. If not, we can draw this bill on. I repeat for the third time that if Members are not coming to offer their amendments, we will go to third reading.

Mr. HARKIN. Madam President, I thank our assistant majority leader for his great leadership in pulling people together and getting this legislation moving, as he has done on so many other bills. He has been stalwart here on the floor to make this place work and rightfully so, is when we are in the end, people can offer their amendments to make sure we move in an expeditious manner. I thank the Senator for his leadership in getting the Senate to do its work.

I yield the floor.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I have an amendment I will be offering having to do with impact aid. That is a very significant issue. One of the best programs Congress put together was way back in the 1950s. That was when

Wolf’s interest in such work has nothing to do with human reproductive cloning—a concept that he and most other serious researchers deplore. Their aim is to create lines of genetically identical laboratory animals that can be used to test drugs and therapies much more accurately. Additionally, cloning technology holds out the possibility of someday replacing tissues for damaged organs.

There are, however, a number of other groups that are intensely interested in using the work done by researchers such as Wolf to clone humans. One group of researchers is led by Dr. Severino Antinori, the Italian fertility specialist, who has set up a consortium to create the first human clone “within the next few months”.

Some researchers say such a venture is fraught with danger since cloned animals seem to be prone to a mysterious array of defects that could also affect a human child. The validity of such fears has been borne out by the latest results from a second team of researchers, which is also working on cloning rhesus monkeys. Its leader, Professor Gerald Schatten, of Pittsburgh University, said that like Wolf he had also recently created embryonic clones from rhesus monkeys—and had already attempted to implant them into females. So far, however, he has been unable to achieve a pregnancy, and last week his analysis suggested that this was because the cloning process had disrupted the organisation of the chromosomes that carry the animals’ DNA.

(By Jonathan Leake)

Scientists have created the first embryonic clones of an adult primate and are preparing to call the roll.

Fertility specialist who has set up a consortium led by Dr. Severino Antinori, the Italian fer-

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they made a determination that if the Federal Government came in and federalized land, either for military purposes, Indian schools, or any other purpose, and took the land off the tax rolls, they would still have to educate the kids. Slowly over the years, politicians in this Chamber have been sure—that have been taking money out of the impact aid account, so it has gone down to about 25 percent of what it really should be.

I will be offering that amendment and waiting to discuss it.

(The further remarks of Mr. INHOFE are located in today’s RECORD under “Morning Business.”)

Mr. INHOFE. 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 that the order for the quorum call be rescinded.

Mr. INHOFE. 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 that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2018

Mr. INHOFE. Madam President, I call up amendment No. 2018 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2018.

Mr. INHOFE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the funding levels for certain activities under the Impact Aid program under the Elementary and Secondary Education Act of 1965)

On page 56, strike lines 5 through 17, and insert the following:

For carrying out programs of financial assistance to federally affected schools authorized by the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8004(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

Mr. INHOFE. Madam President, this is an issue we have addressed many times. We addressed it first during the budget consideration when we were going to increase impact aid by $300 million. Unfortunately, the appropriators have brought it down to an amount a little less than half that.

Democrats and Republicans have set a goal we will have impact aid fully funded sometime in the next 4 or 5 years. This will bring the amount of basic support for impact aid equal to the House figure.

That is essentially the amendment. The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have checked with the manager of the bill on this side. He has no objection to the amendment. I think there is no objection on the other side.

I say to my friend from Oklahoma, if some small chance there is a problem with the minority, we will come back to the Senate.

Mr. INHOFE. That would be fine. I will accept it.

Mr. REID. I ask approval of this amendment.

Mr. INHOFE. Yes, with that agreement, the PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2018) was agreed to.

Mr. INHOFE. Yes, with that agreement.

Mr. REID. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have been waiting literally all afternoon for two Senators to offer amendments. I don’t really think it is fair to the rest of the Senate to wait around here as we have. Calls have been made. I don’t know what more we can do other than move to third reading. At the appropriate time this afternoon, that is what we are going to do. Everyone should be on notice that is going to be done. I know we talk about it all the time. I guess it is like the proverbial crying of wolf all the time. We do everything we can for people to come and offer their amendments. I really think it is unfair that everyone is waiting.

At least 10 Senators are wanting to know what the schedule is and whether they can make certain arrangements for travel tonight or tomorrow afternoon or tomorrow morning. We do not know. We are waiting for people to come to offer amendments.

I hope Senators will be more considerate of the other 98 Senators, plus all the staff and everyone else trying to get this bill completed. I think it is really unfair that we have waited as long as we have.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. HARKIN and Mr. SPECKER, proposes amendments Nos. 2062 through 2073, en bloc.

Mr. REID. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2062

(Purpose: To provide for an election of an annuity under section 377 of title 28, United States Code, for any qualified magistrate judge)

At the appropriate place, add the following:

SEC. 519. (a) DEFINITION.—In this section the term “qualified magistrate judge” means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(b) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

AMENDMENT NO. 2063

(Purpose: To require the Inspector General of the Department of Health and Human Services to audit all amounts allocated for AIDS prevention programs and to report to Congress concerning programs offering sexually explicit workshops using any of such amounts)

On page 54, after line 15, insert the following:

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 420,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress with their findings.
AMENDMENT NO. 2064

(Purpose: To provide for a study and report regarding Federal student loan disbursements to students attending foreign schools.

On page 73, after line 4, add the following:

SEC. 306. (a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and attending foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them and did not attend the foreign institution.

(b) STUDY.—The Comptroller General shall conduct a study regarding:

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions; and

(C) examine the default rates at foreign schools that enroll American students receiving guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

AMENDMENT NO. 2059

(Purpose: To provide for a study and report regarding lead poisoning screenings and treatments under the medicaid program.

On page 94, after line 12, insert:

SEC. 221. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated federal workers that have been contaminated with lead and tested, treated, federal workers that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

AMENDMENT NO. 2070

(Purpose: To provide for a study and report regarding lead poisoning screenings and treatments under the medicaid program.

On page 94, after line 12, insert:

SEC. 222. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated federal workers that have been contaminated with lead and tested, treated, federal workers that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

AMENDMENT NO. 2073

(Purpose: To strike new language regarding allowable use of federal funds for stem cell research.

On page 91, strike lines 13 through 14.

Mr. REID. These amendments have been reviewed by staff and cleared by both managers.

The PRESIDING OFFICER. Is there further debate?

Mr. SPECTER. Madam President, I concur with what the Senator from Nevada has said.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.
The amendments (Nos. 2062 through 2073) were agreed to en bloc.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator yield?

Mr. HUTCHINSON. I yield.

Mr. REID. Madam President, the Senator from Arkansas, Mr. Hutchinson, has an amendment dealing with charitable giving. It is one of two amendments I believe remain on this bill. I have spoken with the distinguished Senator from Arkansas, and he has indicated that his side will agree to 20 minutes, and this side will certainly agree to 20 minutes. So it will be 40 minutes equally divided. This will work out perfectly so we can have a vote prior to the briefing which is going to take place in S-407. I propose that as a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the only exception I did not include is that there will be no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2074

Mr. HUTCHINSON. Madam President, I send an amendment to the desk for consideration.

Mr. HUTCHINSON. The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Madam President, 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 Arkansas [Mr. HUTCHINSON], for himself and Mr. NICKLES, proposes an amendment numbered 2074.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds under the National Labor Relations Act for the finding of unfair labor practices relating to certain no-solicitation or no-access rules)

On page 22, between lines 3 and 4, insert the following:

Sec. None of the funds made available under this Act shall be used under the National Labor Relations Act to make a finding of an unfair labor practice relating to a published, written, or posted no-solicitation or no-access rule that permits solicitation or access only for charitable, eleemosynary, or other beneficent purposes.

(Amendment 2074, as agreed to, was ordered printed.)

After successfully obtaining restraining orders, union picketers were required to move to the public right-of-way. Prior to the strike settlement, the union filed unfair labor practice charges with the NLRB. They claimed Meijer discriminated against the union by prohibiting access to Meijer property while allowing other organizations permission, charitable groups that were soliciting. In the union's charge, they specifically pointed to the Salvation Army and the VFW as examples.

Before the NLRB could complete its investigation to make a final decision, there was a settlement that was reached and the charges were dropped. As a result of this action, Meijer decided the only certain way to keep union picketers from their doors in the future was to bar all outside groups from access to their property—no more solicitation, no more charitable efforts, no more contributions to worthy causes. This was a decision Meijer made because Meijer had always striven to be a good corporate citizen and wholeheartedly supported the kinds of charitable activities described.

Example two: Wawa, Inc., based in Wayne, PA, owns and operates 550 convenience stores in New York, Pennsylvania, Delaware, Maryland, and Virginia. For years, unions have been trying to unionize their labor force and because of this, Wawa instituted no-solicitation rules. Wawa had to turn down hundreds of worthwhile charities, including groups such as the American Veterans of Foreign Wars, because of this policy. Because of the events that took place on September 11, those tragic attacks upon our Nation, Wawa decided to open its doors to the American Red Cross to assist in the fundraising effort for the victims of the terror attacks in New York and in the Nation's Capital. To date, Wawa has raised over $2 million through this effort. By allowing Wawa to open its doors to several other charities, they would be able to raise funds for not only the American Red Cross but also the Girl Scouts, the American Veterans of Foreign Wars, and other worthy causes.

Convenience stores are on nearly every street corner and provide an easy and reliable dropoff point for charities. Convenience stores have nearly 1,000 customers a day and are able to reach out to thousands of individuals a week for their contributions. Wawa, because of the current NLRB ruling, is putting the future of the company in jeopardy. This amendment will provide them protection and provide greater resources for American charities.

When retailers do allow charities to set up shop outside their doors, they often have to do so with extreme caution to shield the company from unfair litigation. Such is the case for an Arkansas firm that I am very proud of, a firm that is Wal-Mart. Kolkata, on the outskirts of Bentonville, AR, which does currently allow charitable organizations on their property. They are putting their neck
on the line to do so. Because they believe in this, they are doing it. They understand it benefits the community. But we are asking them to remain vulnerable until we have an amendment such as this that would provide them protection.

The current NLRB solicitation rule has a profound impact on the neediest citizens of our country. These solicitation rules deny charitable and civic organizations the opportunity to raise hundreds of millions of dollars a year from retail customers.

The magnitude of this loss cannot be overstated. Charitable donations raised through Wal-Mart alone are over $127 million annually. Because many retailers are forced to deny access to everyone, there are now fewer hot meals for the hungry, fewer toys for poor children, and less clothing and shelter for the homeless.

This amendment is not meant to target unions. Unions are the largest contributors to the United Way. They are among the leaders in the country in charitable acts. The amendment simply recognizes private property rights. There is a distinction between what a union does in front of a store and what local charities and civic groups are there to do. They should not be treated the same.

This amendment permits retailers to support their communities' charitable and civic activities without requiring them to open their property to union activity which could, in fact, drive away customers or force themselves to face unfair or even frivolous litigation.

In light of the September 11 terrorist attacks, we need to do all we can to encourage charitable giving. I have heard from thousands of people since September 11 asking how they can help those directly affected by the terrorist attacks. By allowing retailers to open their doors to charitable groups, we make it possible for the American people to play an even greater role in this recovery effort.

I received a letter from the chief counsel at Wal-Mart, and I want to read part of what he said:

Wal-Mart's solicitation policy provides charities with access to our stores and customers. Each year over $100 million is raised by local grassroots charitable organizations in front of Wal-Mart Stores and Sam's Clubs. Other retailers have chosen to avoid a controversy over various forms of solicitation by simply adopting a no-solicitation policy to allow charitable fund-raising or other beneficent acts on their premises.

We appreciate your sponsorship of S. 929 and encourage you to take appropriate steps to assure its prompt passage in the Senate.

My concern and the reason for this amendment is that retailers fearful of extensive litigation will likely err on the side of not permitting these acts of kindness and generosity to occur. In the end, it is the public that suffers. An approach that allows charitable solicitation as an exception to an otherwise valid no-solicitation/no-distribution policy also wish to allow charitable fund-raising or other beneficent acts on their premises.

I ask my colleagues to unite the hands of retailers and consumers all across America that want to do all they can to help heal this country. Allow Americans to stretch out their arms to carry a coat, donate blood or reach into their pockets when they travel to their local retail or convenience store so they can help those who have been so deeply affected during this time of great need in our Nation's history.

I reserve the remainder of my time.

Mr. REID. Madam President, I certainly applaud and support all retailers who have joined with charities to permit access to solicitation in light of the events of September 11 and those that were doing it prior to September 11. What my friend, the distinguished Senator from Arkansas, has said is that many retailers have adopted a blanket no-solicitation rule to avoid having to create a similar form for labor unions. In effect, that is what he said.

There has been an assertion made that this interferes with their ability to raise charitable donations. Yet his own materials, which certainly are available to anyone, show last year charities raised over $100 million at the storefronts of Wal-Mart and Sam's Club alone, just those stores.

That is great. I think that is very nice. But it seems to me the retailers, Wal-Mart and Sam's Club, have done very well without this amendment.

Hon. DON NICKLES, 133 Hart Building, Washington, D.C.

DEAR SENATOR NICKLES: We appreciate your support for legislation that encourages retailers to allow charitable solicitation at their stores. The Senate amendment you have proposed would enable retailers to open their doors to charitable organizations without being compelled to allow other forms of solicitation.

Wal-Mart's solicitation policy provides charities with access to our stores and customers. Each year over $100 million is raised by local grassroots charitable organizations in front of Wal-Mart Stores and Sam's Clubs. Other retailers have chosen to avoid a controversy over various forms of solicitation by simply adopting a no-solicitation policy.

It is vitally important that our country have a policy that allows retailers to work with local charities to better serve their communities. We are grateful for your leadership on this issue.

Sincerely,

THOMAS D. HYDE.

I applaud the retailers who joined with charities to permit access to solicitation in light of the events of September 11. That is very important.

Let me be clear: This amendment is not about increasing charitable giving but about discriminating against American workers. That is what it is.

The present system is working very well. Wal-Mart is not needed to sustain or even increase these charitable efforts. Frankly, it is inappropriate to use the events of September 11 as an excuse to pass antilabor legislation. It is discriminatory. This amendment would essentially allow employers to be engaged in selective discrimination.

Current law allows retailers to support charitable and civic activities. This law prohibits discrimination. In this context, it prohibits discrimination against verbal communication and distribution of literature when companies grant access to outside groups to engage in communications or solicitations, including charities.

This basic principle of labor and employment law dates back to the 1930s. This has been going on for almost 70 years. We don’t need to change it. In essence, a company cannot prohibit certain types of activities that it permits others to conduct based on race, sex, age, or, in this case, on workers trying to exercise their legal rights to organize a union, to register voters, or to encourage participation in civic activities.

The present system works. Worker organizations should be included in the list of those who legally can communicate within the rules established by retailers. If a group violates these rules the NLRB or the National Labor Relations Board examines the case and determines if there is something that should be done. This is done on a factual, case-by-case basis.

I repeat: The present process has worked for 70 years. It is an issue of fairness. This amendment promotes selective discrimination against workers. I urge my colleagues to oppose this amendment. It is simply wrong. Most important, it is unnecessary.

I appreciate the fact that Wal-Mart is based in Arkansas. I met with the representative of Wal-Mart the other day. They have a million employees—a million employees. They certainly don’t need our help to protect them. They are a very large corporate giant. They can protect themselves. The problem in America today is that we have a lot of corporate giants and we have very few people speaking out for workers. This law lets Wal-Mart off the hook for more than 70 years. We don’t need to change it now.

I repeat, Wal-Mart has done very well. At Wal-Mart, Sam’s Club, over $100 million in charities was raised within their doors last year. That is great. They should continue doing it the way they have and not have a program that would allow discrimination against workers.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I pick up on the point the distinguished majority whip made about Wal-Mart’s great success in charitable giving. That is one thing. To what extent is Wal-Mart motivated to do that is the question. That is, that Wal-Mart has been enormously generous, giving last year over $100 million to charity.

The distinguished former majority leader of this chamber just visited the Senate, Senator Bob Dole. Senator Dole said: Tell ’em that Wal-Mart gave $17.5 million to the World War II memorial. And they did. And we are all immensely proud of that and everything else that Wal-Mart has done.

This is the reality: Wal-Mart has been generous. Their customers have been generous. And their employees have been generous at the risk of the future of the company.

To say it is working fine is not the case because the vulnerability that Wal-Mart faces, that Target faces, that every retailer faces, that every convenience store faces—somewhere along the line, a labor union may decide to put pickets out, but as the customers try to go in the door, they will get the message: This company, we don’t like.

That company is going to then face the choice, Do we want to continue to allow solicitations for charities or are we going to have to adopt an absolute “no solicitation” policy that will exclude good charities? Right now, we are being forced by a misunderstanding, a misinterpretation of the National Labor Relations Act, to allow these pickets in front of our door.

I don’t think it is reasonable to expect that generous companies with generous employees and generous management should have to subject themselves to that in order to do the right thing. That is what we are asking them to do now. That is wrong.

This has nothing to do with saying we are anti-union; it has everything to do with being fair to Wal-Mart and allowing a union activity in front of a store the same as you treat a Salvation Army bell ringer at Christmas time in front of that store. That is the issue. Let’s unlock that generous spirit of America.

We should not require the same kind of treatment for a labor union and a charitable organization soliciting in front of a retail establishment. It is not the same. I think we all realize it is not the same. That is all this amendment does.

For a year, in the wake of the September 11 attack and the incredible need our Nation has, let’s not make it more difficult for the American people to give and give and give, as they so generously want.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I acknowledge the great work the Salvation Army does. Bell ringing time is fast approaching. I hope we are not here when they are ringing their bells.

Anything that happens now under the present rules and laws with the NLRB does not prevent that Salvation Army person from taking their bucket and ringing a bell. I know of not a single case that the NLRB has brought against an establishment for having Salvation Army collecting money there—none. This is a guise, in my opinion, to keep unions out of these places.

Maybe somebody wants to try to organize Wal-Mart. I don’t know of anybody who does. Maybe they do not. The Salvation Army is entitled to fairness. But so are workers.

We do not need to pick on Wal-Mart. We have talked about Wal-Mart. Of course this applies to businesses other than Wal-Mart. These businesses should be treated no differently tomorrow than they are today.

I think it is totally appropriate that we look; if someone is abusing what they are doing with charitable donations, then we take a look at it. But there are no cases where that has happened. This is only an effort to inflict further punishment on the organized labor movement in this country. No one wanted to prevent, either prior to September 11 or after September 11, charitable organizations from being charitable or collecting money.

I understand the intentions of my good friend from Arkansas, but I believe this amendment would do far more harm than it would do good.

I am sorry I didn’t make my notes more legible, even to me. But this does not affect picketing, only literature and donations. This has nothing to do with picketing.

I hope all Members will recognize this amendment as one of simple fairness—leave things the way they have been for 70 years. I know of no abuses that have taken place. The NLRB, in Republican administrations and Democratic administrations have looked at this on a case-by-case basis. What are the facts in the particular case? As far as I am concerned, they have been pretty fair for 70 years.

Madam President, how much time does the Senator from Arkansas and the Senator from Nevada have?

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes remaining. The Senator from Nevada has 10 minutes.

The Senator from Arkansas.

Mr. HUTCHINSON. Madam President, how much time does the Senator from Arkansas have? The Senator from Nevada have?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I acknowledge the great work the Salvation Army does. Bell ringing time is fast approaching. I hope we are not here when they are ringing their bells.
charitable and civic organizations due to language contained in the National Labor Relations Act. The language stipulated that if we provided access to our property to outside groups, then we would also be required to provide access to union organizations for the purposes of organizing, solicitation, distribution, picketing or other union purposes. Clearly, while there may be a difference between charitable and civic groups, and union activity.

Additionally, while Americans have generously responded to our national crises, we are beginning to learn how local and state-based charities are beginning to suffer. We believe that your amendment is well suited for this present time, and will permit us to work with such worthy causes.

This is very simple. The issue is simple and clear. Should union activity, including picketing, be treated the same as the Salvation Army bell ringer, the VFW, or the Salvation Army and other good groups soliciting for good causes? Should community-based charities be prohibited from soliciting for charity? Should community-based charities be prohibited from soliciting for charity or other purposes? Should this occur at a time to be determined by the majority leader following consultation with the Republican leader.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The TREASURY OFFICER. Under the previous order, the conference report will be stated. The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, having met, after full and free conference, have agreed to recommend the following conference report, signed by all of the conferees on the part of both Houses.

The TREASURY OFFICER. The Senate will proceed to consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Friday, October 26, 2001.)

Mr. DORGAN. Mr. President, I want to take this opportunity to talk about the conference report we have now completed with the House of Representatives. It has been a delight and pleasure to work with Senator CAMPBELL. I very much appreciate his work and the work of Patricia Raymond and Lula Edwards, and my staff: Chip Walgren and Matt King and Nicole Rutberg. They have been exceedingly helpful in putting together a very substantial conference report on a lot of subjects.

Let me describe some of these issues. Some bills we consider when we have the conference report in front of the Senate consist primarily of salaries and expenses for a number of agencies in the Federal Government. About 40 percent of the Federal law enforcement agencies are funded in the appropriations bill: The Customs Service; the Bureau of Alcohol, Tobacco, and Firearms; the Secret Service; the Financial Crimes Enforcement Network; and other law enforcement agencies, including the IRS criminal investigation division as well as revenue service, which a lot of people don’t think much about—they don’t spend a lot of time thinking about it,
but especially in recent weeks they played an important role in law enforcement in our Federal Government. These agencies work tirelessly, often below the radar, and work to ensure our Nation's safety. We appreciate the work they do. We had to work under certain fiscal constraints in this subcommittee, as we do in all the appropriations subcommittees. This conference report represents a compromise on a good number of issues. Let me mention a couple of things on which we worked and in which I especially was interested.

We added in this conference report $28.1 million for a new Senate-initiated northern border initiative to hire additional Customs Service inspectors, special agents, and canine teams to enforce trade laws at our borders. In light of the tragic events of September 11, that is merely a downpayment on the northern border. It is quite clear the country will not achieve the kind of security it wants and needs unless it is able to provide for secure borders. That doesn't mean shutting off our borders, walling up our borders. It simply means providing security on our borders so those who are guests of this country come in, in order to allow freight and commerce to move back and forth across the borders but at the same time have the capability to prevent those who are terrorists, drug traffickers, from coming into this country.

The northern border has been like Swiss cheese in terms of enforcement. We have spent a great deal of time and effort moving resources, inspectors, and agents to the southern border. For many years, we have been worried about immigration and drugs coming across the southern border into this country. We have spent very little time, unfortunately, on the northern border. We have 128 border crossings, 24 of which are full time, 24-hour crossings, many of which on this 4,000-mile northern border are simply a crossing where people are able to come across the U.S.-Canadian border; then at 10 o'clock at night, when the border crossing closes, they put an orange security cone out and that becomes the security gate for the next 8 hours. But a cone cannot talk, walk, shoot, or tell a terrorist from a tow truck. It is not secure. Nothing to provide for secure borders at all of the country's borders, including the northern borders.

To those who say there is not much activity on the northern border, they are correct. But at Port Angeles, a port on the northern border, some while ago a terrorist was apprehended. That terrorist was the so-called millennium bomber who would have caused substantial explosives and bombs to be unleashed at the turn of the millennium and would have killed many American citizens. Good border work by Customs agents and others at Port Angeles averted that terrorist attack. We did add money for northern border initiatives to hire Customs Service inspectors, agents, and canine teams. That is a step in the right direction.

I have also included money in this appropriations bill, $10 million, for the Customs Service to add to their ability to combat child labor laws and combat the child labor practices that occur around the world. What we are very concerned about is in some parts of the world there are people who use young children in virtually forced labor situations to produce their products, and they ship those products to the country to be put on the shelves of our stores in Pittsburgh and Los Angeles and Phoenix and Fargo. But that is not fair trade. Nor is it what we want to happen to children of the world. We do not want forced labor with children being exploited. We don't want the products of forced labor and child labor to be sent to the store shelves in our country. So we put $10 million for that purpose.

If I might in a graphic way describe one set of circumstances that was described to us in a hearing some while ago on these issues, they talked about young children, 8, 10, 12 years old making carpets in forced labor situations in parts of the world. In the process of making carpets, at least according to some testimony, some firms were taking these young children, using gunpowder on the tips of their fingers, and lighting the gunpowder to cause it to explode. That explosion and the resulting burns and scarring on the tips of children's fingers meant those children, when they would stick themselves with needles as they made the rugs, would have no pain because their fingertips were burned.

That is the sort of thing that is going on around the world and it is the sort of thing we need to find a way to stop. One way to stop it is not allow the product of that kind of forced child labor and inhumane treatment to come into this country. That is why I put an additional $10 million in this conference report to combat this situation.

Another small amount of money that we have included in this conference report. I included it on the Senate side, is $500,000 designed to deal with an issue that caused me great concern with respect to the Internal Revenue Service. The Internal Revenue Service had an inspection by the inspector general of its taxpayer assistance program. The inspector general created questions that were to be asked of the Internal Revenue Service taxpayer assistance areas and sent Federal employees around with those questions to get help. They went to IRS. They then went to IRS. They went all over the country to many locations to get help from the IRS. They found that 72 percent of the time the Internal Revenue Service gave them either the wrong answer, incomplete, or no answers to the questions they had about how to fulfill their tax responsibilities. Just imagine that 72 percent of the time the questions asked of tax experts elicited the wrong answers.

I read the inspector general's report and was so incensed by it I called the Internal Revenue Service Commissioner and I said: I know you are relatively new on the job and trying to do things differently; I deeply admire your work. But I want to tell you what I want to do. I want to have the inspectors do this once and over again. They are going to do it once every second month. They will give six reports to Congress. I want to see improvement in those six reports.

It is unforgivable that people who show up at the IRS asking for tax help get the wrong answer or no answer or an incomplete answer 72 percent of the time. If the Internal Revenue Service can't do it, how on Earth can you expect the American people to comply with their tax responsibilities?

We are going to get six reports in the next 12 months. I intend to come to the Chamber every time we get a report and disclose where there is progress and where we need to provide answers and taxpayer assistance to the American people.

It is a small issue in this bill. It is not a great deal of money, but it is a big issue for me. We cannot have a tax system for which you do not have taxpayer assistance. I want to put the "service" back in the words "Internal Revenue Service." I want the American people to know where they can get answers, and get the right answers.

Let me mention a couple of additional issues. We direct the General Services Administration, GSA, to initiate a pilot project to site what are called AEDs, automatic external defibrillators, AEDs. If anyone has seen them, they look a little like a briefcase, not much bigger than a briefcase. We would put them in Federal buildings on a pilot project and provide training in their use to more effectively save lives.

The defibrillators are to be used when someone suffers a cardiac arrest. Virtually anyone can use these defibrillators. I was at a demonstration where they showed how to use a defibrillator. Defibrillators are briefcase-sized, relatively inexpensive, and they save lives. They do it every day all across this country, and we ought to have them in every Federal building. We asked the GSA to do a pilot project that will save lives as we begin to put these in all Federal buildings.

I mentioned several items that are in the conference report that we will ultimately consider. We fund the President's request of $180 million in continued funding for the Office of National Drug Control Policy's Youth Antidrug
Media Campaign, which has been ongoing now for some years. We add $20 million to the High Intensity Drug Trafficking Area Program, for a total of $226 million. We add $10 million to the Drug Free Communities Act, for a total of $50.6 million.

I am not going to go down the list with all these issues. I will have some printed in the RECORD.

This is a good report. Senator Campbell and I and our colleagues on the House side worked hard to reach a compromise that makes sense.

I want to make a special point of an item that is not in this conference report that really should be. It deals with an issue I have been concerned with for a while. I will explain why it is not in the conference report. It is the issue of travel in Cuba. That sounds like a strange subject for an appropriations bill. We have had, as you know, a 40-year embargo with respect to Cuba. It bans embargo on trade and travel. I have seen a belief for some long while that it is not a moral policy for our country to use food and medicine as a weapon and we ought not include that in any embargo.

At the very least, we ought to say the embargo against Cuba, which in my judgment has been a failure now for four decades—Fidel Castro has outlived all of those Presidents—clearly is a failure. But at the very least, we ought not continue to use food as a weapon. We ought to be able to send food and medicine to Cuba or sell food and medicine to Cuba. The Canadians and Europeans can. Everyone else can. We cannot. I have been pushing to change that.

We have been successful twice in the Senate by a vote of 70 votes in favor of changing it. In three separate cases we have been tripped by the House of Representatives, whose leaders in the first instance actually adjourned the conference and never came back together because they would have lost the vote if they had taken the vote, and that is the way they hijacked this policy. In the second and the third year that we had some progress on this issue, they changed the language so in fact they said you could sell food to Cuba but in fact you could not. You could not even get private financing in this country to sell food to Cuba but in fact you could not. You could not even get private financing in this country to sell food to Cuba but you cannot do it even with private financing, which is a byzantine bit of logic in my judgment, but we will talk about the regulations which restrict travel in Cuba. They were previously by regulation made effective. Now we will codify them, which actually tightens them. In fact, it was moving backward rather than forward with respect to our policy.

That is a long way of describing something that happened that some months ago I thought was totally ab-
these folks who work with us—the wonderful men and women in the Capitol Police Force.

My colleague from Illinois is on the floor. I think he has the suggestion and idea about a more formal thank you, saying that we are really proud of what they do: What you do is critically important. And we ought to do that every day in every way.

Again, it is not just them; it is the law enforcement components of the Secret Service, the Customs Service, postal inspectors, and so many other areas of the Federal Government who are also working 12 hours a day 6 days a week at this point.

I think it is important as we consider this conference report on behalf of the Congress to say to them: Your commitment and your service to our country is not unnoticed. We deeply appreciate what you do for America during very difficult times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I rise in support of the Treasury-general government conference report that Chairman DORGAN has brought to this body for final passage. I thank him once again, for the successful completion of the fiscal year 2002 appropriations process. Let me briefly mention some of the important parts of this bill.

We are probably a month or more late getting to the floor this conference report. But we have worked very hard on it. This bill provides much-needed resources for the law enforcement agencies under the jurisdiction of the Department of the Treasury.

We have been able to provide $300 million for the Customs’ ACE computer project. While this is more than twice the amount requested, it is still not enough to keep this program on the original schedule.

The House agreed to provide an additional $20 million for the HIDTA Program—High Intensity Drug Trafficking Area Program—which has been so successful. However, we were unable to maintain any specific earmarks which were in the Senate bill. As a result, all the HIDTA programs must provide the necessary justifications for additional funding before growing or opening new ones.

The conferes provided $180 million for the antidrug media campaign, as Senator DORGAN mentioned, which includes $5 million to target the new drug of choice with some of our young people, unfortunately, called ecstasy. We were also able to fully fund grants for the Gang Resistance Education and Training Program, commonly called the GREAT Program.

While we were not able to grant all of our Members’ requests, I think we came very close to it. There is a 4.6 percent general salary adjustment, for Federal employees starting in January of 2002, and we provided the agencies under our jurisdiction with the funding necessary for this additional 1-percent salary adjustment.

Funds have been provided for courthouse construction, site acquisition, and design projects, as well as needed repairs and alterations. Plus we were able to provide funds for a much-needed National Archives and Records regional facility, which will be of value to constituents of several of our colleagues.

This is a good bill, and I urge colleagues to vote for it on final passage. I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee’s official scoring for the conference report to H.R. 2590, the Treasury and General Government Appropriations Act for Fiscal Year 2002.

The conference report provides $17.069 billion in discretionary budget authority, which will result in new outlays in 2002 of $12.601 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $16.256 billion in 2002. The conference report is within the subcommittee’s section 302(b) allocation for budget authority and outlays. It does not include any emergency designations.

We are already 1 month into the new fiscal year and the Senate is just now considering its third appropriations conference report. Ten more remain. It is important, therefore, that the Senate pass this report, which provides important resources to the Department of the Treasury, including its law enforcement bureaus, as well as to the Postal Service, General Services Administration, Office of Personnel Management and other agencies, as quickly as possible.

I commend Senators DORGAN and CAMPBELL for their bipartisan work on this bill and urge the Congress to expeditiously complete the remaining 10 bills to prevent any disruptions for Federal agencies or for the American public that depends on their programs and services.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2590, CONFERENCE REPORT TO THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

<table>
<thead>
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<th>[In millions of dollars]</th>
<th>General Purpose</th>
<th>Mandatory</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conference report:</td>
<td>17,069</td>
<td>15,478</td>
<td>32,547</td>
</tr>
<tr>
<td>Budget Authority</td>
<td>16,256</td>
<td>15,475</td>
<td>31,731</td>
</tr>
<tr>
<td>Senate 302(b) allocation</td>
<td>17,069</td>
<td>15,478</td>
<td>32,547</td>
</tr>
<tr>
<td>Budget Authority</td>
<td>16,256</td>
<td>15,475</td>
<td>31,731</td>
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<tr>
<td>President’s request:</td>
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<tr>
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<tr>
<td>Budget Authority</td>
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<td>15,475</td>
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</tr>
</tbody>
</table>

For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

[Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.]

Mr. MCCAIN. Mr. President, I thank the conferees of this bill for their hard work in completing the conference report to this legislation. This report provides Federal funding for numerous vital programs in the Treasury Department and the General Government. However, once again, I find myself in the unpleasant position of speaking before colleagues about parochial projects in another conference report.

This conference report spends at a level 6.3 percent higher than the level enacted in fiscal year 2001. In real dollars, this is $458 million in additional spending above the amount requested by the President, and a $1.9 billion increase in spending from last year. I must remind my colleagues that the Administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs.

In this bill, I have identified $217 million in earmarks, which is less than the cost of the earmarks in the bill passed last year, which totaled $356 million. Therefore, I applaud the efforts of the conferees in keeping parochial spending to a minimum in this bill but more must be done.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers’ hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the people who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, under funding for the Department of Agriculture, some examples of earmarks include: $2,000,000 as a grant to Florida International University for transfer pricing research; $3,500,000 for retrofitting and upgrades of the National Center of Training Centers in Martinsburg, West Virginia; and $750,000 for the Center for Agriculture Policy and Trade Studies located at North Dakota State University.
Under funding for the General Government, some of the earmarks include $1,000,000 for the Native American Digital Telehealth Project and the Upper Great Plains Native American Telehealth Program at the University of North Dakota; $3,000,000 to help purchase and facilitate the moving of the Odd Fellows Hall to provide for construction of a new courthouse in Salt Lake City, Utah; and $1,700,000 for a grant to the Oklahoma Centennial Commission.

There are more projects on the list that I have compiled, which will be available on my Senate Website.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

The PRESIDING OFFICER. Who yields time?

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Ms. STABENOW. Mr. President, I yield back the time on the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. All time is yielded back.

TANF SUPPLEMENTAL GRANTS

Mr. DASCHLE. Mr. President, I would like to enter into a colloquy at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I thank the Chair.

Mrs. HUTCHISON. I thank the Chair, and I thank the distinguished majority leader.

Mr. President, I seek recognition to ask the majority leader to commit to working with me on an issue that is very important to many States, and it is important to the high-growth States that also have very tough problems in meeting their welfare needs. States such as Texas, Alabama, Alaska, Arizona, Colorado, Florida, and Georgia.

Many States in the welfare bill were trying to gear up to change their welfare programs. As you know, the welfare reform bill was a 5-year bill, but the temporary assistance for the supplemental grants for high-growth States was only authorized for 4 years.

The Finance Committee yesterday marked up and passed out the 1-year extension that would match the welfare reform bill.

The budget resolution that we passed accommodated the cost of this added 1-year authorization. I am bringing it up because I wanted to offer it as an amendment on the Labor-HHS appropriations bill, but it was considered legislation. The Finance Committee has acted, and in one of those process things, I just wanted to make sure that we did not get lost in the shuffle because I know people will be counting on it, and Florida is counting on it. It will make a huge budget deficit for many of these States if we do not authorize and appropriate this last year of the supplemental request for the welfare reform bill.

My purpose in bringing this up is to say I will not offer my amendment on the Labor-HHS bill, but I did want to get the commitment from the majority leader that we will work to fix this technical error before we go out of session so that the States that have already budgeted, thinking this money was coming, will have the benefit of this expenditure.

The PRESIDING OFFICER. The majority leader?

Mr. DASCHLE. Mr. President, I appreciate the concern and the cooperation of the Senator from Texas. She has been a very strong advocate for her State in this regard. I completely appreciate the situation in which she finds herself in this effort.

TANF supplemental payments need to be extended for 1 more year. There shouldn’t be any question about that.

The Graham bill to extend these payments was not marked up in the Finance Committee today. I understand there is a bipartisan commitment to move that bill through the Senate and have it enacted into law. I assure her I will do everything I can to accommodate that bill and to see that we are successful in getting it done before the end of this session of Congress.

Mrs. HUTCHISON. Mr. President, I very much appreciate the majority leader coming to the floor to give this assurance here as we are dividing the money in the last appropriations bills—I know the majority leader has some priorities—I want to make sure this is also a priority. It affects so many States that have been impacted by the large number of needy families because they are higher growth than the original welfare formula was able to accommodate.

I do thank the majority leader. I look forward to working with him in every way I can. I am glad he mentioned the Senator from Georgia, Mr. GRAHAM, who sponsored the bill in the Finance Committee. It is very important to our two States that we accomplishment this before the end of the year. I certainly know, with the majority leader’s support, we will be able to do that.

I thank the Chair. I yield the floor.

Mr. DASCHLE. Mr. President, I thank the Senator from Texas again for her cooperation and look forward to working with her in the weeks ahead.

I yield the floor.

Mr. GRAHAM. Mr. President, I am proud to be here with my partner, Senator HUTCHISON and the Senate majority leader to join in this important discussion. Just a few hours ago, the Finance Committee reported out the TANF Supplemental Grants Act of 2001. This bill is critical to the ability of 17 States to help their most vulnerable citizens move from welfare to work.

If this bill is not passed into law, several states will be forced to scale back their welfare reform efforts, which have shifted in recent years to include support services for low-income working families and efforts to reduce the multiple barriers to employment that face a substantial share of the families that remain on welfare. In these difficult economic times, States will require all available resources to provide care-giving, case management, and work support services to low income families who have been displaced from their jobs. Our bill will give these States the tools necessary to do just that.

I thank Senator Hutchison for her leadership on this issue; Senators Baucus and Grassley for making a commitment to the passage of this bill by reporting it out of committee today, and Senator Daschle for his dedication to ensuring the bill’s passage into law this year.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report will be stated.

The legislative clerk read as follows:

The Committee of Conference on the disagreement of the two Houses on the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for fiscal year ending September 30, 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report agreed to by a majority of conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of October 30, 2001.)

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. The conference report to accompany H.R. 2311. Mr. REID, Mr. President, I am entitled 10 minutes under the unanimous consent agreement, as is the Senator from New Mexico, Mr. DOMENICI, the two managers of this appropriations conference report. I am not going to take that much time.

When the bill came before the Senate, it passed overwhelmingly. I believe it was 92-2. Two people voted against it. By the time we got to conference, there were two or three open items. We settled those in one evening.

It is a good bill. As with all pieces of legislation, it is probably imperfect, but it is the best we can do.
I see my friend from Montana in the Chamber. There is a provision in the bill about which he and I have spoken dealing with drilling for oil in New York near the Finger Lakes. The Senator is absolutely right that the matter in our bill is under the jurisdiction of the Appropriations Committee and not within the jurisdiction of matters of the Energy and Water Appropriations Subcommittee. That was done in this Chamber.

Certainly, we did not try to hide anything in the bill before it went to conference. It is for 1 year. Originally the amendment given to us would have done it permanently. It is basically for 1 year during the appropriations cycle.

So I say to my friend from Montana publicly, as I said privately, I am sorry to conference. It was in the bill before it went to conference. The York near the Finger Lakes. The Senator from Montana says as to prohibition of oil and gas drilling in the Finger Lakes National Forest of New York: no Federal permit or lease shall be issued for oil or gas drilling in Finger Lakes National Forest of New York during fiscal year 2002.

I would think the Senators contemplating their economic base in their State would know this is ill-advised at this time.

Again, I applaud the managers of this legislation and wholeheartedly support it, with the exception of this.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The senior assistant bill clerk proclaims the presence of a quorum.

Mr. REID, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada, I say to him we worked very hard Wednesday night to complete this conference report. I want to compliment the Senator because I have just briefly been chairman of this subcommittee but, as I said at that conference, the way we have worked together, it really does not matter who is chairman and who is the ranking member. We understand the jurisdiction in the subcommittee and have worked closely together for many years.

I would like to send a message to this administration, and I say “this administration” because it does not matter who we have in the White House. It seems whether it is a Democrat or Republican, we get treated the same. I am speaking about the Corps of Engineers. The Corps is always underfunded, recognizing that we in Congress will bail them out. This administration simply would not fund those appropriately. As a result, Congress had to come every year and bail out the administration. That is what we have done in this bill. We have bailed out the administration, just as we did the 8 years that Clinton was President. We knew that when Bush was President. I do not know why they do not recognize the importance of the Corps of Engineers.

I say to my friend, the distinguished Senator from New Mexico, the Corps have been a salvation to the State of Nevada, not only in rural Nevada but in urban Nevada. Las Vegas could not have the growth it has but for the Corps of Engineers, which has been magnificent in projects to stop flooding and flood control projects.

So I say to my friend, I hope somehow we can get the message to this administration that they should look at what the Corps does, and maybe this administration will do the right thing and give them an example of administrations to follow because, as I say for the second time, I am not going after President George Bush and his administration. I am going after all administrations for how they neglect and ignore the Corps of Engineers. Frankly, the Bureau of Reclamation which does such good things for our country.

Will the Senator from New Mexico agree with my statement?

Mr. DOMENICI. First, I say to my friend, the chairman of the subcommittee, the Senator from Nevada, I believe we have a very good bill. When one has water projects that everybody in the country believes they need, they are Members of the Senate and House and they indicate that there is a flood protection project, it meets the standard that the Corps has set up, and that means they are going to pay their portion. It is required by law, and it fits every standard. It is pretty difficult for us to say we are not going to do it this year because, once again, the administration has underfunded water projects—that is, the Corps of Engineers—and so the request is going to have to be taken somewhere else. There is no somewhere else. If there is a major flood protection project, it meets the standards in terms of cost-benefit. Clearly, we have to ask the U.S. Government, as part of its Corps of Engineers, to work to fund it. There is a split in the cost. The local unit has to pay its share.

The Senator asked a good question. I can answer it because I was chairman of this subcommittee for almost 6 years, and the Senator from Nevada was ranking member. We saw a number of budgets. We only saw one budget from President Bush. The remaining were from Bill Clinton. Never in any year in my 6 years or the Senator who is wrapping up his first year—never have we had a realistic assessment of the Corps of Engineers’ work to be done, needed in these United
States for various water projects. It started back perhaps as far as President Ronald Reagan, perhaps as far back as Richard Nixon.

Think how difficult water projects were. The OMB, which is the technical group within the White House, how difficult it was to put together a major budget bill for such projects, for the Corps of Engineers, a major endeavor of the United States.

The administration proposed a $600 million reduction from the Senate passed level, it still represents a $700 million (14 percent) increase over last year’s conference level, and is $400 million over the budget request. This significant increase will get many programs back on track, including the pit production effort. It also allows us to begin a major infrastructure rebuilding program this year with a $200 million appropriation.

The bill is not perfect. In fact, I remain concerned that the Senate was not able to hold all of the increased funding we provided for nonproliferation work at the NNSA. In particular, we had provided a significant increase of $55 billion for research and development. Before September 11, I was a strong believer in the important work our laboratories do in research, development and deployment of technologies we need to detect and respond to the growing threat of chemical, biological and nuclear terrorism. As such, we added a significant sum of money in the Senate bill.

The importance of this work is obvious to everyone today, as we have seen the NNSA’s crucial role in our government’s response and clean-up of the anthrax attacks. Furthermore, the labs are now playing much greater roles in providing technical advice and technologies to many other government agencies—from advising the postal service on how to protect the mail, to developing the most advanced chem/bio detectors for deployment in Washington and other areas. The nonproliferation R&D account funds these and many other activities. As the conference has tried to restore the majority of the cuts, by restoring $500 million of the reduction. It will come as no surprise to my colleagues that the requests for additional projects and funding far outweighed the resources of this bill. However, the conference has tried to balance critical needs across the country.

Before I end my statement, I would be remiss if I did not mention and commend the outstanding staff involved in this process for the Senate. Senator Reid’s staff of Drew Willison and Roger Cockerell, for they have been professional and very open with me and my staff throughout this whole process. In addition, I would like to thank my own staff, Jim Crum, and Lashawnda Smith. They have all served us well and we appreciate their fine work.

Mr. President, I will now briefly state my own analysis of this bill. I will talk about two items. First, everybody should know that in the next 30 or 40 minutes we will vote on the bill. The title of the bill “energy and water,” seems as though it doesn’t have anything serious in terms of America’s future: We are just spending the money needed to pay for things. This doesn’t have oil production, utility lines. It has nothing to do with enhancing America’s production of energy by changing tax laws.

It is energy and water tied together. In that piece called “energy” is all of the money needed and to be appropriated by the Congress for the nuclear weapons safety and maintenance. All the programs we were concerned about, in the control and jurisdiction, by happenstance, of the Department of Energy. Money is transferred from the Department of Defense to this subcommittee to pay for all of the activities with reference to nonproliferation.

Part of that is a new concept and a new carve-out with a new boss. General Gordon, who used to be with the CIA and was a general in the military before that, has accepted a job to head up the agency that has been carved out. He has jurisdiction over two things. They are gigantic. One is the science-based stockpile stewardship. Interesting words. The other is nonproliferation. They are very important programs.

The part that has to do with the science-based stockpile stewardship came into being when Congress, the year before last, was filled to the gills with the dysfunction of the management of this part of the U.S. Government’s business by the Department of Energy. People were allegedly stealing important secrets, and the contentions were flying as to whether the Department of Energy or the laboratories could keep secrets and keep important items from getting into the hands of our enemies.
It was decided, and I was one who helped write the bill, and was joined by a number of other chairmen at that point, and we passed a bill; the National Nuclear Security Administration was created. General Gordon heads it. Ultimately, when it has everything in the good activity that do with the science-based stockpile stewardship and all of the activities regarding nuclear weaponry will be in charge of that carve-out within the Department.

While putting that together, some Senators did not think it was a good idea, including my friend, the chairman, who was then the ranking member. He has iterated his position recently, saying he wasn’t for it then but he thinks it is a good idea and he supports it wholeheartedly now and, in particular, the general who heads it.

The reason it is in existence is that America has made a commitment to a very dangerous world. We made a commitment that we would not build any more nuclear testing. It was voluntaory by the United States. We are still living with it.

I yield the floor.

Ms. STABENOW. Mr. President, I ask unanimous consent to use the time allocated to me under the energy and water appropriations conference report at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise at this time to support the conference committee on the energy and water appropriations bill. I want to indicate how extremely pleased I am that this bill includes an absolutely critical provision to protect the Great Lakes from oil and gas drilling. This provision, which I offered, along with Senator FITZGERALD and numerous others, including the occupant of the chair, as an amendment to the Senate bill, protected the waters of the Great Lakes from oil and gas drilling during the process of this study. It is my hope that this is the first step to a permanent ban on any oil and gas drilling in the Great Lakes.

I first thank the distinguished chairman of the Subcommittee on Energy and Water of the Appropriations Committee, Senator INGELSTAD, for his support of this important Great Lakes amendment. I thank him very much. I thank the ranking member of Energy and Water, Senator DOMENICI, who was equally as supportive. I very much appreciate both having that amendment adopted in the Senate and their willingness to make sure that it remained in the conference report.

I also thank House Chairman CALLAHAN and Ranking Member VISCLOSKY for their help, and I hope that their amendment will include it in the conference report, as well as all of the House and Senate conferences.

Mr. President, I emphasize that preventing drilling in the Great Lakes is an issue about which we all care on both sides of the aisle. As I indicated earlier, Senator PETER FITZGERALD was the lead Republican cosponsor of my amendment. I am extremely pleased to have his bipartisan strong leadership.

He and Senator DURBIN of Illinois have both stepped forward in strong leadership to protect the Great Lakes. I also thank these distinguished Senators along with Senator LEVIN, who was equally as supportive. I very highly appreciate both having that idea as well, that is going to make sure we have put forward a policy to protect our Great Lakes.

I can’t stress how important tourism is to the Michigan economy and how important it is that we are coming together in this way to address our important natural resource.

The Great Lakes are interconnected, and they border eight States: Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, and, of course, Michigan.

This means that an oil spill in Lake Michigan could wash up on the shores of not only Michigan, but Indiana, Illinois, and Wisconsin. That is why we are working together to put forward this Federal policy to protect the Great Lakes.

The provision in the energy and water appropriations conference report is reasonable, prudent. It is an approach to an issue that makes sense. It allows the Congress of Engineers to study the safety and the environmental impact of drilling in the Great Lakes, and it places a 2-year ban on any new drilling.

Again, I thank Senator HARRY REID for his outstanding leadership in so many ways, as he manages the floor, and certainly in this area of energy and water, where my great State of Michigan is in his debt for his leadership. He and Senator DOMENICI have put forward an excellent bill and one that is going to make sure we have put forward a policy to protect our Great Lakes.

I might say one other thing. I hope this is the beginning of an effort to look at other ways, as we take steps to protect the Great Lakes Senators, to work together to address a number of threats to the Great Lakes. We have now stopped oil and gas drilling. I hope now we will join together on issues of invasive species, ballast water dumping from ships that come in from outside the Great Lakes Basin and are bringing in zebra mussels and sea lamprey and other invasive species wreaking havoc in the lakes. We have a number of threats to this great natural resource and I think the amendment that we were successful in achieving here is a wonderful example of what we can do together on a bipartisan basis, working together with colleagues in the House.

I thank again everybody who was involved in this effort, including, I might add, a wonderful staff of mine, Noushin Jahanian, the person working specifically on this issue; my legislative director, Sander Lurie; chief of staff, Jean Marie Neal, and all of those who worked hard to achieve this very important goal for the Great Lakes. Thank you.

The PRESIDING OFFICER. The Senator from Nevada.
Mr. REID. I ask unanimous consent when Senator MCCAIN completes his statement, Senator KYL be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have spoken to Senator KYL. Senator KYL has asked for 30 minutes, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have asked that Senator KYL be recognized when Senator MCCAIN completes his statement, for purposes of offering an amendment to the Labor-HHS bill. Everyone should be advised when the Senator finishes his statement, we are going to enter into a unanimous consent agreement on the Kyl amendment. In that way, the Senator will not need to be interrupted.

Mr. DOMENICI. And when will we vote on the energy and water bill?

Mr. REID. We will vote on it—as soon as we complete the Senate from Arizona. We are going to do the Kyl amendment and then we will have three votes. One will be on the Treasury-Postal Service conference report, the energy and water conference report, and the Kyl amendment. As we have been advised by our faithful staff, not necessarily in that order.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AGRICULTURE APPROPRIATIONS

Mr. MCCAIN. Mr. President, I would like to address two issues tonight. One is the last-minute amendments that were made to the Agriculture appropriations bill last week, and a statement concerning the conference report for the fiscal year 2002 energy and water appropriations. I do not intend to spend too much time because I know my colleagues are inconvenienced.

But one of the reasons I am having to give this statement now is because last Thursday night and the reason this system has lurched out of control. It is a disgrace, I say to my colleagues; it is a disgrace.

To repeat, at the tail end of last week’s proceedings, the managers for the agriculture appropriations bill “cleared” a package of 35 amendments to be included in the final Senate bill. Again, these are 35 amendments that none of the other Senators voting on the bill had received any information about, nor had any opportunity to review.

While I did not object at the time to approving these amendments by unanimous consent, I had very serious concerns about the nature of these amendments. As it turns out, I had good reason to be concerned. Of these 35 amendments, about 15 of these amendments included direct earmarked spending or objectionable rider language. These additional earmarks amount to an extra $8 million in porkbarrel spending—on top of the $372 million already included by the appropriators in the Senate bill.

Mr. President, I understand that the managers have the privilege to add and remove certain provisions to a bill in order to move it along the process, or agree to clarifying technical amendments. I am not singling out these agriculture appropriations bill because the negotiation process is a part of any bill under consideration.

However, this particular situation involves a direct spending measure and should require higher scrutiny in approving federal funds, which are normally considered in the committee process to ensure that projects are authorized and approved by the Congress. This should be true of any of the appropriations or consideration.

Unfortunately, there is no way for us to tell if these last-minute earmarks were included because of their national priority or merit. They are simply added on, either in attempts to gain support for the managers for the agriculture appropriations bill because the negotiation process is a part of any bill under consideration.

Some of my colleagues may be interested to know what amendments were included in the last-minute rundown in the manager’s package. Let me give you a sample:

Relief for sugar growers from paying a required marketing assessment

Special consideration to the State of Alaska—that should surprise a lot of my colleagues—for income qualifications for housing for Individuals under 18;

There is another surprise: an increase in the earmark for West Virginia State College by more than $500,000, and including additional language for preferential consideration to this same college by designating it as an 1890 institution;

Expansion of subsidies for sweet potato producers and horse-breddears; Earmark of $230,000 to purchase conservation easements in Kentucky and

$230,000 earmark to the University of Kentucky. There may be a little bell rung here. A little trip down memory lane. These states, just by pure coincidence, are the states which the appropriators represent;

Earmark for repairs caused by an avalanche in Valdez, Alaska; Directive language to give special consideration to the Tanana River in Alaska;

Earmark of $500,000 for Oklahoma State University;

Language limiting the import of fish and fish products.

I am greatly concerned about this process. I tell the appropriators now I will not allow a vote until I have seen the managers’ package of amendment. If they don’t like it, look at what we adopted last night.

I am gravely troubled by the managers’ insertion into this bill the latter provision that would effectively ban all imports of Vietnamese catfish to the United States. Vietnamese catfish constitute an important part of our catfish consumption in the United States. Americans like to eat them. Moreover, the guiding principle of the recently ratified and historic United States-Vietnam Bilateral Trade Agreement was to open our markets to each other’s products.

To my deep dismay, a midnight amendment inserted by the managers on behalf of several Senators with wealthy catfish growers in their states violates our solemn trade agreement with Vietnam. With a clever trick of Latin phraseology and without any mention of Vietnam, these southern Senators single-handedly undercut American trade policy in a troubling example of the very parochialism we have urged the Vietnamese Government to abandon by ratifying the bilateral trade agreement. Vietnamese catfish is no different than American catfish by nutritional and safety standards—but they are different in the eyes of the large, wealthy agribusinesses on whose behalf this provision was slipped into the agriculture appropriations bill. After preaching to the Vietnamese about the need to get government out of micromanaging the economy, we have sadly implicated ourselves in the very sin our trade policy ostensibly rejects.

Sweet potatoes, sugar, catfish, horsebreeders, and dozens of amendments passed without seeing the light of day.

Mr. President, I ask this memo from the Department of Health and Human Services be printed in the Record.

There being no objection, the material ordered to be printed in the Record, as follows:

WASHINGTON, DC, August 30, 2000.

Subject: Acceptable market names for Pangasius spp.

From: Scott Rippey, Office of Seafood
To: Whom it may concern

There have been several recent inquiries regarding the acceptable market names for a number of Pangasius spp., and particularly for Pangasius bocourti. The intent of this
This conference report finalizes funding recommendations for critical cleanup activities at various sites across the country and continues ongoing water infrastructure projects managed by the Army Corp of Engineers and the Bureau of Reclamation. The bill is also focused on renewable energy and nuclear energy programs that are critical to ensuring a diverse energy supply for this nation.

These are all laudable and important activities, particularly given the need for heightened security around the nation. Such Federal facilities, including Federal weapons infrastructure, deserve the most vigilant protection. Unfortunately, my colleagues have determined that their ability to increase energy spending is just another opportunity to increase pork barrel spending. Millions of dollars are diverted away from national security interests and doled out to parochial projects.

In this conference report, a total of 796 earmarks are included which adds up to $1.2 billion in pork barrel spending. These earmarks are for locale-specific projects that are either unrequested or unauthorized, and that have been considered in the appropriate merit-based review process. The $1.2 billion in pork barrel spending in this bill is nearly $500 million and 441 earmarks more than the amount in the Senate-passed bill, and $266 million more than last year's bill. We have increased unauthorized spending by $266 million more than last year's bill.

In total, nearly $9 billion in taxpayer dollars will pay for pork barrel spending in appropriations bill passed so far this year.

I'm sure that many of my colleagues will assert the need to use these Federal dollars for their hometown Army Corps projects or to fund development of bioremediation techniques in their respective states. If these projects had been approved through a competitive, merit-based prioritization process or if the American public had a greater voice in determining if these projects are indeed the wisest and best use of their tax dollars, then I would not object.

The reality is that very few people know how billions of dollars are spent in the routine cycle of the appropriations process. No doubt, the general public would be appalled that many of the funded projects are, at best, questionable—or worse, unauthorized, or singled out for special treatment.

Let me share a few examples of what the appropriators are earmarking this year:

An earmark of $300,000 for the removal of aquatic weeds in the Lavaca and Navidad Rivers in Texas.

I am sure there are no other rivers that are beset by aquatic weeds. So we have earmarked $300,000 for removal of the aquatic weeds in those two rivers.

There is an additional $8 million for the Denali Commission, a regional commission serving only the needs of Alaska.

That is a surprise. There is $200,000 to study individual ditch systems in the State of Hawaii.

I would like to have someone come and study the ditch systems in my State. We have a few. But we are going to spend $200,000 to study individual ditch systems in the State of Hawaii.

Three hundred thousand dollars for Aunt Lydia’s Cove in Massachusetts.

I don’t know what the problem is up in Aunt Lydia’s Cove, but I am sure it is revered, and it certainly deserves a $300,000 earmark. I am sure that Aunt Lydia—whatever she is—is very pleased to know that $300,000 is going to her cove.

An additional $1 million for the Banta-Carbona Irrigation District’s fish screen project—$1 million, my friends, which we have not scrutinized.

I tell my colleagues, I do not know where Banta-Carbona Irrigation District is, but we are going to give them $1 million of taxpayers’ money. Does anyone know anything about it? No, I don’t think so.

Three million dollars for a South Dakota integrated ethanol complex.

An impression that ethanol was developed by private enterprise. I didn’t know we needed to contribute $3 million to develop an ethanol project in South Dakota.

Two million dollars for the Sealiaaska ethanol project.

So far we have $5 million earmarked for specific ethanol projects.

Two separate earmarks totaling $4.5 million for gasification of Iowa Switch Grass.

I am sure we could have a lot of fun with that one—$4.5 million for gasification of Iowa Switch Grass. What could be the problem?

An earmark of $1.65 million for a new library center at Spring Hill College.

I again plead ignorance. I do not know where Spring Hill College is. But they certainly deserve a new library center. Unlike other colleges, they don’t have to get the money from their alumni, or from other sources, as colleges in my State have to do.

One million dollars to install exhibits at the Atomic Testing History Institute. I think I know where the Atomic Testing History Institute is. And $500,000 for the Rural Montana Project, and $8 million for the Rural Nevada Project.

I respect the work of my colleagues on the Appropriations Committee. I do not believe Congress should have absolute discretion to tell the Army Corps or the Bureau of Reclamation how best to spend millions of taxpayer dollars for purely parochial projects.

At this critical time in our history, we should be doing everything we can to instill the confidence of the American people in the Appropriations Committee. Unfortunately this increasing dilemma of flagrant pork barrel spending is indefensible.
November 1, 2001

C O N G R E S S I O N A L  R E C O R D — S E N A T E

S11339

I point out that in every single appropriation bill there has been an increase in unauthorized projects—many of them put in at the last minute. I just discussed how 15 amendments were stuffed into a so-called managers’ amendment which none of us except perhaps the managers of the bill had ever seen. This process has to come to a halt at some time. It is out of control. It has to be stopped.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. REID. Mr. President, there is no mystery about the managers’ amendments. The fact of the matter is these are amendments that are reviewed very closely by both sides. A lot of times we simply don’t have a vote on them.

SMALL WIND PROGRAMS

Mr. JEFFORDS. Mr. President, thank you for including funding in this bill for small wind programs being developed in the State of Vermont.

Mr. REID. I appreciate Senator JEFFORDS’s leadership on the issue of renewable energy resources and his specific initiatives in Congress to promote wind energy. I am pleased to confirm that this funding is to be set aside for the Vermont Department of Public Service for its wind energy program.

Mr. JEFFORDS. I thank the chairman for his leadership and support of this program. Vermont has been a leader in wind energy development, with some of our Nation’s most prominent wind energy manufacturers being located in my home State. In cooperation with the wind energy industry and the Vermont utilities, the Vermont Department of Public Service has conducted a statewide inventory of potential wind sites to determine the best sites in terms of natural wind currents. The results are quite impressive and encouraging.

As the chairman knows, we have many ski areas operating on the scenic mountains of Vermont, and the research confirms that these ski areas, which are also significant electricity users, also have great potential for wind energy production. Indeed, the Vermont Ski Areas Association, in cooperation with several of its member resorts, is determined to be a national leader in the development of efficient, environmentally friendly alternative energy resources, including wind energy.

While there have been discussions for a couple years now of potential opportunities for distributed generation at Vermont ski areas, we have yet to analyze the full scope of the issues involved. We know, for example, that there are economic thresholds to be identified, but specific profiles of energy use at Vermont ski areas have not been established. We know there are permitting issues, some procedural and some environmental, that yet to be defined. We know that there are energy regulatory issues, such as interconnection and metering rules, and these need to be identified in a full and comprehensive manner.

While I am speaking in terms of wind energy projects being considered by Vermont ski areas, many of the issues would pertain to other alternative energy projects and other distributed generation projects in Vermont.

If I can indulge the chairman further, is it your intention that a portion of these funds be used to help identify potential barriers to wind energy development, but not limited to the economic and regulatory issues I have mentioned here?

Mr. REID. If the Senator will yield, yes, that is the committee’s intention.

Mr. JEFFORDS. I thank the chairman. Is it also the committee’s intention that the Vermont Department of Public Service, as recipient of this funding, would work in cooperation with other State agencies, such as the Vermont Agency of Natural Resources?

Mr. REID. Yes, that is the committee’s intention.

Mr. JEFFORDS. Does the chairman envision that the Department will work cooperatively with the Vermont Ski Areas Association to define a specific scope of work supported by a portion of this funding to identify the most efficient and expedient methods for conducting such work, including the selection of consultants to assist in this process?

Mr. REID. Yes, that is the committee’s intention.

Mr. JEFFORDS. Finally, I know the chairman is familiar with other initiatives underway in the State of Vermont with the support of the Department of Energy. I know the people of Vermont appreciate the Department’s assistance as well as the chairman’s leadership in encouraging that support.

Given the Department’s prior experiences with related studies, such as the Vermont Generation Grant, is it the committee’s expectation that the funds appropriated by this act be available to build upon the findings and recommendations of previous, related efforts?

Moreover, is it the committee’s expectation that the work products include an analysis of the economics of wind and alternative energy opportunities at Vermont ski areas, an analysis of the environmental permitting issues, and an analysis of the energy regulatory issues?

Mr. REID. The Senator is correct in identifying some of the committee’s expectations for this appropriation.

Mr. JEFFORDS. I thank the chairman and reiterate my appreciation for his longstanding interests in national energy issues, including his support of Federal renewable energy programs to increase domestic energy security.

Mr. President, I would like to also mention my appreciation for Gov. Howard Dean and Vermont energy initiatives. Governor Dean and his agencies have been involved in discussions with the Vermont ski areas on the opportunities presented by the initiative outlined here. It is my expectation that these parties, along with other leaders in the wind energy industry and with the Vermont utility companies, are prepared to work cooperatively to generate useful results in a prompt and effective manner.

NATIONAL CENTER FOR NEUROGENETIC RESEARCH AND COMPUTATIONAL GENOMICS

Mrs. BOXER. Mr. President, I rise today to engage in a short colloquy with the distinguished chairman of the Appropriations Subcommittee on Energy and Water Development—the distinguished Senator from Nevada, Mr. Reid. It is my desire to clarify the intent of the language included in the conference agreement of the Energy and Water appropriations bill.

Mr. REID. I am glad to discuss this matter with my colleague.

Mrs. BOXER. I want to clarify that the Human Genome Project at the University of Southern California listed in the Energy and Water Development Appropriations Subcommittee on Energy and Water Development under the science biological and environmental research account should have been noted as the National Center for Neurogenetic Research and Computational Genomics at the University of Southern California listed in the Energy and Water appropriations bill. We will soon need to reprogram funds within the Corps of Engineers to bring the Hopper Dredge ESSAYONS to Cook Inlet. The Department is seeking funding in this bill for small wind programs. I am told the corps will require a post authorization prompt and efficient manner.

Mr. STEVENS. Mr. President, I have a question for the manager of the Energy and Water appropriations bill. We will soon need to reprogram funds within the Corps of Engineers to bring the Hopper Dredge ESSAYONS to Cook Inlet. The Department is seeking funding in this bill for small wind programs. I am told the corps will require a post authorization prompt and efficient manner.

Recent surveys show that Knik Arm and the North Point Shoals have shifted in the southern approach to the Cook Inlet Navigation Channel. However, the Corps believes that the material is located outside the project limits. It starts just inside the western limit and continues for approximately 1000 meters beyond the limit. The authorized limit for the channel is 310 meters wide at a depth of minus 11 meters for approximately 2000 meters.

The shippers in our area have expressed concern about the condition of the navigation channel. I am told the corps will require a post authorization change evaluation report before they can proceed to address this problem.
My question to the Senator is, when Congress first authorized this project, was the area I just described supposed to be within the scope of the original project, thus allowing the corps to proceed with the required dredging and mainlining?

Mr. DOMENICI. I thank the Senator from Alaska for his question. I have been made aware of the problem in the Cook Inlet Navigation Channel, and I am concerned about its current condition. I am also aware that the channel is the lifeline for products to the State of Alaska. The area described by the Senator from Alaska should be considered within the scope of the original authorization and I urge the corps to address this issue soon as possible.

Mr. STEVENS. I thank the senator.

JENNINGS RANDOLPH LAKE PROJECT

Mr. SARBANES. Mr. President, I would like to engage the distinguished chairman as well as the ranking member and our counterparts for their hard work in crafting this conference agreement.

Mr. DOMENICI. I thank the Senator from Maryland. Mr. SARBANES. I want to clarify that it was the conference committee’s intent that a portion of the additional funding provided in the Army Corps of Engineers—construction operations and maintenance account for the Jennings Randolph Lake project will be used to develop access to the Big Bend Recreation area on the Maryland side of the Jennings Randolph Lake immediately downstream from the dam.

Mr. REID. The Senator is correct. The committee has provided an additional $1 million in this account for the Jennings Randolph Lake project to be used for recreational facility improvements and an allocation for maintenance account for the Jennings Randolph Lake project will be used to develop access to the Big Bend Recreation area located immediately downstream of the Jennings Randolph Dam.

Mr. SARBANES. I want to clarify that it was the conference committee’s intent that the funding provided for the Chesapeake Bay shoreline erosion study will also include an examination of management measures to address the sediments behind the dams on the lower Susquehanna River.

Mr. REID. The Senator is again correct.

Mr. SARBANES. I thank the chairman for these clarifications and commend him and the staff for the terrific work in crafting this conference agreement.

ALASKA’S COOK INLET

Mr. STEVENS. Mr. President, I would like to engage in a short colloquy with the distinguished manager of this other conference report. My question is raised to assure that the managers have provided adequate funding and authority for the Department of Energy to provide grants for research on tidal power as an alternative energy source. As the managers know, this country needs viable alternative power sources. One of these could be tidal power.

In Alaska, nearly 65 percent of our population resides on the shores of Cook Inlet which also has the second highest tides in the world. These tides rise as high as 46 feet, second only to the Bay of Fundy off of Nova Scotia. I have been contacted by Anchorage Municipal Light & Power and the municipality-owned electric utility of the Municipality of Anchorage. The utility believes that it can effectively harness the power of the tides at Cook Inlet to supply clean, renewable power to its customers. This is a grant for research to adapt current technology in use in other parts of the world to Cook Inlet. That grant would probably require between $200,000 and $300,000.

Let me ask the managers if they agree that there is both sufficient funding and authority under the existing statutes to permit such a research grant to be funded under the Renewable Energy accounts in this bill. I also want to clarify that this grant can be awarded for applications such as Anchorage Municipal Light & Power even though past DOE grants have been unsuccessful and DOE has been concentrating more recently on other renewable concepts. Do the managers agree with me on this?

Mr. DOMENICI. Mr. President, let me say to my friend from Alaska and ranking Republican on the full committee, that I agree completely with his analysis. The DOE is both authorized and adequately funded to provide his analysis. The DOE is both authorized and adequately funded to provide adequate funding and authority under the existing statutes to permit such a research grant to be funded under the Renewable Energy accounts in this bill. Mr. REID. I ask unanimous consent that a table be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

H.R. 2311, CONFERENCE REPORT TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

(continued)

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1 The 2002 budget resolution includes a "firewall" in the Senate between defense and non-defense spending. Because the firewall is for budget authority only, the Senate Appropriations Committee did not provide a separate allocation for defense outlays. This table combines defense and on-defense outlays together as "general purpose" for purposes of comparing the conference report outlays with the Senate subcommittee’s allocation.

2 For enforcement purposes, the budget committee compares the conference report to the Senate and House-passed allocations for consistency with scorekeeping conventions.

Mr. STEVENS. Yes.

The PRESIDENT. The PRESIDENT. All time is yielded.

Mr. REID. I yield back my time.

Mr. MCCAIN. Yes.

The PRESIDENT. All time is yielded.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 2311 occur upon disposition of the Kyl impact aid amendment and that the previous consent regarding the Treasury-Postal appropriations bill remain in effect.

The PRESIDENT. Is there objection?

Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. I ask unanimous consent that there be 30 minutes for debate equally divided in the usual form in relation to the Kyl amendment regarding impact aid prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.
The President. Is there objection?

Without objection, it is so ordered.

H. R. 3061 is now pending before the Senate. The Senator from Arizona is recognized to offer an amendment.

Mrs. Hutchison. I move that the amendment be dispensed with.

I would point out that the Senate has adopted the amendment to H. R. 3061 that I offered as Senator McCaskill and the Senator from Texas. The Senator from Arizona, Mr. Kyl, Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

"Notwithstanding any other provision of this Act, no appropriation contained in this Act for the purposes of school repair or renovation of state or local schools shall remain available beyond the current fiscal year unless assistance under such program is provided to meet the unmet obligation to address the infrastructural needs of schools administered under the auspices of the BIA, as well as those schools impacted by the presence, within their taxing jurisdictions, of Federal installations through the program known as impact aid.

Impacted aid provides funds for school facility repair and renovation, especially on, as I said, the schools that are largely on Indian lands. All told, impacted aid assists 1,600 schools serving 1.2 million federally connected children. In addition, the Department of Defense operates 70 schools nationwide. Impact aid construction has not been fully funded since 1967. The result is a huge backlog of projects estimated to exceed $2 billion. These numbers only hint at the grim reality faced by students and teachers in these impacted districts.

A school board member in a military impact aid district told Education Week that some districts conducted so poorly that teachers could not find adequate classrooms and aging buildings that they "more closely resemble prison camps than schools." He went on to say: "Our troops are in Bosnia and those are the kinds of facilities our troops are in: portable classrooms and aging buildings that they "are in." The Military Impacted Schools Association reports that the children of war-torn Bosnia—"are in."
shares this commitment and will put existing Federal obligations ahead of proposals to involve the Federal Government in areas that can and should be addressed by States and local governments.

For those colleagues who want to know where the major impact of this is, I will candidly tell you, my State of Arizona is one of the States of major impact because of the large number of Indian students we have in Arizona and the large number of students being educated in affiliation with military bases.

Other States, however, that are also very heavily impacted and that would be benefited significantly by this amendment are the States of New Mexico, North Dakota, South Dakota, Montana, Missouri, and Nebraska. Those are, candidly, the States that receive the most benefit. But almost every State would, in some respect, benefit by the allocation of these funds on this priority basis.

Mr. President, I am going the reserve the remainder of my time to see if there is any response to my amendment. I will be happy to reply to any points that any of my colleagues may have on any objection to it.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I am beginning to wonder where my friend from Arizona was a couple hours ago. I ask him, where was he? Senator INHOFE of Oklahoma just came to this Chamber 3 hours ago and offered an amendment which was approved by the Senate. The Senator from Arizona raised no objection, none. None of his staff came to me to raise an objection.

And what did the Inhofe amendment do? It reduced the funding for impact aid construction. It transferred the money to basic support payments.

Three hours ago we voted unanimously, as a Senate, to reduce impact aid construction. Now the Senator from Arizona comes to this Chamber and wants to increase impact aid construction. I ask, where was he 3 hours ago? Why didn’t he oppose the Inhofe amendment?

I think what that shows is really what the Senator from Arizona is after: They want to undo what the Senate did earlier by a vote of 54-45; that is, to provide and construction money for schools all over America.

Mr. JOHNSON. Will the Senator yield?

Mr. HARKIN. I do not have much time, but I am delighted to yield.

Mr. JOHNSON. I ask my colleague, does it seem odd—and I speak as someone who has been very committed to impact aid schools in my State—that some people would have voted earlier to spend billions of dollars in tax relief that went into the hands of people already rich and then to come to us today to tell us the only way we can help repair and build impact aid schools is to take it from other schools that are in desperate need of school construction and repair? Does it seem to the Senator that the goal here is an ideological issue to make sure that somehow the Federal Government does not get into the business of assisting school districts with school construction and that is what the amendments to be the end product of this amendment?

Mr. HARKIN. I thank my friend from South Dakota for pointing that out. I am glad I yielded to him. I had not thought of it that way.

The amendment is absolutely right. This is an attempt by my friend from Arizona to try to undo what we did earlier and then, as the Senator pointed out, to take money from some poor schools and put it into certain poor schools. That is what he is trying to do.

I don’t know. I cannot believe the Senator is really serious about this. First of all, last year, Congress approved $12.8 million for impact aid construction. It was $68 million. Last year, impact aid construction was $12.8 million. We recognize that. We recognize in our bill. The Inhofe amendment earlier knocked it down to $35 million. That is still three times more than what we spent last year. I am proud of that increase. We fought hard for it.

But I ask the Senator from Arizona, where was he 3 hours ago, to come over here and fight against the Inhofe amendment?

I am proud that we stuck up for impact aid schools and school construction. Again, last year, Senator SPECTER and I, in conference—I say this to all Senators who are here or may be watching on their sets—carved out of our construction money $75 million for impact aid construction. We will be happy to go to conference to make sure our Indian schools and impact aid schools can get some of this money. I wish now that maybe we had opposed the Inhofe amendment and maybe the Senator from Arizona would have helped us round up some votes. That was $86 million.

Under the wording of the amendment of the Senator from Arizona, there are 10 States that have applied for school renovation and repair money. The provisions do not exist now. His amendment would say: You are not going to get it. That is money we appropriated last year. Those States are Alaska, Arizona, California, District of Columbia, Georgia, New Hampshire, New Mexico, New York, South Carolina, and Utah. All those States would have the money taken away. I hope Senators understand that when they come over here to vote.

Again, this is nothing more than a bald face attempt to undo what the Senate did yesterday. When we said, I thought very loudly, 54 votes to 45 votes, that we wanted to provide school construction money. I can’t speak for my friend from Pennsylvania, but we did carve out the money last time. When we get into conference, we will try to undo what Senator INHOFE did earlier and try to get that money back up to the level at which we initially agreed upon in our committee on a bipartisan basis, which was $68 million.

I am certain we could at least carve out that much more for Indian schools. We did it last year, and I am sure we can do it again this year.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains for Senator HARKIN?

The PRESIDING OFFICER. There are 8½ minutes.

Mr. SPECTER. I ask the Senator to yield me 4 minutes.

Mr. President, I join the chairman of the subcommittee and the Senator from Arizona was a couple hours ago. I ask the Senator to recognize me so we can continue a discussion. I am hoping to undo what Senator INHOFE did earlier.

We have the responsibility, as proponents of this bill, to make a lot of allocations. We try to do it as fairly as we can, and try to put back some of the money which was transferred by the amendment by the Senator from Oklahoma. I believe that impact aid is very important, beyond any question.

We have the responsibility, as proponents of this bill, to make allocations. We try to do this as fairly as we can, and try to put back some of the money which was transferred by the amendment by the Senator from Oklahoma.

Mr. SPECTER. I ask the Senator to recognize me so we can continue a discussion. I am hoping to undo what Senator INHOFE did earlier.

We have the responsibility, as proponents of this bill, to make allocations. We try to do this as fairly as we can, and try to put back some of the money which was transferred by the amendment by the Senator from Oklahoma.

As Senator HARKIN has already noted, last year we did make an allocation from school construction money. Basically, this is a dispute about the role of the Federal Government in school construction.

We had a very spirited debate on the amendment by the Senator from New Hampshire, Mr. GREGG, earlier today. A margin of 54-45 on a hotly contested issue is a fairly decisive margin.

It is my view that we will try to improve the position of impact aid which the Senator from Arizona wants once in conference, but the allocations which we have made here, taking the bill as a whole, represent a fair allocation.

In dealing with a budget of this size, we have had relatively few amendments offered signifying relatively little opposition to the priorities which were established first by the chairman and the ranking member and then by the full subcommittee and then by the full committee.

I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, might I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes, 45 seconds.
Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. If no one yields time, time will be charged equally to both sides.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if no one at this time, this might be a good time for a vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, as a matter of courtesy, I was trying to enable those in opposition to the amendment to continue to speak.

I ask unanimous consent that Senator ALLARD be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me respond to the two questions the Senator from Iowa asked. The first question was where was I during the Inhofe amendment. He presumes, I gather, that I opposed the Inhofe amendment. I don’t. I guess I would ask where he was. It was approved on a voice vote unanimously, as I understand it.

Second, he characterizes my amendment as undoing what we already did today. I want to make clear that I will characterize my amendment as I did in my opening presentation. What we did earlier today is not what this amendment is all about.

This amendment, I presume the Senator from Iowa is referring to is the amendment offered by the Senator from New Hampshire. That is an amendment which would have transferred the funds from the program the Senator from Iowa supports to title I programs. My amendment doesn’t have anything to do with title I programs.

My amendment says merely that the priority in the expenditure of school construction funds—that is what they are used for: construction, repair, renovation— that the priority for that funding be first to the Federal area of responsibility, the Indian kids, the kids on the military bases, the impact aid districts; in other words, those children who are the responsibility for being educated by the Federal Government should have the first priority in the school construction funds.

I am not trying to undo what we did earlier today. I supported the Gregg amendment. But what I would prefer to see up there is that the funds that we are going to put forth for construction of schools be prioritized, and that the first priority be the responsibility of the Federal Government.

That is for two reasons: No. 1, the States and local school districts have the ability to fund the construction of the schools that they have a tax base to fund. As I pointed out, in some of these reservation areas, be it military reservation or other Federal reservation, there is not the tax base to support it.

Second, we have a huge unmet obligation. We as Federal legislators should be ashamed that there is an over $2 billion shortfall in the funding of Indian school construction. That is our obligation. It is a treaty obligation.

All I am saying is, we take the Federal obligation, put that at the top, and then the other schools can be funded.

Those are the States and local schools’ responsibilities. Up until last year, the Federal Government had never paid a dollar for construction of those schools. Let’s keep the priority we should have had in the first place to fund our military schools, and then the rest of the money could go to the funding of the State and local schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have?

Mr. INHOFE. The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. HARKIN. Mr. President, I still didn’t hear the answer to the question, where he was, and if he opposed the Inhofe amendment or not. I didn’t hear about that. Nonetheless, we do have an obligation to our Indian schools and platoons. My amendment is all about that.

Let’s face it, the American Society of Civil Engineers estimated that the repair needs of our schools in America are about $387 billion.

And so we are trying to get a billion out nationally. But as I pointed out and Senator SPECTER pointed out earlier today, that money is leveraged.

We have experience in knowing how that money is leveraged. So we might expect to get maybe 7 to 10 times leverage on that. So $1 billion might equal $7 billion to $10 billion in construction in schools. So it helps, but it is nowhere near what needs to be done all over this country.

Under the amendment by the Senator from Arizona, there would not be any money left for anyone. All of the money would go to Indian schools and to the impact aid areas, schools, where there are military bases. I don’t think that is what we want to do here.

As I said, we carved out money last time. I have talked to a lot of my friends who are Native Americans in Indian territory. They were very appreciative of that money. We carved out $75 million. Quite frankly, we accepted the amendment of the Senator from Oklahoma. However, it is my intention, along with the ranking member, to make sure we meet our obligations again this year in carving it out again in the conference committee when we go to conference.

The last thing I will mention is that the amendment offered by the Senator from Arizona is also retrospective. It goes back last year and takes money from last year that States have already applied for; it takes that money away from them, too. I hardly think we want to do that.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. I yield to the Senator.

Mr. INHOFE. On this point, I have looked at the Kyl amendment, and his language affects a different section. Mine is just found in the section dealing with impact aid under ‘basic support’ and ‘special needs’.

Now, the change in funding came from the construction portion of that section, which is a different section. That is my understanding, and it would not make the conference report.

Mr. INHOFE. That is correct.

Mr. HARKIN. That is correct. So this Senator from Oklahoma reduced impact aid construction. This is really to take away school construction money. I don’t think we need to talk anymore about it. We all know what this is about.

Mr. President, I will set the record straight. The Senator said he didn’t get an answer to my question. I was in a briefing during the Inhofe amendment in S-407 as a member of the Senate Intelligence Committee on some other matters. I didn’t object to the amendment.

Mr. President, I ask my colleagues to focus on this carefully. Until last year, there had never been a thought that the Federal Government would begin building schools that had always been the responsibility of our States and the local school districts. There was never a thought that we would do that. Our school construction effort was always targeted to our one area of responsibility—the kids on the military reservations, Indian reservations, and the other Federal impact aid areas. That was our responsibility, and it remains our responsibility now.

But what we are now proposing to do is to take the school construction money that has gone to the country to States and local school districts. I am sure there is a lot of good politics in that. Mr. President, but it is the wrong policy for those of us at the Federal Government level who have a responsibility to these other children. We are not meeting our responsibilities.

If we were building the schools on the Indian reservations or taking care of these military children, that would be one thing. I have pointed out that we were failing miserably in that responsibility. We are not meeting that responsibility.

If we were building the schools on the Indian reservations or taking care of these military children, that would be one thing. I have pointed out that we were failing miserably in that responsibility. We are not meeting that responsibility. I ask colleagues, how can we sit here and blithely spend over $900 million on schools around the country that could just as easily be built by the
taxpayers of those jurisdictions, while ignoring our responsibility to the very kids who are our responsibility and whom the States and local governments can’t take care of.

What sense does that make? How does that make us feel at night when we go to bed and say we have done a good thing today—violating treaties with our Native Americans and denying the kids of the people we put in harm’s way serving in the military the kind of education other kids get because we want to sprinkle that money around the country rather than putting it in the area of responsibility that we in the Federal Government have.

That is horrible public policy. The only way to set it right is to reorder the priorities and put back as the first priority our responsibility of funding the schools in the Indian reservations and for the Indian nations, and that would remain our top priority for school construction. To do that, we need to vote yes on the Kyl amendment. I urge colleagues to do that.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

ORDER OF PROCEDURE—VOTES

Mr. Reid. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays en bloc on the two conference reports.

The PRESIDING OFFICER. Is there objection?

Without objection it is so ordered.

Mr. Reid. I ask for the yeas and nays on both conference reports.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. Harkin. Mr. President, I yield back the remainder of my time, and I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arizona has 47 seconds.

Mr. Kyl. I will yield back my time. I am sorry we have to confuse the issue by moving to table it. In view of that, the proper vote here now is a “no” vote to table the Kyl amendment. I yield back my time.

Mr. Reid. Mr. President, I ask unanimous consent that the first vote be the normal 15 minutes and the subsequent two be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Harkin. Mr. President, I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. Nickles. I announce that the Senator from Alabama (Mr. Sessions) and the Senator from Nebraska (Mr. Hagel) are necessarily absent.

The PRESIDING OFFICER (Mrs. Clinton). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

- [Rollcall Vote No. 319 Leg.]

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NAYS-41

- [Rollcall Vote No. 320 Leg.]

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Hagel Sessions

The motion was agreed to.

Mr. Harkin. I move to reconsider the vote by which the amendment was agreed to.

Mr. Reid. I move to lay that motion on the table.

The motion to lay the table was agreed to.

ENERGY AND WATER DEVELOPMENT ACT FOR FISCAL YEAR 2002—CONFERENCE REPORT—Continued

The PRESIDING OFFICER (Mrs. Clinton). Under the previous order, the question is on agreeing to the conference report to accompany H.R. 2311, the energy and water appropriations bill. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. Nickles. I announce that the Senator from Alabama (Mr. Sessions) and the Senator from Nebraska (Mr. Hagel) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 15, as follows:

- [Rollcall Vote No. 321 Leg.]

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| Domenici | Yea | Jeffords | Reed (NV) |
| Dorgan | Yea | Johnson | Roberts |
| Durbin | Yea | Kennedy | Rockefeller |
| Edwards | Yea | Kerry | Santorum |
| Ensign | Yea | Kohl | Sarbanes |
| Kyl | Yea | Landrieu | Schumer |
| Feingold | Yea | Lieberman | Snowe |
| Feinstein | Yea | Levin | Specter |
| Fitzgerald | Yea | Lincoln | Stabenow |
| Frist | Yea | Lieberman | Snowe |
| Graham (FL) | Yea | Lott | Stevens |
| Gramm (TX) | Yea | Lott | Stevens |
| Grassley | Yea | Lugar | Thurmond |
| Gregg | Yea | McConnell | Torricelli |
| Harkin | Yea | Miklish | Voinovich |
| Hatch | Yea | Miller | Warner |
| Hollings | Yea | Mentz | Warner |
| Hollings (FL) | Yea | Murray | Voinovich |
| Hutchinson (AR) | Yea | Nelson (FL) | Warner |
| Hutchison (TX) | Yea | Nelson (NE) | Wollstone |
| Inhofe | Yea | Nickles | Wyden |
| Bayh | Not Voting | McCain | Sessions |
too, am increasingly concerned that despite major advances in public health and obstetrics, a safe and healthy pregnancy is still not the experience for all women. More than 2,000 women each day have a major medical complication arising in pregnancy, such as severe bleeding, eclampsia, preterm labor, postpartum depression or infection. Some groups, including African American, Hispanic, and older women, have a significantly increased risk of illness or death. African-American women are four to five times more likely to die from pregnancy-related complications as white women; Hispanic, Asian and American Indian women are twice as likely as white women to die from pregnancy-related complications as their non-Hispanic, non-Asian, and non-American Indian counterparts; and women aged 35-38 are 2 to 3 times as likely to experience a pregnancy-related death compared to women aged 20-24.

Mr. KENNEDY. As the chairman knows, if we are to eliminate these racial and ethnic disparities, we must gain a greater understanding of what causes pregnancy-related illness and death. I find it very troubling that even though more women in the United States are delivering infants now than ever before, the number of maternal deaths and preterm deliveries has not declined in the past 25 years. Mr. KENNEDY. The lack of progress in reducing maternal morbidity and mortality is unacceptable. This committee strongly supports the goals identified at the summit, including expanding the CDC’s safe motherhood initiatives. We must look at the public health importance of pregnancy to women’s health in the 21st century, the magnitude and impact of short-term and long-term pregnancy-related complications, and national strategies to close the gaps in research, data collection and quality care. CDC has taken an important lead in this area.

In addition, I look forward to working with the Senator and the General Accounting Office to document the existing state of research and knowledge about the impact of pregnancy on women’s health so that we can have a blueprint for closing the gaps in women’s health.

**HEALTHY START PROGRAM**

Mr. McCONNELL. Madam President, I commend the chairman and Senator SPECTER for drafting the fiscal year 2002 Labor, Health, and Human Services, Education Appropriations bill. Assembling this legislation, with important priorities such as the National Institutes of Health, the Centers for Disease Control and Prevention, and the Department of Education is a daunting task and one for which you should be commended.

As the chairman knows, the Healthy Start initiative was started in 1991 to reduce the rate of infant mortality in states and territories with the highest rates. The legislation we are now considering provides nearly $90 million for Healthy Start. While this is a generous allocation, it has come to my attention that at this funding level, several Healthy Start programs which have been approved by the Department will no longer receive their Federal funding. I know of one such program that stands to lose funding, Voices of Appalachia (VOA) Healthy Start, VC 1 in Wolfe County, KY has done a remarkable job of reducing the infant mortality rate and continues to provide invaluable services to the families of Southeastern Kentucky.

I understand that the House of Representatives has appropriated $1 million for the Healthy Start Program. Keeping in mind that resources are scarce, I would inquire of the chairman whether he would be willing to agree in conference to the level appropriated by the House.

Mr. HARKIN. As the Senator mentioned, this is a very tightly drafted bill and there are many important areas in which the Senate bill provides greater resources than the House. Like you, I realize the importance of the Healthy Start Program, and while I cannot make any promises, I will work with Senator SPECTER and the House to provide sufficient resources for this worthwhile program.

Mr. SPECTER. I echo the comments of Chairman HARKIN. Programs such as VOA deserve the full support of Congress, and I am committed to working with Chairman HARKIN to provide adequate funding for Healthy Start programs.

**HISPANIC SERVING INSTITUTIONS GRANTS PROGRAM**

Mrs. HUTCHISON. Madam President, my colleague, Senator BINGAMAN, and I would like to clarify with our colleague, the distinguished chairman of the Labor, HHS, and Education Appropriations Subcommittee, his intent to respect to forthcoming funding of the Title V Hispanic-serving Institutions Grants program.

As the chairman is well aware, this program provides critical funding to generally smaller, community-oriented four- and two-year institutions of higher education that serve at least 25 percent Hispanic students. These approximately 200 institutions are an increasingly important avenue to success for this important and growing segment of our nation, and the HSI program is integral to the ability of these institutions to open the doors of higher education to Hispanics.

Mr. BINGAMAN. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield to my distinguished colleague from New Mexico. Mr. BINGAMAN.

Mr. BINGAMAN. I thank my colleague and fellow chair of the Senate Hispanic-serving Institutions Coalition for her leadership on this important issue. As she knows, Hispanics, and particularly Hispanic youth, are the fastest growing group of Americans. Yet despite the fact that Hispanic Americans represent 13 percent of the population aged 18 to 24, they comprise...
only 5.5 percent of the students enrolled in four-year institutions of higher education. Moreover, the number of Hispanics who never complete high schools stands at an alarming 30 percent. As a nation we simply cannot afford to allow these large and growing segments of our population to be unprepared to face the economic challenges of the next century.

Key to greater Hispanic American enrollment in both higher and secondary education are Hispanic-serving institutions. Despite the fact that they represent only three percent of all colleges and universities nationwide, HSIs educate over 600,000, or 42 percent, of the Hispanics enrolled in postsecondary education today. However, many HSIs remain critically underfunded and lack the resources and infrastructure necessary to meet the growing demands of the communities they serve.

Mrs. HUTCHISON. If the senator will yield, I want to thank him for his comments and his resolute support of this program and of a variety of other education programs and issues of importance to Hispanics. I also want to thank the distinguished chairman of the subcommittee, Senator HARKIN, as well as the ranking member, Senator SPECTER, for working with Senator BINGAMAN and myself to achieve significant increases in this program in recent years. I have had first hand how many of the programs have to a small, struggling junior or community college. It can very often make the difference between being able to offer a degree or degree program for the institution’s students.

Madam President, I thank and commend the chairman of the subcommittee for his and for Senator SPECTER’s always exceptional efforts at drafting a bill that makes the difficult choices we must make each year, while maintaining significant increases in overall funding levels for key areas of national need, including education and health funding. However, I understand the Senate committee-reported bill now on the floor contains a funding level that represents a slight increase over the 2001 fiscal year appropriation amount for the Title V HSI program, but one that is below the House committee-reported funding level of $81.5 million. I further understand that Chairman HARKIN has requested HSIs to recede to this higher House funding level during conference proceedings with the House. Is that correct?

Mr. HARKIN. The senator is correct. I certainly understand and share her and Senator BINGAMAN’s commitment to the important Hispanic-serving institutions program. These colleges and universities are very important to the academic and economic success of Hispanics in our nation, and I do intend to seek the higher House funding level in conference to further the ability of these institutions to serve their students and their communities.

Mr. SPECTER. I too, share the chairman’s commitment to the higher funding level for the Title V program. Considering the need demonstrated by Hispanic-serving institutions, their collective contribution to their communities, and as well as my colleague from New Mexico, and I yield the floor.

Mr. BINGAMAN. I, too, thank the chairman, ranking member, and Senator HUTCHISON, and I look forward to continuing to work with all of them and others, including the members of our bipartisan Senate Hispanic-serving Institution Coalition, to continue to grow the ability of this program to serve communities across our country. I yield the floor.

Mrs. HUTCHISON. If the senator will yield, I want to thank him for his commitment to the higher fund-level for the Title V HSI program. Considering the need demonstrated by Hispanic-serving institutions, their collective contribution to their communities, and as well as my colleague from New Mexico, and I yield the floor.

Mrs. HUTCHISON. I thank the chairman and ranking member for that commitment, as well as my colleague from New Mexico, and I yield the floor.

Mr. BINGAMAN. I, too, thank the chairman, ranking member, and Senator HUTCHISON, and I look forward to continuing to work with all of them and others, including the members of our bipartisan Senate Hispanic-serving Institution Coalition, to continue to grow the ability of this program to serve communities across our country. I yield the floor.

Mrs. HUTCHISON. Mrs. LINCOLN. Madam President, I rise today along with my colleague from Maine, Senator COLLINS, to express support for the TRIO Programs that are funded in the Labor-HHS-Education appropriations bill. Before I discuss these important programs and the legislation before the Senate today, I would like to commend Senator HARKIN for his lifelong commitment to making quality education available to every student through TRIO and other federal programs. I am grateful for his leadership in this arena. I look forward to working with him in the months and years ahead to continue the progress that is represented in the bill we are debating today.

I also thank Senator SPECTER for his bipartisan approach over many years as both chairman and ranking member on this subcommittee. The willingness he has demonstrated to work with me and Senator LINCOLN to meet our Nation’s most pressing needs in education and health care funding is impressive and demonstrates a level of understanding and foresight we should all strive to achieve.

I now know there are many vital initiatives funded in this bill and I want to briefly highlight one that is particularly important to my state of Arkansas. As many of my colleagues know, the TRIO Programs were authorized under Title IV of the Higher Education Act of 1965 to support our Nation’s commitment to providing educational opportunities for all Americans. The TRIO programs are designed to help low-income, first-generation college students prepare for, enter, and graduate from college. While student financial aid programs help students overcome financial barriers to higher education, TRIO Programs help students overcome class, social and cultural barriers. Considering Arkansas has one of the lowest percentages of citizens over 4 with a 4-year college degree, the 52 TRIO programs currently serving participants in my State provide a critical source of encouragement and support to thousands of students who might otherwise never receive their college degree.

To demonstrate our support for these programs, Senator COLLINS and I are proud to have had cooperative law that would expand the population served under these programs from 6 percent to 10 percent of eligible students over the next 5 years. As an important step toward this goal, we circulated a letter earlier this year that gained the support of 35 Senators in favor of increasing funding for TRIO by $190 million each year over the next 5 years.

Even though the Senate bill did not meet the level of funding we requested in our letter, I understand that the chairman and ranking member received more than 1,000 requests for funding from Senators this year. So I know I speak for all TRIO participants in my State in expressing appreciation for the healthy $75 million increase over last year’s level that is provided for in the Senate bill. This additional funding is an important step in the right direction and will expand access to TRIO services to thousands of students in my State and throughout the Nation.

As appropriators work to iron out differences between the House and Senate versions of this bill in conference, I want to work with the chairman and ranking member to fight for the higher level of funding included in the Senate bill. Also, I want to encourage the appropriations committee to provide an even larger increase for TRIO should additional funding be made available in the budget and appropriations process this year.

In closing, I thank Senator COLLINS for joining me in this effort. It has been a pleasure working with her and I look forward to joining forces with my colleague from Maine in the future on this and many other important initiatives.

Ms. COLLINS. Madam President, I would like to begin by thanking Senator LINCOLN for her kind words and for her commitment to TRIO. Just as in Arkansas, many of the students in Maine grow up in families that have not had experience with higher education. The TRIO programs are vital in raising the aspirations of these students. Senator LINCOLN has consistently supported federal education and training for high school students, inspiring kids to strive for their full potential. It has been my pleasure to work with her, and I look forward to continued cooperation on behalf of TRIO.

I would also thank Senators SPECTER and HARKIN for their commitment to education funding. Under their leadership, the committee has produced a Labor-HHS-Education bill that provides a $6.3 billion increase in education spending for next year, including nearly $2 billion in Head Start, First, Title I, Pell Grants, and rural education. The investments outlined in this bill will build upon the progress of...
the last few years and help us ensure that all students have an opportunity to achieve.

Although the bill does not provide the amount we had hoped for to fund TRIO, it does appropriate a considerable amount—almost $75 million, which will be very helpful.

The five TRIO Programs—Educational Opportunity Centers, the Ronald E. McNair Post-baccalaureate Achievement Program, Student Support Services, Talent Search, and Upward Bound—work with young people and adults, from the sixth grade through college graduation. Over 1,000 colleges, universities and agencies offer almost 2,500 TRIO Programs, serving over 700,000 students throughout the United States, Puerto Rico, and the Pacific Islands. These programs have enjoyed broad-based support on both sides of the aisle and in local communities for over 30 years.

Father James Nadeau, a native of my hometown in Aroostook County, is a graduate of the Bowdoin College Upward Bound program. His story tells why the TRIO programs are so important. His parents did not have the opportunity to pursue an education beyond high school. Father Nadeau’s participation in Upward Bound changed his life and opened up a world of opportunity to him.

Beginning in 1977, Father Jim spent three years enrolled in Upward Bound and then attended Dartmouth College and studied in France and Scotland. Subsequently, he studied for 5 years at the Gregorian University in Rome and received two graduate degrees in theology. His ministry has spanned from Mother Teresa in Calcutta to school children in Portland, Maine and continues to affect lives all over the world. He is an excellent role model for the youth of Maine and continues to affect lives all over the world. He is an excellent role model for the youth of Maine and Rhode Island that I will work in conjunction with Senator SPECTER and myself, Mr. Reed, and the distinguished Senators from Pennsylvania and Iowa, who have done so much through the years to help the homeless. Our amendment was accepted in the Senate. This year, we are seeking to ensure that $16 million in SAMHSA funds are set aside to serve the needs of homeless individuals. We respect the chairmen’s wish that SAMHSA earmarks not be made specifically in bill language, and, accordingly, we will not offer my amendment on the floor.

Mr. Reed. I share my distinguished colleagues’ interest in assuring that this issue is addressed. Targeted treatment services for homeless populations has been successful in providing the assistance and support many homeless individuals need to lead stable lives. I commend the chairman and ranking member for their continued support for substance abuse and mental health treatment services for the homeless.

Mr. HARKIN. The Senators from Maine and Rhode Island may be assured that I will seek conference language to ensure that $16 million in SAMHSA funds are earmarked for substance abuse treatment for the homeless, and I congratulate them for their leadership on this important issue.

Mr. SPECTER. I, too, would like to assure our good friends from Maine and Rhode Island that I will work in conference to support their request. I also share Senator Reed’s efforts on behalf of the homeless and share their compassion for this group in need.

INDIAN EMPLOYMENT AND TRAINING

Mr. HARKIN. Madam President, the distinguished Senator from Hawaii, Mr. Inouye, has submitted language to the committee regarding compliance by the Department of Health and Human Services with the provisions of the Indian Employment, Training and Related Services Demonstration Act, Public Law 102-477. On behalf of my colleague Senator Specter and myself, I would ask Senator Inouye to clarify the intent of this language.

Ms. COLLINS. I thank the Senator. Last year, Senator Reed and I offered an amendment set aside of $10 million in Substance Abuse and Mental Health Services Administration (SAMHSA), funds to provide grants to assist communities in providing treatment services that will serve the needs of their homeless populations. With the help of the distinguished Senators from Pennsylvania and Iowa, who have done so much through the years to help the homeless, our amendment was accepted.

In closing, the TRIO programs promote opportunity to education and the possibility of upward mobility in this Nation, and they must be strengthened.

Mr. HARKIN. I thank my colleagues for their kind words of support. As they know, I have fought to increase funding for education programs, including TRIO, in the past and I will continue to do so in the future. I am well aware of the broad support TRIO has in the Senate and I can assure my colleagues that I will fight to retain the level of funding for TRIO that we included in the Senate bill. Also, should additional funding be made available in fiscal year 2002 for education programs, I will work with my fellow appropriators to provide additional resources for TRIO this year.

Mr. SPECTER. I too thank my colleagues for their comments. I certainly join the chairman in expressing support for the TRIO programs and will work in conference to maintain the level of funding contained in the Senate bill.

SUBSTANCE ABUSE TREATMENT FOR THE HOMELESS

Ms. COLLINS. Madam President, Senator Reed and I would like to engage the distinguished Chairman and Ranking Member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education in a colloquy on the important issue of substance abuse treatment for the homeless. Our goal, which I know the chairman and ranking member share, is to ensure that homeless individuals have access to substance abuse treatment. While their most apparent need is decent shelter, homeless men and women often require treatment for the underlying problem that has kept them on the street, which in many cases is drug and alcohol abuse. Compounding the problem is the reality that homeless people often have difficulty accessing mainstream treatment services. What is needed are treatment programs specifically tailored to our homeless population.

Mr. HARKIN. The Senator from Maine is correct. Programs that link treatment to other health, housing, social and maintenance services often provide the best opportunity for the homeless to adhere to treatment programs, and ultimately achieve stability in their lives.

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Mr. HARKIN. I am informed that HHS has recently released funds to the tribes operating their Native Employment Works, NEW, and Temporary Assistance for Needy Families, TANF, programs outside the long-standing interagency fund transfer mechanism used in the Public Law 102-477 demonstration. HHS has informed the tribes that they must comply with all HHS requirements for these programs, without any reference to the applicability of the provisions of Public Law 102-477.
The language is intended to ensure that HHS respect all the provisions of Public Law 102-477, including the provisions with respect to the single planning, single budgeting and single reporting requirements, which apply to all funds under the programs covered by that law. The language is also intended to make certain that HHS engages in a dialogue with the affected tribes and the Bureau of Indian Affairs, as lead agency for 477, and resolves any concerns which it and stakeholders of the framework of inter-Departmental-tribal partnership which is central to the Public Law 102-477 demonstration initiative.

I would also note that there is an existing inter-department memorandum of understanding between the Departments of Interior, HHS and Labor which provides for a mechanism to continue the existing practice of transferring funds from HHS and Labor to Interior for obligation to the tribes in agreements specifically crafted for the Public Law 102-477 demonstration.

Mr. STEVENS. If I may add to the remarks of my colleague from Hawaii, the Alaska Native organizations in my State have made important strides in improving and streamlining the requirements, which apply to all funds under the programs covered by that law. The language is also intended to make certain that HHS engages in a dialogue with the affected tribes and the Bureau of Indian Affairs, as lead agency for 477, and resolves any concerns which it and stakeholders have with respect to the single planning, single budgeting and single reporting requirements, which apply to all funds under the programs covered by that law. The language is also intended to make certain that HHS engages in a dialogue with the affected tribes and the Bureau of Indian Affairs, as lead agency for 477, and resolves any concerns which it and stakeholders of the framework of inter-Departmental-tribal partnership which is central to the Public Law 102-477 demonstration initiative.

I want to thank both Senators MURRAY and SPECTER for their leadership on the current amendment and for their impressive efforts on this amendment. I am pleased that, by adopting this amendment, the Senate bill includes significant increases for those important programs, particularly for bilingual education, migrant education, and GEARUP, during the conference on this bill.

Mr. BINGAMAN. Madam President, I take this opportunity to thank Chairman HARKIN and Senator SPECTER for including in the managers’ package an amendment that I sponsored with Senator DASCHLE, KENNEDY, KERRY, and MURRAY related to education programs particularly important to Hispanics in my State and to the Hispanic community nationally. This amendment will increase by $100 million over the current program amounts for education programs by $100 million, provide an additional $3 million for the High School Equivalency Program, $5 million for the College Assistance Migrant Program, $38 million for GEARUP, $5 million for dropout prevention, $4 million for Hispanic Serving Institutions, and $25 million for the Migrant Education Program.

Hispanics are the fastest growing minority group in the United States and they are projected to contribute two-thirds to the growth in the size of the high-school-age population over the next decade. A number of Hispanic students as a group lag behind their peers on many academic indicators. For example, in 1998 thirty percent of all Latino 16-24 year olds were dropouts—1.5 million, more than double the dropout rate for Blacks (14 per cent.) and more than three times the rate for Whites (8 percent). Overall, Hispanic students consistently perform below the national average in the National Assessment of Educational Progress—NAEP. The latest NAEP results show that the percentage of 4th graders scoring above the proficient level nationwide was 16 percent for Hispanics and 40 percent for non-Hispanic whites in reading and 31 percent for Hispanics and 34 percent for whites in math. Disparities begin as early as kindergarten and remain through age 17. By age nine, Hispanic students lag behind their non-Hispanic peers in reading, mathematics and science proficiency. The increased funding included in this amendment will have a tremendous impact on addressing these serious gaps.

I appreciate the efforts made by our chairman, Senator HARKIN, on this bill, and the efforts of his ranking member, Senator SPECTER, the bill includes significant increases for many education programs crucial to the Hispanic students and to all children. I want to thank both Senators MURRAY and SPECTER for their leadership on this amendment. I am pleased that, by adopting this amendment, the House bill allocates $81.5 million for that program and $805 million for TRIO. I am pleased to accept it as part of the managers’ package. Mr. BINGAMAN. Yes, the House bill allocates $81.5 million for that program and $805 million for TRIO. I am pleased to accept it as part of the managers’ package.

Mr. HARKIN. On behalf of myself and Senator DASCHLE, I want to thank the Senators from Hawaii and Alaska for this clarification. The committee will do everything it can to ensure that HHS participates in the innovative inter-Departmental-tribal partnership, consistent with all the provisions of Public Law 102-477.

Hispanic Programs

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Hispanics are the fastest growing minority group in the United States and they are projected to contribute two-thirds to the growth in the size of the high-school-age population over the next decade. A number of Hispanic students as a group lag behind their peers on many academic indicators. For example, in 1998 thirty percent of all Latino 16-24 year olds were dropouts—1.5 million, more than double the dropou...
help school districts implement curricula that help children with limited English proficiency learn English and succeed academically. There are more than 4 million LEP students attending our nation’s schools and the number is increasing. Although the number of such students has grown dramatically in the last two decades, funding for federal bilingual education has not been increased accordingly. In fact, the Congressional Research Service found that funding for bilingual education after adjustment for changes in the population decreased slightly during the fiscal year 1980 to fiscal year 1998.

I understand that our Chair, Senator HARKIN, has agreed to work with Senator SPECTER and the other members of the conference on this bill to provide further increases for this program during the conference negotiations. We hope to secure at least $700 million for the program, and more if at all possible. Does the Senator share that goal?

Mr. HARKIN. Yes, that is our goal.

Mr. KENNEDY. Also, as our colleagues know, the Senate bill reauthorizing the Elementary and Secondary Education Act provided that bilingual funding be increased under the current competitive program structure until the appropriation reaches $700 million. Even the authorized trigger of $700 million is not sufficient, however, to provide adequate level of support and services for all students with limited English proficiency. Over the past decade, the enrollment of these children in the nation’s schools has grown at a dramatic rate—by 104 percent since 1989. More than half of all school teachers have LEP students in their classroom, and yet only one-third of these teachers have received sufficient training to serve these students.

For these reasons, the Senate passed the Lincoln-Kennedy amendment to the Senate version of H.R. 1. Title III on a path toward full funding over 7 years by authorizing $2.8 billion for 2002 to provide 1.1 million limited English proficient students with good instruction, quality programs, and well-qualified teachers. A minimum of $700 million is a needed start toward ensuring that schools can provide high quality instruction for these students with the support that teachers need to do well to meet this goal.

Under the funding level included in the Senate bill, we intend the funds to be allocated under the current competitive program structure, as provided for in the Senate version of H.R. 1.

Mr. HARKIN. Let me assure the distinguished chairman of the HELP Committee that it is our intent to follow the direction of the authorizing committee on this point. As I have indicated, it is certainly my hope and intention to provide sufficient funds so that, if they are distributed under a formula, schools would be able to provide meaningful services to these children. I would like to clarify that, under the funds provided by this amendment, if we were ultimately unable to exceed this level of funding, my intention would be to distribute the funds on a competitive basis and provide support services for the following levels of funding at this level as follows: $150 million for the Emergency Immigrant Education program, $16 for Foreign Language Assistance, $300 for the instructional services for limited English proficient students subpart 1, $21 million for bilingual education subpart 2, and $129 million for professional development subpart 3.

Mr. BINGAMAN. I thank the chairman. A substantial increase for bilingual education is particularly important for my home State and your willingness to continue to work on increasing funds for this program is appreciated. In New Mexico, there are almost 70,000 LEP students—over 20 percent of our total student population the percentage is lower in the rest of the State. When I was an Anglo legal assistant in the native language while helping them to gain greater proficiency in English and to achieve in core academic subjects.

I also understand that we will be able to triple funding for the dropout prevention program that I sponsored in the Elementary and Secondary Education Act. In my home State, the annual Hispanic dropout rate was more than twice that of non-Hispanic whites in 1999. This program will provide funds to implement proven, research-based dropout prevention strategies and will help provide greater national coordination in our dropout prevention efforts. I thank the Senator from New Hampshire for his support on this amendment and for their tremendous efforts on this bill. I am also grateful to the Majority Leader, Senator DASCHLE, and to Senator KENNEDY for their support with respect to this amendment.

EDUCATION

Mrs. CLINTON. Madam President, I rise today both to applaud the chair and minority ranking member of the Labor-HHS-Education Appropriations Committee for support for needed investments in school construction—$925 million for States to make emergency renovations and repairs—and to raise my concerns about the two amendments currently being debated.

I applaud the Senators from New Hampshire and Louisiana for focusing the education debate on targeting title I funds to the highest poverty states and school districts. I, however, cannot support my colleagues’ amendments. Senator LANDRIEU’s amendment is a false choice. It takes needed money away from school construction, adds these funds to the new funds allocated to title I and ensures that they are distributed through the targeted formula. I agree that new title I funds should be distributed to states and school districts through the title I targeted formula, which provides more funding to those States and school districts with the highest percentage of poor children and the highest number of poor school-age children. But, we cannot support targeting at the expense of repairing our schools in the most urgent need of renovation. We may have vetoed the story of a fourth grade teacher at the 82-year-old Mechanicville Elementary School, just north of Albany, who was struck in the head by concrete from the ceiling as she was teaching because the school was in such disrepair. In New York, children are attending schools in New York City built 100 years ago, and many students in Upstate New York are attending schools that were built 50 or 60 years ago. As Senator HARKIN so simply, yet so poignantly put it in his opposition to Senator GREGG’s amendment: “It is unfair to put poor kids in poor schools.”

It is imperative that as a body we place a national priority on making our poorest schools and our most poverty-ridden communities—those communities and that we target as much of the education funding as possible to our highest-need school districts. We cannot choose one over the other. We must do both.

Senator LANDRIEU’s effort amendment focuses on the second issue: How can we best target title I funds to our highest poverty schools? I applaud her for her effort to try to both send more money to States through the targeted formula and to reward States for their effort and equity of targeting funding within States. I cannot support Senator LANDRIEU, however, as it would result in New York State receiving $17 million less than what is currently in the legislation.

I would like to take a moment to explain to this body the situation that New York schools and school children face in the wake of the September 11th terrorist attacks and a suffering economy. It has been estimated that as a result of the economic situation in New York the State will face a $10 billion shortfall in State revenues over the next 18 months. In addition, Comptroller Carl McCall has identified $940 million in potentially needed local government costs due to the current confluence of negative events. Local governments outside of New York City could experience reductions in tax revenues of up to $300 million. Already, the comptroller lists 36 units of local government that are experiencing some level of fiscal distress. It is expected that the uncertainty of State assistance and the declining economy will only add to the current distress of these communities and will add more communities to this list. This shortfall and the weakening economy are already adversely impacting our largest schools districts. In a
recent survey conducted by the New York State School Boards Association, 31 percent of school districts indicated that they will be forced to borrow and incur additional costs if more aid is not forthcoming and 70 percent of school districts revealed that they had tapped reserves they will need to replenish. In Buffalo, the schools have a $28.3 million shortfall, which could mean 400-500 teachers and other school personnel cut at a time when the district is already struggling to find certified teachers to teach students. In New York City, the school board is short $400 million; they are already cutting afterschool programs and guidance counselors at a time when students in the city most need extra attention and assistance. In Rochester, they are short $21.7 million; in Yonkers, they are short $57 million; and, in Syracuse, they are short $8 million. And I could go on and on.

This adverse impact on our schools is happening when we are debating an education bill that would put new Federal mandates on schools—and, I would argue, needed accountability. But how can we ask our schools to incur new costs to implement testing for AYP when a decrease from 3 to 2 has not completed its work on the bill. Why will this make a difference in towns across New York, in the Buffalos and New York Cities, but also in the smaller cities and towns from Oswego, to Utica, to Massena to Roosevelt? Due to the failure of the Federal Government to live up to its promise of funding 40 percent of special education funding and the decrease in State shares of special education over time, the burden on local communities has increased from 39 to 45 percent of the share of special education funding.

If we fully fund IDEA, New York’s share of special education funding would rise from $430.2 million, which we received in fiscal year 2001, to $595.4 million in fiscal year 2002—a $165.2 million increase. And I will fight my heart out to ensure that this amendment is part of the final education bill that Congress will consider in the next few minutes.

We need to better target title I funding. To date, the Congress has never appropriated funds through the title I targeted formula. This formula provides needed money for States with the highest percentage of children in poverty and the highest number of poor school age children. New York is a State that would benefit tremendously from distributing new title I funds through this formula. In fact, if we distributed all title I funds above the fiscal year 2001 level through the targeted formula, New York would receive approximately 39 percent more in title I funding than it received last year. I will be fighting hard in the education conference to ensure that we do more to distribute funds through the targeted formula to help those States with the highest percentage and highest number of poor school age children.

And I believe that we need to provide a bail-out for schools across the country, who are suffering as a result of the September 11 terrorist attacks and economic downturn. We cannot turn a blind eye to our schools and allow them to take the hit of a downturned economy that has resulted from the terrorist attacks of September 11th. I will be working with my colleagues to develop an education assistance package as part of the economic stimulus bill that this body will soon consider.

That this body will soon consider.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent for the quorum call to be rescinded.

THE PRESIDING OFFICER. Mr. DODD. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senators from Arizona and California are in the Chamber. It is my understanding that they wish to introduce some legislation.

Mrs. FEINSTEIN. That is correct. Mr. REID. The Senator from Iowa has not completed his work on the bill. He is waiting for some things to happen in the next few minutes.

Can the Senators indicate how much time they want to take?

Mrs. FEINSTEIN. I say to Senator REID, thank you very much. We could probably do it within 5 to 10 minutes.

Mr. REID. Mr. President, I ask unanimous consent Senators KYL and FEINSTEIN allowed to speak for up to 6 minutes each.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

(The remarks of Mrs. FEINSTEIN, Mr. KYL, and Ms. SNOWE pertaining to the introduction of S. 1627 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENTS NOS. 2076 THROUGH 2087, EN BLOC

Mr. HARKIN. Mr. President, I have a list of managers’ amendments that has been approved by both sides and which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN) proposes amendments numbered 2076 through 2087, en bloc.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2076

(Purpose: Provide current year funding for the National Skills Standards Board)

On page 2, line 19 after “of such Act,” insert “subject to the pro rata reductions and the amount to be reduced in each account.”

AMENDMENT NO. 2077

(Purpose: Administrative expenses reduction)

On page 93, after line 12, insert the following:

Sec. 521. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by 15 percent.

AMENDMENT NO. 2078

(Purpose: Provide for increased funding for automatic external defibrillators in rural communities, offset by administrative cost reductions)

On page 22, line 18 after “Awareness Act,” strike $5,488,843,000 and insert in its place $5,496,343,000.

On page 24, line 8 before the period insert the following Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Comptroller General of the United States on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

AMENDMENT NO. 2079

(Purpose: To provide additional funding to carry out the Ectasy Anti-Proliferation Act of 2000)

On page 34, line 13, strike “$3,073,456,000” and insert “$3,088,456,000. Provided, That $10,000,000 shall be made available to carry out title C of title XXXVI of the Children’s Health Act of 2000 (and the amendments made by such subtitle)”.

The PRESIDING OFFICER. Mr. President, without objection, the point of order is overruled.

Mr. REID. Mr. President, you have the floor.

Mr. REID. Mr. President, I ask unanimous consent that the roll call be dispensed with.
this war against terrorism or the new authority he needed to execute that war or aviation security. The Senate passed that bill almost 3 weeks ago now by a vote of 100-0.

That was antiterrorism legislation which we needed so desperately. So how law enforcement can ferret out the sources of terrorism in the United States. We moved to that quickly and sent it to the house. The house and the Senate have responded and have been working with the President in a bipartisan fashion.

I found his remarks about the economic stimulus package a little puzzling because we have been doing our business. It is true that we have not reported a tax economic stimulus bill in the Senate yet. My guess is we will do that as soon as next week.

The House of Representatives has presented a bill called an economic stimulus package.

That is why I raise that point is this: How does the money get into the Social Security trust fund? Every worker in America, rich or poor, pays payroll taxes, known as FICA taxes, every single pay period into the Social Security and Medicare trust funds. So the money that is paid in those funds comes from the working people of America. Their payroll taxes are financing our war effort overseas as well as all the other efforts to protect America.

The working people of America and their payroll taxes are paying for the rebuilding of New York and that which was damaged on September 11. The working people of America and their payroll taxes will pay for any economic stimulus package which Congress enacts.

The reason why that is significant is: First, as every economist worth his salt has told us, to get this economy moving forward, you have to put spending power back in the hands of consumers. Consumers have lost confidence. In losing confidence, they are not making key purchases. So they are holding back. They are holding back. They are holding back.

The reason why that is significant is twofold. First, as every economist worth his salt has told us, to get this economy moving forward, you have to put spending power back in the hands of consumers. Consumers have lost confidence. In losing confidence, they are not making key purchases. So they are holding back. They are holding back. They are holding back.

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Second, they said: Do it in a timely fashion. If Congress should decide not to do it, or put it off, then, frankly, we are going to be in a position where it does not make much difference.

Third, they said: Make certain it is temporary, that whatever you do is focused on resuscitating this economy, and it isn’t a long-term commitment. I thought those were pretty sound principles.

We should consider not just what is most efficient and efficacious in terms of moving the economy forward, but, secondly, what is fair? If the money we are spending on an economic stimulus is coming from the working families in America, out of their payroll taxes, isn’t it fair, in light of that first observation about what is needed for the economy, that the money be at least returned to working families across America?

I think that is eminently sensible. But look at what the House of Representatives comes up with by way of an economic stimulus. They come up with a proposal that takes the payroll taxes paid into the Social Security trust fund and redistributes them to whom? The wealthiest people in America, or per capita economic stimulus coming out of the Republican-controlled House of Representatives goes to the top 1 percent of wage earners.

I think about “Reverse Robin Hood.” Here we have the average person working hard, paying 7.5 or 8 percent in pay- roll taxes out of every single paycheck sent to Washington so that the Ways and Means Committee in the House of Representatives can take that money and give it to whom? Not back to the same workers—no—but to the wealthiest in America.

What is even worse is a proposal coming out of the House of Representatives in the name of economic stimulus which would, in effect, give back billions of dollars to corporations for taxes they paid as long as 15 years ago. That, to me, is an outrage.

That money coming out of the Social Security trust fund will go to wealthy, prosperous, and profitable corporations to reimburse them for taxes that were paid as long as 15 years ago. That does not make sense. It does not make sense from an economic viewpoint if we accept the premise that we need to give these corporations spending power that will move this economy moving forward, and it certainly does not make sense in the name of justice that we would take payroll taxes and give them back to wealthy people in America and profitable corporations. That is exactly what the House of Representatives has proposed. And it is exactly what Treasury Secretary Paul O’Neill called “show business.” I think he was too kind. I could come up with a few other ways to describe it.

It is far more important for us, as part of an economic stimulus, to get to the root cause of our economic problem, to address it in a timely fashion,
to avoid, as much as possible, long-term deficits, and to make certain that is a temporary fix that really resuscitates the economy, as it needs to be.

Currently, the Senate Finance Committee, under the leadership of Senator Max Baucus, is considering a stimulus package. This package is good in many respects. All the tax and spending proposals are temporary in nature. More than 100 percent of the 10-year cost occurs in the year 2002—immediately.

The $200 billion this year and $40 billion more over 10 years. It includes a $14 billion rebate and $33 billion in worker relief, targeted to low and middle-income Americans who are more likely to spend it. And it has virtually no effect on the surplus after this next fiscal year.

Contrast that with the proposal that we now have from the Senate Republicans, from Senator Grassley of Iowa. Senator Grassley’s proposal has $143 billion in tax cuts that are permanent, not temporary but permanent, representing 82 percent of the total net cost of the Republican economic stimulus package. Nearly 48 percent of the 10-year cost of the package occurs after the first year. So it is not a stimulus package. It is not temporary but permanent. It does not occur until a year from now.

The bill costs $78 billion in fiscal year 2003 and $60 billion in fiscal year 2004. The bill costs $109 billion in this next fiscal year and $75 billion over 10 years—a $175 billion bill in comparison to the $70 billion cost of the bill that is coming out of the Democratic side.

Listen to this part. Remember, the money we are talking about comes out of the Social Security and Medicare trust funds from payroll taxes paid by working families across America. That is what is providing the money. That is the source of the money.

What would the Republican Senators have us do with that money from these workers’ payroll taxes that represent 82 percent of the Republican tax cuts, and to work families for unemployment benefits. Only 18 percent of the total amount of economic stimulus goes to the bottom 60 percent of employees and taxpayers across America.

From where I am standing, this does not make any sense at all. This, by any standard, is a failing proposal on the Republican side. For the President to say, as he must, so that what is happening behind sound economic principles is one that will really move this economy forward, and do it in a fashion that is fair—fair to every American.

We had a meeting yesterday with some friends and representatives of working people across America, and a point was made very effectively: When it comes to waging wars in America, the working families are usually the first in line, not just with their tax payments, but with their sons and daughters who serve our nation so well, so valiantly. Isn’t it nothing short of amazing that when it comes to stimulating the economy of this country that we forget that lesson?

Since September 11, everywhere you turn, you see the phrase “United we stand.” And thank God for it, that this country has come together in a spirit of patriotism and community and togetherness in a way I have never seen in my natural life. But when you look at these bills that have been proposed on the Republican side of the House and Senate for stimulating the economy, it is not motivated by the motto “United we stand.”

It is motivated by the motto “divided we stimulate.” When it comes to putting money back in the economy, these proposals turn their back on the same people paying the payroll taxes, the very same people making the sacrifice over and over again, day in and day out in America.

Senator Tom Daschle is majority leader. He has said, as part of our economic stimulus, there are several things we would do. I will refer to a couple of them.

One of the actions needed, and I certainly agree with this, is to extend the unemployment insurance available to workers across America. This temporary extension of the extension of unemployment insurance is not unprecedented. In fact, former President George Bush, at a time of recession in America, called for the extension of unemployment insurance benefits. Unfortunately, the President of the United States, has not made the same commitment in terms of the number of people to be helped, how much they would be helped, and how quickly the assistance would be available.

By allowing 13 weeks of extended benefits to anyone with benefits expiring after September 11, we are saying to families: We are going to give you the safety net, the helping hand. What is unemployment insurance worth if you have lost your job? About $230 a week. That is the average. It is not enough for a person to live in the lap of luxury. It is enough for some families to squeak by using their savings, cutting corners, and trying to get by.

There is also a proposal that we help these same families who have lost their jobs and are on unemployment insurance to pay for health care insurance. Imagine that you have lost a job you have held for the past 20 years, and that has happened to hundreds of thousands of Americans in the last year—that you are now trying to keep your family together with unemployment checks of about $230 a week, and when you try to buy the health insurance, your family now needs in the marketplace, which cost, if you have any income, could be $500 to $700 a month. Those figures are not outlandish; they represent the average.

So it is not a surprise to many that the unemployed people drop their health insurance, of course, because of the great deal of worry over the coverage of the family and, in the worst-case scenario, pushes these uninsured, unemployed Americans into a health care system which is forced to absorb them in charity payments.

We believe, on the Democratic side, that in addition to extending unemployment insurance, we should also extend the temporary extension of workers’ compensation for those unemployed workers. That is sensible. It gives them the peace of mind and protection they need for their families.

Senator Daschle has said that will be an essential part of the economic stimulus package that comes out of the Democratic side of the Senate.

These are reasonable and responsible things to do. We have traditionally committed ourselves to small business, and that commitment could be realized as part of the economic stimulus package in terms of allowing some bonus depreciation, some expensing, so that there can be purchases made that help businesses and that will help those who supply them. That is sensible.

The small business approach costs a great deal less than what has been proposed in the House of Representatives, which rewards some of the largest corporations in America.

That is what we face in terms of an economic stimulus package on the tax side. Our colleague in the Senate, Mr. Robert Byrd, has suggested that in addition to the $70 billion as part of our tax package, that we also put in about $50 billion in spending. Some will say: This is not how you go about it. There is a national emergency, they are making proposals to spend more Federal money.

Before you reach that conclusion, take a look at what Senator Byrd has proposed, cosponsored by Senator Harry Reid of Nevada. The proposal is to provide additional funds to Federal, State, and local antiterrorism law enforcement. We just had a meeting of our homeland defense coordinator for the State of Illinois, Matt Battenhausen, and our bipartisan delegation to talk about the urgent need to create a communications system in our State of Illinois and many other States so that police departments and fire departments can be in communication in time of need. That seems very basic to me.

Sensators Byrd and Reid, in this spending proposal for homeland defense, would provide resources for that. The $4 million for the Centers for Disease Control and Prevention grant program is another program that has provided for an update in the equipment and resources and materials at fire stations across America. It has been an extremely popular program. They have called for $600 million on that. I am an advocate of that program and it needs to be used very effectively, if for no other reason than to give local firefighters some familiarity with dealing with hazardous materials and the threat of bioterrorism. That is something that is absolutely essential.

When it comes to infrastructure security, highway security, and clean and safe drinking water, if you think

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about this, we have made it clear that we not only should focus on aviation security and airport security but on all transportation. Investing money now to protect those resources is going to thwart any efforts by terrorists to turn them against us.

The money included as well for bioterrorism prevention and response and food safety. This is an issue about which I feel strongly. We need to put the resources into bioterrorism.

For a presentation to many Democratic Senators from Dr. Anthony Fauci, who is with the National Institutes of Health. He talked to us about anthrax, with which we have become increasingly familiar on Capitol Hill because of the threats against our Senators, as well as the many people who work and visit here.

It is clear to me there are things we absolutely essentially have to do to protect America. How will they get done? How can we make this difference? We really can’t make the difference unless we are prepared to provide money to those units of government and others that need it to protect us against bioterrorism. Border security, $1.6 billion: Would anyone argue that we can’t afford to have more people on the borders to make certain that those who have a suspicious background or involvement in terrorism cannot get into the United States?

Mass transit, Amtrak, and airport security. Of these are easily defendable and suggest that there will be money spent for good purposes to protect and defend America and at the same time to invigorate this economy.

It is a very positive combination to take the tax benefits being offered by Senator Baucus’s bill as well as the homeland defense spending that has been suggested by Senator Byrd. Coming together, it will not only help the economy; it will make America a safer place.

We can say to the working families across America who pay the payroll taxes that are being spent through the Social Security trust fund that the money is being spent for their purposes to help them, to help this economy, to turn America around.

The President has said it is time for Congress to get to work. I accept the challenge. I think it is also time for the administration to get to work, for them to show leadership, as Secretary O’Neill has called the Republican bill that is before us, and to come forward with a more sensible and responsible and manageable approach. If the President will step up and with his leadership create a bipartisan coalition for an economic stimulus that is truly in the best interest of America, I guarantee him this: The same spirit of bipartisanship we have seen in Washington for the last 7 weeks will continue in this important chapter of America’s economic well-being as well, as we respond to this recession with a positive program, a program that will truly help America get back on its feet.

That is the challenge before us. I certainly hope as the Senate Finance Committee brings its bill to the floor and searches out 60 Senators in support of it, it will be a bipartisan bill. If we are going to be asked to accept without change, take it or leave it, the proposals in the Republican version, it will provide many of the benefits for the wealthiest people in this country and for the wealthiest corporations, it should be summarily rejected.

As Secretary of the Treasury O’Neill said: The Republican version coming out of the House is a bad idea. It would be a bad idea coming out of the Senate as well.

I could not in good conscience support a bill in the name of economic stimulus which takes money from the Social Security and Medicare trust funds and spends it; instead of creating an economic incentive, it spends it instead on benefits for those who are frankly very well off and not very pained by today’s economy.

The PRESIDING OFFICER (Mr. Wellstone). The Senator from Illinois.

APPROVAL OF LAW ENFORCEMENT

Mr. DURBIN. A few weeks ago my colleague, who is now presiding, the Senator from Minnesota, introduced a resolution in the Senate acknowledging the hard work of the Capitol Police and all the security forces around Capitol Hill. I was happy to join with him and all the other Senators in that resolution.

A few days ago, with the assistance of Jeri Thomson, who serves as the Secretary of the Senate, we prepared these buttons which are small and probably cannot be seen by anyone following this debate. But the word on them is “heartfelt” thank you to the Capitol Police. Most of these men and women have been working 12-hour shifts at least 6 days a week since September 11.

I just had a few words with one of the officers at the Dirksen Building. She told me that while she is working 6 days a week 12 hours a day, her husband is working for the Red Cross 7 days a week and 12 hours a day. They have two children—3 years old and 5 years old. I said: Did you have any chance to go trick or treating with the kids? She said, she didn’t get home until 8:30; they would just have to wait until next year.

That is part of the sacrifice by so many people who don’t receive recognition in the Congress but deserve it.

For those men and women who are standing out there protecting this House that belongs to the American people and this building that symbolizes so much in our democracy, I want them to know that from all the Members of the Senate this expression of gratitude.

Thank you so much for all you do every single. I hope we can find a way to bring some relief to your life soon. I hope as well that we can see some relief in the lives of all Americans who have been troubled and worried over the events since September 11.

LOOKING PAST DOHA

Mr. BAUCUS. Madam President, I rise today to discuss the upcoming WTO meeting in Doha. I want to express my very serious concerns about the direction I believe these negotiations are heading.

Let me start with the area with which I have the most serious concern; that is, protecting U.S. trade laws. Enforcement of our trade laws is one area where the administration and the Congress have recently worked very closely together.

On issues such as softwood lumber and steel, Congress and the administration have worked together to ensure that our companies and workers are protected from unfair trade practices. It has been working well.

Recent lumber decisions by the National Trade Commission and by the Department of Commerce, as well as the free trade decision on steel dumping onto U.S. markets, are areas where the administration and the Congress worked together on enforcing our trade laws against unfair foreign trade practices.

These cases demonstrate why our trade laws are critical, and also why the case for defending trade laws is one that has always been bipartisan. Indeed, earlier this year I was joined by 62 of my colleagues in a letter urging this administration not to weaken our trade laws.

I again urge the administration to accept the inescapable fact that our trade laws are part of the political bargaining on trade. Without assurances that America has the laws to protect itself against unfair trade practices, future trade agreements will be very tough to sell.

Americans are not wanting to buy into a trade agreement if they are not assured the trade laws are protected and upheld so we can protect ourselves against other countries’ foreign trade practices.

Recent history demonstrates why we should be concerned. Both NAFTA and the recent GATT and WTO negotiations have significantly undermined enforcement of America’s laws.

There have been suggestions that we use WTO negotiations as an opportunity to address due process and transparency concerns in the application of other countries’ trade laws.

These are problems of compliance with existing WTO rules and problems requiring us to revisit the rules themselves.

Indeed, our existing international rules are constantly under attack. Countries are now trying to achieve through litigation what they failed to achieve in previous negotiations.

Remember that our trade laws are WTO legal. They conform with and are
As we look toward and beyond Doha, I look forward to working with the administration. But I also urge our negotiators not to give up the store. The goal of launching a new round of negotiations is not an end in itself. We must be vigilant in ensuring that we get the best deals for our farmers, our workers, and our companies.

ENERGY

Mr. INHOFE. Mr. President, I rise to address the problems we are having getting energy legislation to the Senate floor.

I strongly believe we need to have a comprehensive energy package brought to the Chamber.

My colleagues may remember that a short while ago, I offered an amendment on the Defense authorization bill that would have included a comprehensive energy policy—H.R. 4, the House-passed bill, the bill the administration supports. Yet the majority of people in this Chamber want to pass—in the legislation, I was criticized for that. Yet, there is no stronger supporter of the military than I.

Having been chairman of the defense Authorization Readiness subcommittee for some 5 years, I see energy as a major national security issue. Frankly, it was a wrong decision for the Parliamentarian to say it was not germane.

Let’s look at where we are today. Today, 56 percent of dependent foreign countries for our ability to fight a war. What is alarming is that 50 percent of what we have to import is coming from the Middle East. The fastest growing contributor to that amount upon which we are dependent is none other than Iraq. You can say in one-sentence form: It is ludicrouws that we should be considered to be dependent upon Iraq for our ability to fight a war against Iraq.

We have a new figure I would like to share with the Senate. In the year 2000 alone, the United States bought $5 billion worth of oil from Iraq.

Let’s look at where we are today. For all practical purposes, not only are we at war in Afghanistan, but also in Iraq. They have shot down three of our Predators. They have no-fly zones. We have our troops who should be better trained when they arrive in the Persian Gulf. Yet we get in Iraq and the Middle East for our ability to carry out a war. If something should happen, an accident of a tanker coming in, any number of things, it would be an absoleute disaster.

I will write for my colleagues some recent statements that I didn’t have at the time to share when I brought up my amendment.

One is from Paul Wolfowitz, Deputy Secretary of Defense. In response to my question, he said:

'It is a serious strategic issue.... My sense is that [our] dependency is projected to grow, not to decline.... I think you’re right to point out that it’s not only that we would, in a sense, be dependent upon Iraq oil, but the oil as a weapon. The possibility of taking that oil off the market and doing enormous economic damage with it is a very serious problem.'

Senator CARPER, the other day, was in a colloquy and statements were going back and forth, and quoting Mr. Greenspan responding to one of Senator CARPER’s questions—this is Greenspan, and we are getting ready for an economic stimulus:

At the moment, the demand for power is pretty soft because the economy is soft. That is going to change. And when it changes, unless we have a long-term plan, how we put our infrastructure together, how we set incentives and rules to, one, maintain energy security while protecting the environment, we are going to run into trouble. And I think unless we give it very considerable thought now—projecting five, six, seven years out in the future—we are going to get sub-optimal solutions.

This is not a new issue. I started on this issue back in the Reagan administration. Nor is this a partisan issue because the Reagan administration, while he was President, refused to have a comprehensive energy policy. Then came George H.W. Bush. He came out of the oil patch, so we thought surely this man would be able to successfully have a national energy policy. And he would not do it. This was at a time when we were nearing a war. This is a national security issue, not an energy issue. During the Clinton administration, he would not do it either.

Now we have an agreement where the leadership on both sides says we need a comprehensive energy policy. We need to have a vote this year to accomplish two things: One, our national security, to get out of this quagmire in the Middle East and to be able to fight a war; two, an economic stimulus. I can’t think of anything more positive to stimulate the economy than a national energy policy. It involves some controversial things, yes. ANWR is one small part of this. People keep saying this is an ANWR bill. It is not. We are talking about H.R. 4 over in the House. It has 300 pages. Only 2 pages are ANWR. It includes a comprehensive approach, including nuclear; some of our marginal production in this country that is virtually cut off because of the unpredictability of prices. If you get our marginal operator drilling a well for 15 barrels or less and he is not going to be able to know the price of oil 15 months down the road, he is not going to do it. Consequently, we are not doing it. If we had all of the marginal production that we have ceased to have over the last 10 years in production today, it would equal the total amount we are importing from Saudi Arabia. Consequently, I see this as a critical issue that has to be dealt with this year.

Just recently, I notice almost on a daily basis, President Bush expresses the administration’s position. This is from the 17th in Sacramento:
I ask Congress to now act on an energy bill that the House of Representatives passed back in August. . . . Too much of our energy comes from the Middle East. The plan I sent up to Congress promotes conservation, expands energy supplies, and improves the efficiency of our energy network. Our country needs greater energy independence. The issue is a matter of national security, and I hope the Senate acts quickly.

We have many other quotes. I will mention a last one from the Secretary of the Interior, Gale Norton, the other day:

The President has said very clearly this is a priority. This situation—

Referring to September 11— has made it more urgent, and we need to begin moving the process. We have always said that national security is part of the reason we need to get the energy program in place, and we certainly have not backed away from that position now that September 11 has occurred.

So I think there is nothing more important to deal with between now and the end of the session than a comprehensive energy bill. Let’s at least bring it up for a vote. That is what this is supposed to be about, so we can debate this issue. We can’t really debate this issue, other than the way I am doing it, our opposition of the vote; unless we have an opportunity to have a vote. So I think you are going to see this offered again as an amendment. The logical place should be on the economic stimulus package, because this is an economic stimulus issue, as well as a national security issue. I yield the floor.

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 Jan. 28, 2000, in Boston, MA. A group of high school teenagers sexually assaulted and attacked a 16-year-old boy in the Crotona Park East area. He was struck several times in the head, neck, and head, and was left with no memory of the attack.

He was found unconscious in the hospital, and it was discovered that he was a clerk in the stockroom in the basement of the hospital.

Ms. Nguyen was too ill to aid investigators who sought to retrace her movements before she became sick to determine the source of the anthrax and it remains a mystery. Federal and local health officials are vigorously pursuing all avenues to uncover the source of the anthrax that sickened Ms. Nguyen.

I know that Ms. Nguyen’s friends and neighbors will miss her greatly. Her kindness and concern for her neighbors were special parts of the Bronx neighborhood where she lived. Her everyday courtesies, in a city that is known for its anonymity and incredible size, made the world a little smaller, and a little nicer, for her neighbors.

COMBATING INTERNATIONAL TERRORISM

Mr. LEAHY. Mr. President, it has been seven weeks since the horrifying attacks on the World Trade Center and the Pentagon, and the crash of the plane in Pennsylvania.

We have all struggled with a flood of thoughts and emotions. We have been1 in horror at the frightening and tragic loss of life, the national response to this cruel, mindless assault on innocent people, and where we go from here.

My wife Marcelle and I have received hundreds of phone calls, letters and e-mails from people who have offered thoughtful suggestions, and I have read many articles, opinion pieces, and heartfelt letters to the editor of the national and local newspapers.

I do not pretend to have all the answers. No one does. The United States military is carrying out bombing missions against the Taliban and terrorist sites in Afghanistan. The situation is unpredictable, and we are learning more each day. But I do want to express some of my thoughts at this time.

First and foremost, my thoughts are with the victims’ families. It has been hard, very hard, to see the images of the families as they try to come to terms with the loss of loved ones.

I also share the pride in how our firefighters, police and other emergency
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workers rushed to the scene intent on rescue without thought for their own safety. We are in awe of the bravery of those on the United Airlines flight who struggled with the hijackers and prevented that aircraft from striking its target.

I am proud of the skill and courage of our Air Force pilots, who fly thousands of miles, often in the darkness of night, into hostile territory. They are constantly in our thoughts, and we pray that each of them returns safely.

And I was also encouraged when millions of people in cities around the world gathered to express their sympathy and support for the United States. There were 200,000 in Berlin alone.

It was a vivid and moving reminder of how many people in so many countries respect what our country stands for, and look to us for leadership in solidifying and solving problems. It is that leadership, in combating terrorism but also in addressing other pressing global issues, that we must show today and in the future.

I have been impressed by the leadership shown by President Bush and others in the Cabinet. I commend the President for voicing our common goal to seek justice for the victims and for our country, our condemnation of the despicable acts of harassment and intimidation of Muslims in the United States, and our resolve to protect our country from future terrorist acts.

It has been said over and over that the “world has changed.” In one sense that is true. Our country has suffered its greatest loss of life on American soil, in a single day, since the Civil War. Our response to this tragedy is causing changes throughout our society. However, in another sense, it has a lot more to do with our perceptions of the world than with the world itself. The world was changing long before September 11, and threats that existed before that infamous day are no less present today.

These attacks destroyed not only thousands of innocent lives, but they destroyed mistaken assumptions about our safety in isolation. They also, let us hope, erased our complacency. We are now beginning a struggle that may take decades, shake foreign governments, and cause great disruption in our daily lives.

We are responding decisively. The American people want to feel secure and they want justice. If the Taliban continue to shelter bin Laden and other terrorists they will pay a heavy price. They have already lost the support of virtually every country in the world, and our military has destroyed many of their military assets. Others who knowingly harbor terrorists face similar consequences.

Yet as we seek justice and security, let us not be blinded by anger or zealotry. We want a world without terrorists, but we owe it to ourselves to act responsibly, as we have always done, as we commit to this cause thousands of American lives, billions of dollars, and the credibility of our nation.

Our response must single out those individuals, organizations, or nations that are responsible for atrocities. The terrorists want us to overreact. They want us to strike back blindly and cause the deaths of innocent civilians. They want to draw us into a so-called “holy war,” and they will use these images against us, alienating others in the Muslim world whose support we need to combat this threat, and among whom there are many who already resent our involvement in the Middle East.

We need to understand the fact that the civilized world was asked by our aircraft from striking its innocent population. That each of them returns safely.

...
for dictatorial regimes in Central Asia, or countries that have engaged in proliferation of nuclear, chemical or biological weapons.

I will listen to what the Administration proposes, but I am also mindful of the serious threats we face, and of the responsibilities we owe to the fighters who became the Taliban, when they sought to expel the Soviets. Today the Taliban, led by religious fanatics, systematically terrorize and brutalize their own people. The country has become a virtual fortress, where its inhabitants, many too weak from hunger and disease to flee, suffer the daily cruelty of the Taliban’s tyrannical rule.

We gave weapons to Iraq, and to the Shah of Iran, whose secret police tortured Iranian citizens who spoke out for democracy. We have supported other regimes that committed atrocities, which to the victims were no different from acts of terrorism. We must not repeat those mistakes.

We must reaffirm the principles that make this country a beacon of hope around the world, and which reflect the most deeply held ideals of our people—ideals that protect our civil liberties, our individual and religious freedoms. These ideals, far more than our military power, are our country’s greatest strength. Let us not lose sight of the fact that acts of terrorism are human rights atrocities. As we go forward, we must continue to show the world what sets us apart from the terrorists. Defense of human rights is one of these cherished principles.

There can be no excuse, no justification whatsoever, for attacks against unarmed civilians—whether it is the suicide bomber or the suicide highjackeer, or a government that commits acts of terrorism against its own citizens.

But to reduce the threat of terrorism, of whatever form, over the long run, we must work to resolve the issues that foster deep and lasting hatreds the terrorists feed on, that produce their funds and their recruits.

Recently, the House of Representatives approved, after minimal debate and without a dissenting vote, payment of $582 million in arrears to the United Nations. That was both note- worthy and encouraging, since those funds had been held hostage by the House for years over unrelated issues like international family planning. How shortsighted that was.

Many of the same Members took pride in cutting our foreign aid budget. Foreign aid, a meager one percent of the Federal budget—far, far less than most people believe it is— is used, in part, to help alleviate the pervasive poverty in Latin America, Africa and Asia that leads to despair, instability, violence, and hatred—conditions that breed recruits for terrorist organizations.

Instead of one percent, we should increase five-fold the amount we spend to combat poverty, especially in parts of the world where there is such resentment toward the United States.

We are surrounded by a sea of desperate people. Two billion people—a third of the world’s inhabitants, live on the edge of starvation. They barely survive on what scraps they can scavenge, and many children die before the age of five.

Refugees and people displaced from their homes, number in the many tens of millions.

The world is on fire: too many places to count, and at most of those places, war, poverty, and the injustices that perpetuate it, are at the root of the instability.

Our foreign assistance programs provide economic support to poor countries, health care to the world’s neediest women and children, food and shelter for refugees and victims of natural and man made disasters, and technical expertise to promote democracy, free markets, human rights and the rule of law.

But as important as this aid is, the amount we give is a pittance, when considered in terms of our wealth and the seriousness of the threats we face. The approximately $10 billion that we provide in this type of assistance—whether through our State Department or through our agencies for International Development, or as contributions to the World Bank, the United Nations Development Program, the World Food Program, and other organizations, amounts to less than $40 for each American ear.

Forty dollars. It is embarrassing. We are failing the American people, and we are failing future generations.

Our economy is suffering, and people are hurting in this country. We are trying to help them, and we need to do more. But we cannot continue to bury our heads in the sand. We cannot protect our national interests in today’s complex, dangerous world on a foreign assistance budget that in real terms is less than what it was 15 years ago. We cannot.

Our world is not simply our towns, our states, our country. It is the whole world. We live in a global economy. The Ebola virus is like a terrorist—an airplane’s flight away. We can try our best to control our borders, but we cannot hide behind an impenetrable wall.

We have to go to the source of the problem, and that is to countries that are failing—from AIDS, from ignorance, from injustice.

We need a better understanding of the world we live in, and how to protect our security. Almost 60 percent of the world’s people live in Asia, and that number is growing. Seventy percent of the world’s people are non-Christian. About 5 percent own more than half the world’s wealth. Half the world’s people suffer from malnutrition. Seventy percent are illiterate.

How can we justify spending so little to address these needs? We cannot, any more than we can justify failing to anticipate and prevent the attacks on the World Trade Center and the Pentagon.

The Pentagon would be the first to say that they cannot solve these problems. I would hope that one of the positive things that comes from this time of national soul searching and recovery, is that we begin to think differently about what the future holds, and our role in the world.

Let us act like a superpower. Let us lead the world in combating poverty, in supporting the development of democracy. Let us start paying our share. As one of the wealthiest countries, we have a moral responsibility. But we also, because of who we are, have the most at stake. Like the Congress, the White House also needs to change its thinking. For the past six months, it took a hands-off approach to solving complex global problems, turning its back on half a dozen treaties and international agreements, ranging from arms control to protecting the environment. The unmistakable message is that we are so powerful that we do not need the rest of the world, that we are immune from the world’s problems.

That notion was arrogant, dangerous and naive then, as it is today. We must move beyond the tired battles over foreign aid and the United Nations, and the common approach to global threats. It is clear that this is what is necessary to fight terrorism, and the same is true of AIDS, global warming, and so many other problems.

This brings me to the difficult question of the Middle East conflict. No one who is familiar with the history of the Israeli-Palestinian conflict believes it will be resolved without the active, sustained involvement of the United States. And never has that involvement been so urgently needed, because we must maintain strong Arab participation in the coalition we are organizing against terrorism, there must be visible progress toward peace between Israelis and Palestinians.

Frankly, I have been dismayed as our credibility in the Middle East has badly eroded, and as resentment toward the United States has intensified and spread among Muslims throughout that region. We have to confront this problem earnestly and honestly, and recognize its historical and cultural roots. It is clearly in our security interests, as well as those of Israel, that we take actions to reestablish credibility with the Palestinians and their Arab supporters, while continuing to maintain faith with Israeli people—a valued ally and a leading democracy.

We must get both Palestinians and Israelis back to the negotiating table, working seriously toward a viable peace agreement that addresses their long term needs and aspirations—a viable, Palestinian state, and lasting security for Israel.

I do not count myself among those who believe that the deranged, hate-filled, perpetrators of the September 11th terrorist attacks would not have carried out their heinous crimes if Israel and the Palestinians had already made peace. It may be that sympathy
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for the Palestinians had nothing to do with it.

Nor do I believe that a solution to the Middle East conflict will solve the problem of international terrorism. But I am convinced that, as difficult a problem as the Palestinian-Israeli conflict must be solved if we are to make tangible progress against some of the breeding grounds of terrorism. The same goes for our relations with the rest of the Arab world. In our single-use forage and the supply of Middle East oil to fuel our insatiable and growing demand for cheap gasoline, we have turned a blind eye to widespread repression by governments whose policies, including the systematic abuse of women, vary sharply from our own. We must take dramatic measures to reduce our wasteful consumption of oil and our dependence on these regimes.

At the same time that we combat terrorism around the world, we must also address the root cause here at home.

Over the last decade this country has put an enormous effort into counter-terrorism. It has been a top priority of the FBI, the CIA and other agencies. Yet, all those resources and all that coordination failed to prevent this enormous tragedy. It is astounding how unprepared we were, how even the simplest safeguards were ignored, how many weaknesses were waiting for the terrorists to exploit. It was a massive failure of our defenses.

Let us look hard and honestly at where our defenses failed, and work to correct those weaknesses. We need to strengthen our intelligence agencies, law enforcement, border control, emergency response and all the manifold capabilities we will need to defend ourselves. That includes taking steps to eliminate the destructive competition between these agencies, which has impeded coordination and undermined their effectiveness.

We have worked with the Administration on legislation to support law enforcement and our intelligence community, while at the same time protecting our constitutional freedoms. As Benjamin Franklin said, “a people who would trade their liberty for security deserve neither.” As we work to become more secure, we must also protect our liberty.

I am concerned about press reports of people held in custody for weeks, who have not been charged with any crime, being denied meaningful access to counsel. This, if true, may be a common practice in some countries, but it should not be the practice in ours.

I am also concerned about the erroneous assertion that the Congress has tied the CIA’s hands by limiting its ability to recruit informants with unsavory backgrounds. There is no such law. In fact, the only constraint is the CIA’s own internal guidelines, which require the approval of senior management before recruiting such an asset. There are sound reasons for those guidelines, and the CIA leadership has said repeatedly that this is not a problem.

Even more disturbing are claims that we need to change the “law” prohibiting assassinations of individuals involved in terrorism. Again, there is no such law, and there will be none such law. The first order, first signed by President Ford and reaffirmed each year since then by every succeeding Administration that prohibits assassinations. No law, or executive order for that matter, protects Osama bin Laden or any other terrorist from the threat of assassination by the legitimate right of self-defense, including use of lethal force.

A policy of pre-emptive assassinations would be morally repugnant, a violation of international law, and fraught with danger for our own government, as well as for our allies. It is also ineffective, because it creates martyrs whose deaths become a terrorist’s rallying cry for vengeance. And we have seen how easily foreign identities can be mistaken or stolen, with potentially irreversible, tragic consequences.

Our country has suffered a grievous loss. We have had to face our own vulnerability as never before. As we support the victims’ families and set about to prevent future terrorist attacks, we should also rededicate ourselves to upholding the principles which set our nation apart: freedom, tolerance, diversity, respect for the rule of law, and the unique value of every individual. If our defenses failed to prevent these sad values—to the better angels of our human nature, not to the instincts of hate or fear or revenge—then this trial by fire will refine us, instead of coarsen us.

And let us go forward from this experience, which has shown in such a tragic way how connected we are to the rest of the world and how much we need the support of other countries, to provide stronger leadership not only to combat the scourge of international terrorism but also our urgent global problems, and make this world a better and safer place for all.

UTAH TASK FORCE ONE

Mr. HATCH. Mr. President, today I rise to pay tribute to the Salt Lake County Urban Search and Rescue Team, also called Utah Task Force One, UTTF-1. The outstanding men and women of the Task Force were called upon to serve on the day of the terrorist attack, made the grim trip to New York City on September 18, 2001, to search for survivors and bodies in the World Trade Center rubble. The Salt Lake County Fire Department, the Salt Lake City Fire Department, and the Rocky Mountain Rescue Dogs made up this response force. UTTF-1 is one of only 28 task force teams nationwide participating in the National USAR, Urban Search and Rescue, Response System.

UTTF-1 deployed to New York with specialized firefighters, search dogs and handlers, two physicians and structural engineers. The team spent 9 days working 12-hour shifts in intolerable conditions and under tremendous strain. They experienced things that would turn lesser men and women to despair. Yet these brave individuals soldiered on without complaint or regard for themselves. In essence, they gave their best.

We cannot even begin to imagine the tasks they were asked to perform, but we can give our humble thanks for their determination and courage. The frustration they shared in finding no survivors and the grief they felt when they recovered the bodies of many victims of the terrorist attack—including a New York City firefighter—are beyond words. They faced the incredible devastation and unspeakable smell with the dexterity and composure of real heroes.

And we must not forget the families and friends of the task force members. They carried the burden of seeing their loved ones go into a situation that was not going to physically, emotionally or also emotionally unsettling. These families and friends were also the ones to welcome home the team and comfort them in the aftermath of what was a horrific and heartbreaking event.

Lastly, we give thanks to the rescue dogs who worked so hard and shared the same dangers and frustrations as their handlers. I believe a sign at a U.S. Public Health Service veterinary clinic serving the rescue dogs during the New York disaster said it best, “For man’s best friend, who is fighting men’s worst enemy, God bless you.”

The members of Utah Task Force One reflect all that is great about America. They are strong; they are resilient; and they are tall. I take exceptional pride in submitting each one of their names to be recorded in the CONGRESSIONAL RECORD for posterity. Mr. President, here are 62 American Patriots listed by rank, name, and department:

Battalion Chief, Stanley, Dennis, Salt Lake County Fire Department; Battalion Chief, Boyd, Roger, Salt Lake City Fire Department; Battalion Chief, Johnson, Jeff, Salt Lake County Fire Department; Assistant Chief, Collins, Scott, Salt Lake County Fire Department; Captain, Riley, Mike, Salt Lake County Fire Department; Deputy Chief, Littleford, Larry B, Salt Lake City Fire Department; Captain, Lund, Jens, Salt Lake County Fire Department, Firefighter, Harp, Michael W., Salt Lake City Fire Department; K-9 Handler, Hackmeister, Nancy, Rocky Mountain Rescue Dogs; K-9 Handler, Perks, Dave, Rocky Mountain Rescue Dogs; K-9 Handler, Flood, Mary, Rocky Mountain Rescue Dogs; K-9 Handler, Perks, Dave, Rocky Mountain Rescue Dogs; Firefighter, Case, R. Bryan, Salt Lake County Fire Department; Captain, Baldwin, J. Clair, Salt Lake City Fire Department; Captain, McBride, Scott, Salt Lake County Fire Department; Captain, Ullarri, Mike, Salt Lake County Fire Department; Captain, Dixon, David H., Salt Lake City Fire Department; Firefighter, Russell, Wade, Salt Lake County Fire Department; Instructor Jon, Utah Valley State College; Paramedic, Clark, Jeffrey A., Salt Lake City Fire Department; Paramedic, Tallon, Trevor J., Salt Lake City Fire Department; Paramedic, Silverthorne, Robert R., Salt Lake City Fire Department; Captain, Darger, Brent, Salt Lake County Fire Department; Paramedic, Wrather, Robert R., Salt Lake County Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R., Salt Lake City Fire Department; Paramedic, Wrather, Robert R.
Mums, Dads and children all rushing around. But a long time ago a sinister deed was done for some terrible people, their plans had begun they plotted and schemed and organized their crime. Every detail discussed, right down to the date and time. America was the target to be no-one could predict what they were about to see. Four planes had been hijacked, innocent people on board. Their right to life had been totally ignored. The twin towers in New York, were the first to be hit. The next was the Pentagon but it wasn't over yet. Another plane was heading for Camp David But a small group of people tried in vain to save it. Unfortunately they died in a field far away Never to wake and see another day. Reality sets in . . . Thousands of bodies never to be found. I live in Northern Ireland and I'm eleven years old I have no idea what the future will hold Only a hope that peace is near We cannot live a life constantly faced with fear. Fear of attack, not knowing who's next Security stepped up because of the risk I cannot explain my words, my fear For my family, my future and the coming year I trust in you that you'll do the right thing Just consider the consequences and what they might bring I'll never forget what I watched on T.V. Let's bring them to justice for the world to see.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN ERICKSON

Mr. MILLER. Mr. President, Bessie Anderson Stanley once wrote:

He has achieved success who has lived well, laughed often, and loved much; who has enjoyed the trust of pure women, the respect of intelligent men and the love of little children; who has left his mark upon the earth; his name never forgotten, his memory eternal. Such a man was John Erickson.

These words aptly describe our friend, John Erickson, former administrative assistant to the late Senator J. William Fulbright of Arkansas and Director of Governmental Affairs for Ford Motor Company's Southeast Region. John died a few weeks ago at the age of 81, leaving behind a legacy that will long be remembered by those of us who knew him.

I first met John in 1975 at the beginning of my first of four terms as Lieutenant Governor of Georgia. John came by to see me and I immediately knew that he was a special person. Our friendship carried over to my terms as Governor and until his death in Winter Park, FL, on September 3.

John was a native of Roger, AR, where he began a political career that endeared him to U.S. Senators, Congressmen, and Presidents, and to everyone who knew him.

His first experience in politics and public service began when he was a student at the University of Arkansas as Secretary to the late Congressman Clyde Ellis, who represented Arkansas's Third Congressional District. When Congressman John McClellan defeated Ellis for a seat in the U.S. Senate, John was asked to become secretary to Ellis's successor, J. William Fulbright.

When John accepted Fulbright's offer, it began a partnership that lasted for more than two decades. John Erickson engineered Fulbright's election to the U.S. Senate in a highly contested race that included former Senator and the first woman elected to serve in the Senate, Hattie Caraway. Also in the race was Arkansas's sitting Governor, Homer Atkins. Fulbright won the race, bringing national attention to both the new Senator and to the skills of John Erickson.

On May 25,1961, John married Janet Black and while building a reputation among his peers as a hard-working, politically savvy staff member whose devotion to his boss was exceeded only by his love for, and dedication to, his wife and family.

John had a wonderful family. He married his childhood sweetheart, Sara Louise Glenn, with whom he enjoyed 53 years of companionship before her death in 1998. John and Sara Lou are survived by their children: Gunnar Erickson and his wife, Barbara of Malibu, CA; Karen Erickson of Colorado Springs, CO; and Kristin Erickson and her husband, Jon Farmer, of Winter Park, FL.

In addition to his staff duties with Senator Fulbright, John provided political knowledge and skills to other candidates as well. In the national elections of 1952 and 1956, John took leave from Senator Fulbright's staff to work in the campaigns of Illinois Governor Adlai Stevenson, the Democratic nominee for President. He was a valued member of Stevenson's staff, often traveling with the candidate while managing his office operation in Springfield, IL.

John joined Ford Motor Company in 1969 as civic and governmental affairs manager in Kansas City. While there, he served on the committee that planned the funeral services for former President Harry Truman. He moved to Atlanta in 1970 from where he worked with State and national officials on such issues as seat belt laws, highway safety and other legislative matters.

John Erickson's life and his death touched the lives of all of those with whom he was associated.

The poet Longfellow expressed it well when he wrote:

Lives of great men all remind us, We can make our lives sublime, And departing, leave behind us Footprints, that perhaps another, Sailing o'er life's solemn main, A forlorn and shipwrecked brother.
TRIBUTE TO SHELDON PARKER

Mr. SPECTER. Mr. President, I seek recognition to commend the service of Sheldon Parker, a Pennsylvanian who is ending his term on the board of directors for the Northeast-Midwest Institute. Sheldon has provided exceptional service to the institute, and in the process helped to improve our region's economic development and environmental quality. Sheldon is general manager and chief executive officer of the Pennsylvania Public Television Network, PPTN, and secretary-treasurer of the PPTN Commission. From 1967 to 1978, he was a Pennsylvania State Representative, serving as vice chairman of the House Appropriations Committee and chairman of the House Select Committee on Federal-State Affairs. I thank Sheldon for his leadership on the Northeast-Midwest Institute's Board of Directors. He provided valued service and helped increase that organization's reputation and effectiveness.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated by the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate the messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(REPORTS OF COMMITTEES)

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN FOR THE PERIOD BEGINNING MAY 2001 AND ENDING OCTOBER 2001—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, based upon information made available to me.

GEORGE W. BUSH


MESSAGE FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee on conference of the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4509. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Submission Update Report for Fiscal Year 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business and Entrepreneurship; Veterans' Affairs; Intelligence; Indian Affairs; and Rules and Administration.

EC-4510. A communication from the Assistant Secretary of Policy, Management and Budget, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Occupational Injury and Illness Record Repeal” (RIN1218-AC00) received on October 24, 2001; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, with amendments:

S. 1528. An original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 107-92)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAUCUS for the Committee on Finance:

“Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security for the term expiring January 19, 2007.”

By Mr. LEAHY for the Committee on the Judiciary:

“Edward Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.”
M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Karen O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama.

Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Thomas A. McElroy, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the District of Arizona for the term of four years.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Maxwell Wood, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Dunn Lampton, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Juan A. Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

*Nomination was reported with recommendation that they be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. (Nominations without an asterisk were reported with the recommendation that they be confirmed.)*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself and Mr. CRAIG):
S. 1610. A bill to provide for interest on late payments of health care claims; to the Committee on Finance.

By Mr. DODD (for himself, Mr. WARNE, Mr. SARRANES, Mr. SCHUMER, Mrs. MURRAY, Mr. CLELAND, Mr. CORZINE, and Mr. DASCHLE):
S. 1617. A bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. HAGEL, Mr. RIEF, and Mr. ENOSID):
S. 1618. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. ROGERS, Mr. LINCOLN, and Mr. McCONNELL):
S. 1619. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program; to the Committee on Finance.

By Mr. ALLARD:
S. 1620. A bill to authorize the Government National Mortgage Association to guarantee conventional mortgage-backed securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. SMITH of New Hampshire, and Mr. CORZINE):
S. 1621. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to call out the National Guard and other Federal and State emergency forces to render assistance to any State or political subdivision; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. CORZINE):
S. 1622. A bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of the terrorist attacks of September 11, 2001; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. CORZINE):
S. 1623. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. SCHUMER):
S. 1624. A bill to establish the Office of World Trade Center Attack Claims to pay claims for injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mrs. MURRAY):
S. 1625. A bill to require the Secretary of Health and Human Services to approve up to 4 State waivers to allow a State to use its allotment under the State Children's Health Insurance program under title XXI of the Social Security Act to increase the enrollment of children eligible for medical assistance under the medicare program under title XIX of such Act; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. DASCHLE, Mr. LINCOLN, Ms. COLLINS, Mrs. CARMANIA, Mr. HUTCHINSON, and Mr. CORZINE):
S. 1626. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. SNOWE, Mr. HATCH, Mr. THURMOND, Mr. BOND, and Mr. KOHL):
S. 1627. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):
S. Res. 175. A resolution honoring Penn State football coach Joe Paterno; considered and agreed to.

By Mr. INHOFE:
S. Res. 176. A resolution relating to expenditures for official office expenses; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 18, At the request of Mr. DOBGGAN, his name was added as a cosponsor of S. 18, 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. 88, At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 88,
a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 535
At the request of Mr. Bingaman, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 540
At the request of Mr. DeWine, the names of the Senator from California (Mrs. Feinstein) and the Senator from Missouri (Mr. Bond) were added as cosponsors 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. 721
At the request of Mrs. Lincoln, the names of the Senator from Missouri (Mr. Bond) and the Senator from North Carolina (Mr. Edwards) were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 775
At the request of Mrs. Lincoln, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 1140
At the request of Mr. Hatch, the name of the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1278
At the request of Mrs. Lincoln, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1299
At the request of Mr. Domenici, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 1299, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 1434
At the request of Mr. Reid, his name was added as a cosponsor 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. 1499
At the request of Mr. Kerry, the name of the Senator from Kansas (Mr. Roberts) was added as a cosponsor 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. 1519
At the request of Mr. Harkin, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

S. 1563
At the request of Mrs. Hutchison, the name of the Senator from New Hampshire (Mr. Smith of New Hampshire) was added as a cosponsor of S. 1563, a bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism.

S. 1589
At the request of Mr. Rockefeller, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 1589, a bill to amend title XVIII of the Social Security Act to expand Medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing coordinated services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes.

S. 1593
At the request of Mr. Jeffords, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 1593, a bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes.

S. CON. RES. 79
At the request of Mr. Thurmond, the names of the Senator from North Carolina (Mr. Helms), the Senator from Alaska (Mr. Murkowski), the Senator from Colorado (Mr. Campbell), and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. Con. Res. 79, a concurrent resolution expressing the sense of the Senate that the words “God Bless America” as an expression of support for the Nation.

AMENDMENT NO. 2051
At the request of Ms. Collins, the name of the Senator from Rhode Island (Mr. Chafee), the Senator from Massachusetts (Mr. Kerry), the Senator from Minnesota (Mr. Wellstone), the Senator from Maryland (Mr. Sarbanes), and the Senator from Maine (Ms. Snowe) were added as cosponsors of amendment No. 2051 proposed to H.R. 3061, a 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, and for other purposes.

AMENDMENT NO. 2052
At the request of Ms. Collins, the names of the Senator from Rhode Island (Mr. Chafee), the Senator from Massachusetts (Mr. Kerry), the Senator from Minnesota (Mr. Wellstone), the Senator from Maryland (Mr. Sarbanes), and the Senator from Maine (Ms. Snowe) were added as cosponsors of amendment No. 2052 proposed to H.R. 3061, a 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. Kerry (for himself and Mr. Kennedy):
S. 1609. A bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail; to the Committee on Energy and Natural Resources.

Mr. Kerry. Mr. President, I rise today to introduce a bill along with my senior Senator, Senator Kennedy of Massachusetts, to amend the National Trails System Act to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail.

The National Trails System was created in 1968 to provide outdoor recreation and to conserve the scenic, historic, natural, and cultural qualities of the areas through which trails more than 100 miles long pass. Trails provide opportunities for outdoor recreation to citizens in Massachusetts and around the country. People enjoy bicycling, canoeing, cross-country skiing, day hiking, jogging, camping, and backpacking. In addition, National Scenic Trails promote tourism and foster economic development. National trails...
Mr. LEAHY. Mr. President, in June 1999, the U.S. Government issued a pair of decisions that altered the legal landscape with respect to intellectual property. I am referring to the Florida Prepaid and College Savings Bank cases. The Court ruled in these cases that States and their institutions cannot be liable for patent infringement and other violations of the Federal intellectual property laws, even though they can and do enjoy the full protection of those laws for themselves.

About 4 months after the Court ruled in these cases, I introduced a bill that responded to the Court's decisions. The Intellectual Property Restoration Act of 1999 was designed to restore Federal remedies for violations of intellectual property except for States. I regret that the Senate Judiciary Committee did not consider my legislation during the last Congress, and that the Senate has yet to give any attention to the nearly 2-year-old Supreme Court decisions. This is such a troubling loophole in our Federal intellectual property laws. We should delay no further.

Today, I am introducing the Intercetual Property Protection Restoration Act of 2001. IPPRA. This legislation builds on my earlier proposal and on the helpful comments I received on that proposal from legal experts across the country. In particular, I would like to thank Justin Hughes, David Carson, Steve Topp, Michael Kirk, Michael Klipper, and John Kent for their assistance in improving and refining this legislation. I also want to thank the House sponsors of the counterpart bill, Howard Coble and Howard Berman, who are the chairman and ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property.

The IPPRA has two essential components. First, it places States on an equal footing with private parties by eliminating any damages remedy for infringement of State-owned intellectual property unless the State has waived its immunity in Federal suits for infringement of privately owned intellectual property. Second, it imposes liability remedies that are available to enforce a nonwaiving State's obligations under Federal law and the United States Constitution. I will discuss both provisions in more detail later in these remarks. Innovation and creativity have been the fuel of our national economic boom over the past decade. The United States now leads the world in computing, communications and biotechnology, and American authors and brand names are recognized across the globe.

Our national prosperity is, first and foremost, a tribute to American ingenuity. But it is also a tribute to the wisdom of our Founding Fathers, who made the promotion of what they called "Science and the Useful Arts" a national project, which they constitutionally assigned to Congress. And it is no less a tribute to the successive Congresses and administrations of both parties who have striven to provide the incentives and rewards for innovation and creativity by providing strong and even-handed protection to intellectual property rights. Congress passed the first Federal patent law in 1790, and the U.S. Government issued its first patent the same year, to Samuel Hopkins of my home State of Vermont. The first Federal copyright law was also enacted in 1790, and the first Federal trademark laws date back to the 1870s.

The Supreme Court has long recognized that intellectual property rights bear the hallmark of true constitutional property rights, the right of exclusion against the world, and are therefore protected against appropriation both by individuals and by government. Consistent with this understanding of intellectual property, Congress has long ensured that the rights secured by the Federal intellectual property laws were enforceable against the Federal Government by waiving the government's immunity in suits alleging infringements of those rights.

No doubt Congress would have legislated similarly with respect to infringements by State entities and bureaucrats had there been any doubt that they were already fully subject to Federal intellectual property laws. But there was no doubt. States had long enjoyed the benefits of the intellectual property laws on an equal footing with private parties. By the same token, and in accordance with the fundamental principles of equity on which our intellectual property laws are founded, the States bore the burdens of the intellectual property laws, being liable for infringements just like private parties. States were to join in property markets as participants, or to hold back from commerce and limit themselves to a narrower governmental role. The intellectual property right of exclusion meant what it said and was enforced even-handedly for public and private entities alike.

This harmonious state of affairs ended in 1985, with the Supreme Court's announcement of the so-called "clear statement" rule in Atascadero State Hospital versus Scanlon. The Court in Atascadero held that Congress must express its intention to abrogate the States' 11th Amendment immunity "in unmistakable language in the statute itself." A few years later in Pennsylvania versus Union Gas Co., the Supreme Court assured us that if the intent to abrogate were expressed clearly enough, it would be honored.

Following Atascadero, some courts held that States and State entities and
officials could escape liability for patent, copyright and trademark infringement because the patent, copyright and trademark laws lacked the clear statement of congressional intent that was now necessary to abrogate State sovereign immunity.

To close this new loophole in the law, Congress promptly did precisely what the Supreme Court had told us was necessary. In 1990 and 1992, Congress passed three laws—the Patent, Plant Variety Protection, and Trademark Remedy Clarification Acts. The sole purpose of the Clarification Acts was to make it absolutely, unambiguously, 100 percent clear that Congress intended the patent, copyright and trademark laws to apply to everyone, including the States, and that Congress did not intend the States to be immune from suits in Federal courts for infringement of the patent, copyright and trademark rights of others.

In 1996, however, by a five-to-four vote, the Supreme Court in Seminole Tribe versus Florida reversed its earlier decision in Union Gas and held that Congress lacked authority under article I of the Constitution to abrogate the States' 11th amendment immunity from suit in Federal court.

Then, on June 23, 1999, by the same bare majority, the Supreme Court in Florida Prepaid Postsecondary Education Expense Board versus College Savings Bank held that Congress lacked authority under article I of the Constitution to abrogate the States' 11th amendment immunity from suit in Federal court.

What I have just described is a series of dead ends for intellectual property owners. That is why the two Federal agencies with expertise in intellectual property matters, the U.S. Copyright Office and the U.S. Patent and Trademark Office, have expressed their support for corrective legislation by Congress. As the Copyright Office told the GAO, “Only in this way can the proper balance, and basic fairness, be restored.”

I hope we can all agree on the need for congressional action on this issue. We need to assure American inventors and investors, and our foreign trading partners, that the State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies.

It is important as a matter of economics: Our national economy depends on real and effective intellectual property rights. It is also important as a matter of justice: In conceding that the States are constitutionally bound to respect Federal intellectual property rights but invalidating the remedies Congress has created to enforce those rights, the Court has jeopardized one of the basic principles that distinguishes our Constitution from the constitution of the old Soviet Union, the principle that where there is a right, there must also be a remedy.

It is also important as a matter of foreign relations: American trading interests have been well served by our strong and consistent advocacy of effective intellectual property protections in treaty negotiations and other international fora, and those efforts could be jeopardized by the loophole in U.S. law. It is important as a matter of justice that the Supreme Court has created.

Like most of the constitutional experts who have examined the issue, I have no doubt that several constitutional mechanisms remain open to Congress to restore Federal protection for patents, copyrights and trademarks. The Supreme Court’s hypertech constitutional interpretations require us to jump through some technical hoops of our own, but that the exercise is now not merely worthwhile, but essential to safeguard both U.S. prosperity and the continued authority of Congress.
My bill is based on a simple premise: That there is no inherent, “natural law” entitlement to Federal intellectual property rights and remedies. In discussing the policies underlying the intellectual property laws, the Supreme Court has emphasized that intellectual property is not a right but a privilege, and that it is conditioned by a public purpose. For example, the Court wrote in Mercoid Corp. versus Mid-Continent Inv. Co., a 1944 case, that “Those who obtain a patent, as a special privilege to promote the Progress of Science and useful Arts, and that ‘It is the public interest which is dominant in the patent system.’” Similarly, in discussing the copyright laws in Fogerty versus Fantasy, Inc, the Court underscored that “the monopoly privileges that Congress has authorized, while intended to motivate the creative activity of authors and inventors by the provision of a special reward, are limited in nature and must ultimately serve the public good.”

The Constitution empowers but does not require Congress to make intellectual property rights and remedies available, and Congress should do so in a manner that encourages and protects innovation in the public and private sector alike.

States and their institutions, especially State Universities, benefit hugely from the Federal intellectual property system. 50 States now or have obtained patents, some hold many hundreds of patents. States also hold other intellectual property rights secured by Federal law, and the trend is toward increased participation by the States in commerce involving intellectual property.

Principles of State sovereignty tell us that States and their instrumentalities are entitled to a free and informed choice of whether or not to participate in the Federal intellectual property system, subject only to their constitutional obligations.

Equity and common sense tell us that one who chooses to enjoy the benefits of a law, whether it be a Federal research grant or the multimillion-dollar benefits of Federal intellectual property protections, should also bear its burdens.

Sound economics and traditional notions of federalism tell us that it is appropriate for Federal Government to assist and encourage the sovereign States in their sponsorship of whatever innovation and creation they freely choose to sponsor by giving them intellectual property protection and, on occasion, funding, so long as the States hold up their end of the bargain by honoring the exclusive rights of other intellectual property owners.

The IPPRA builds on these principles. In order to promote cooperative federalism in the intellectual property arena, it provides reasonable incentives for States to waive their immunity in intellectual property cases and participate in our national intellectual property project on equal terms with private parties. States that choose not to waive their immunity within 2 years after enactment of the IPPRA would continue to enjoy many of the benefits of the Federal intellectual property system; however, like private parties that sue non-waiving states for infringement, non-waiving States that sue private parties for infringement could not recover any money damages that would otherwise be available under Federal law. This is because Federal intellectual property that has been owned by a nonwaiving State would be short one “stick” from the usual bundle of rights accorded by Federal law: The ability to sue for damages under Federal law when the intellectual property has been infringed.

This scheme is plainly authorized by the letter of the Constitution. Article I empowers Congress to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive right to their respective Writings and Discoveries.” Incident to this power, Congress may attach conditions, such as the requirement of public disclosure of an invention at the Patent and Trademark Office in order to obtain a patent.

My proposal is also consistent with the spirit of federalism, as interpreted by the Supreme Court, because it gives States entities a free, informed and meaningful choice to waive or not to waive immunity. The condition imposed on receipt of federal benefits by the IPPRA, submitting to suit under laws that are already binding on the States, is not onerous, nor does it co-opt any state resources to suit to enforce the intellectual property rights of others. Indeed, we have always attached certain conditions, such as the requirement of public disclosure of an invention at the Patent and Trademark Office in order to obtain a patent.

Congress may attach conditions on a State’s receipt of Federal intellectual property protection under Article I intellectual property power just as Congress has on its spending power. Either way, the power to attach conditions to the Federal benefit is an integral part of the greater power to deny the benefit altogether. Either way, the State has a choice, to forgo the Federal benefit and exercise its sovereign power however it wishes subject to the Constitution. The decision not to exercise the benefit and exercise its sovereign power in the manner requested by Congress.

Three Federal appeals courts have applied similar reasoning in connection with the 1996 Telecommunications Act. The Courts of Appeals for the Fifth, Tenth Circuits have reasoned that, because Congress was under no obligation to allow States to participate in the regulatory scheme established by the 1996 Act, Congress could reasonably require the States to bear the financial consequences of their decision to exercise regulatory authority under the Act on its waiving sovereign immunity.

This seems like plain common sense to me. It would be a truly bizarre reading of the Constitution to say that it is up to Congress whether or not to let States participate in telecom regulation or in the intellectual property regime, but that if we choose to let them participate, we cannot hold them accountable for their actions.

Given the choice between opting in to the intellectual property laws and forgo some intellectual property protection under the Federal laws, States and their institutions will, I hope, choose to opt in. The benefit—being able to recover damages for an infringement—-is significant, while the burden—consenting to be sued for future State infringements—is slight. Most States already respect intellectual property rights and will seldom find themselves in infringement suits.

However, some State entities and officials have violated intellectual property rights in the past, and the massive growth of both intellectual property and state participation in the intellectual property marketplace that we are seeing in the new economy gives ample cause for concern that such violations will continue. Now that the Supreme Court has seemingly given the States carte blanche to violate intellectual property rights free from any adverse financial consequences so long as they stand on their newly augmented sovereign immunity, the prospect of States violating Federal law and then asserting immunity is too serious to ignore.

The IPPRA therefore also provides for the limited set of remedies that the Supreme Court’s new jurisprudence leaves available to Congress to enforce a nonwaiving State’s obligations under Federal law and the United States Constitution. The key point here is that, while the Court struck down our prior effort to enforce the intellectual property laws themselves by authorizing actions for damages against the states, it nonetheless acknowledged Congress’ power to authorize injunctive actions and actions to enforce constitutional rights related to intellectual property.

First, for the avoidance of doubt, the IPPRA ensures the full availability of prospective equitable relief to prevent States from violating or exceeding their rights under Federal intellectual property laws. As the Supreme Court expressly acknowledged in its Seminole Tribe decision, “Federal law is available, notwithstanding any assertion of State sovereign immunity, under what is generally known as the doctrine of Ex parte Young.”

Second, to address the harm done to the owners of intellectual property owners before they can secure an injunction, the IPPRA also provides a damages remedy to the full extent of Congress’ power to enforce the constitutional rights of intellectual property owners. Under recent decisions, this remedy is necessarily limited to the redress of constitutional violations, not violations of

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the Federal intellectual property laws themselves. However, the Supreme Court has reaffirmed on many occasions that the intellectual property owner’s right of exclusion is a property right fully protected from governmental violations of the First Amendment’s takings clause and under the 14th amendment’s due process clause.

The constitutional remedy provided by the IPPRA closely resembles the remedy that Congress provided decades ago to strip away the States’ sovereign immunity by persons acting under color of State law. The bill does not expand the property rights secured by the Federal intellectual property laws—these laws are already binding on the States’ nor does the bill interfere with any governmental authority to regulate businesses that own such rights. It simply restores the ability of private persons to enforce such rights against the States.

I view this bill as an exercise in cooperative federalism. Clear, certain, and uniform national rules protecting Federal intellectual property rights benefit everyone: Consumers, businesses, the investment community, and the States. The IPPRA preserves States’ rights, and gives States a free choice. At the same time, it ensures effective protection for individual constitutional rights closing the loophole created by the Supreme Court of Federal rights unsupported by effective remedies. We unanimously passed more sweeping legislation in the early 1990s, but were thwarted by Supreme Court’s shifting jurisprudence. The IPPRA is designed to restore the ability to provide intellectual property owners while meeting the Court’s new jurisprudential requirements.

There are to be sure, other approaches that Congress could take to address the problems created by the Court’s decisions. In consultation with experts in intellectual property law and constitutional law, I reviewed several alternatives before settling on the IPPRA’s approach. In the end, I concluded that the approach I have outlined is the best way to achieve a solution that meets any constitutional concerns, fosters State-Federal cooperation, and encourages American innovation and creativity to providing certain and effective intellectual property protection.

When I first introduced the IPPRA in 1999, it prompted a flurry of constructive comments and suggestions on how the legislation could be improved. I look forward to considering further refinements to the bill as the legislative process moves forward.

I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SEC. 1. SHORT TITLE; REFERENCES.
(a) SHORT TITLE.—This Act may be cited as the “Intellectual Property Protection Restoration Act of 1999.”
(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled “An Act to provide for the protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. PURPOSES.
The purposes of this Act are to—
(1) help eliminate the unfair commercial advantage of infringers; the shift of the burden of proof for infringement so that it falls upon the owner of the intellectual property, thereby increasing the certainty of obtaining relief; and
(2) provide technological innovation and artistic creation in furtherance of the policies underlying Federal intellectual property laws; and
(3) reform the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws, and any of its instrumentalities, officers, or employees violate the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and
(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and
(5) promote technological innovation and artistic creation in furtherance of the policies underlying Federal intellectual property laws; and
(6) limit the remedies available in a proceeding to provide a party seeking relief with the tools necessary to enforce its rights.

SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUATIONALIZATION.
(a) AMENDMENT TO PATENT LAW.—Section 287 of title 15, United States Code, is amended by adding at the end the following:
"(d) No remedies under section 284 or 289 shall be awarded in any civil action brought in any court after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such patent, except upon proof that—
(A) on or before the date the infringement commenced or January 1, 2002, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and
(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

(b) The limitation on remedies under paragraph (1) shall not apply with respect to a patent—
(1) no remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2004, if the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1); or
(2) the party seeking remedies was a bona fide purchaser for value of the right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentalty was once the legal or beneficial owner of the right.

(c) AMENDMENT TO TRADEMARK LAW.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:
"(2) the party seeking remedies was a bona fide purchaser for value of the exclusive right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentalty was once the legal or beneficial owner of the right.

(d) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1)."

(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—
(1) No remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2004, if the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1)."

(f) LIMITATION ON REMEDIES IN CERTAIN CASES.—
(1) No remedies under this section shall be awarded in any civil action brought under this title for infringement of an exclusive right in a work created on or after January 1, 2004, if the State or State instrumentalty is or was at any time the legal or beneficial owner of such right, except upon proof that—
(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and
(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

(2) The limitation on remedies under paragraph (1) shall not apply with respect to a patent—
(A) no remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2004, if the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1); or
(B) the party seeking remedies was a bona fide purchaser for value of the right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentalty was once the legal or beneficial owner of the right.

(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the
SEC. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES.

In any action against an officer or employee of a State or State instrumentality for any violation of any of the provisions of title 17 or 35, United States Code, the Trademark Act of 1946, or the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), remedies shall be available against the officer or employee in the same manner and to the same extent as are available in an action against a private individual under like circumstances. Such remedies may include monetary damages assessed against the officer or employee, declaratory and injunctive relief, costs, attorney fees, and destruction of infringing articles, as provided under the applicable Federal statute.

SEC. 5. LIABILITY OF STATES FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY.

(a) Due Process Violations.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, or of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that deprives any person of property in violation of the fourteenth amendment of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for the harm caused by such violation.

(b) Intellectual Property Violations.—

(1) In General.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, or of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that takes property in violation of the fifth and fourteenth amendments of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for the harm caused by such violation.

(2) Effect on Other Relief.—Nothing in this subsection shall prevent or affect the ability of a party to obtain declaratory or injunctive relief under section 4 of this Act or otherwise.

(3) Compensation.—Compensation under subsection (a) or (b) —

(1) may include actual damages, profits, statutory damages, reasonable attorney fees, expert witness fees, and attorney fees, as set forth in the appropriate provisions of title 17 or 35, United States Code, the Trademark Act of 1946, and the Plant Variety Protection Act; and

(2) may not include an award of treble or enhanced damages under section 284 of title 35, United States Code, section 504(d) of title 17, United States Code, section 309(b) of the Trademark Act of 1946 (15 U.S.C. 1117 (b)), and section 125(b) of the Plant Variety Protection Act (7 U.S.C. 265 (b)).

(d) Burden of Proof.—In any action under subsection (a) or (b) —

(1) with respect to any matter that would have to be proved if the action were an action for infringement brought under the applicable Federal statute, the burden of proof shall be the same as the burden of proof were the action brought under such statute; and

(2) with respect to all other matters, including whether the State provides an adequate remedy for deprivation of property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

(e) Effect.—This section shall apply to violations that occur on or after the date of enactment of this Act.

SEC. 6. RULES OF CONSTRUCTION.

(a) Jurisdiction.—The district courts shall have original jurisdiction of any action arising under this Act under section 1338 of title 28, United States Code.

(b) Broad Construction.—This Act shall be construed in favor of a broad protection of intellectual property, to the maximum extent permitted by the United States Constitution.

(c) Severability.—If any provision of this Act or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected.

SEC. 7. INTELLECTUAL PROPERTY PROTECTION RESTORATION ACT OF 2001—SECTION-BY-SECTION SUMMARY.

Recent Supreme Court decisions invalidated prior efforts by Congress to abrogate state sovereign immunity in actions arising under the federal intellectual property laws. The Court’s decisions give states an unfair advantage in the intellectual property marketplace by shielding them from money damages when they infringe the rights of private plaintiffs. The Court has held that states are liable for money damages when their own rights are infringed. These decisions also have the potential to impair the rights of private parties and to discourage technological innovation and artistic creation, and compromise the ability of the United States to fulfill its obligations under a variety of international treaties. The Intellectual Property Protection Restoration Act of 2001 creates reasonable incentives for states to waive their immunity in intellectual property cases in the intellectual property marketplace on equal terms with private parties. The bill also provides new remedies for state infringements that rise to the level of constitutional violations.

Sec. 1. Short title; references.—This Act may be cited as the “Intellectual Property Protection Restoration Act of 2001.”

Sec. 2. Purposes.—Legislative purposes in support of this Act.
reform is to ensuring that the government can accomplish its varied missions.

The legislation, which includes the Freedom to Manage Act and the Managerial Flexibility Act, makes it easier for Executive Branch management to increase agencies' accountability, reduce unnecessary costs, and manage for results. The Managerial Flexibility Act will help the government recruit and retain people with needed skills, increase the flexibility of federal property management, make it easier to remove underperforming employees, and will not change the level of any of the benefits provided by these programs, with the results achieved, which will make management in the Executive Branch more performance-oriented. This proposal will not change any of the benefits provided by these programs, and will not change the level of employment in the Federal government.

Reform Federal Property Management.—The Federal Government owns or controls more than 24 million acres of land and facilities, which restrict the government's ability to consolidate or release underperforming property. In many instances, Federal agencies lack the incentives and authority to renovate the property or tap its equity. This proposal facilitates a total asset management approach to Federal property issues by making whole-life cycle planning and management; allowing greater flexibility to optimize asset performance; and providing incentives for better property management. The proposal enhances government-wide property management, bringing the practices federal agencies used to manage their assets into the 21st century.

By Mr. SESSIONS (for himself, Mrs. HUTCHISON, Mr. EDWARDS, Mr. RUBIN, Mr. LOTT, Mr. CLELAND, Mr. COCHRAN, Mr. HELMS, and Mr. INHOFE):

S. 1614. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

Mr. SESSIONS. Mr. President, today I rise to re-introduce legislation to help preserve the heritage of eight historic women's colleges and universities. The legislation would authorize the Secretary of the Interior to provide restoration and preservation grants for historic buildings at eight historically women's colleges or universities. The bill directs the Secretary to award $16 million annually from fiscal years 2002 through 2006 to the eight institutions. Funds would be available from the National Historic Preservation Fund and are subject to a 50 percent matching requirement from non-federal sources.

The sweeping changes of the industrial revolution prompted Congress in 1862, with further action in 1867 and 1890, to provide Federal support for the establishment of agricultural and mechanical colleges with growing emphasis on industrial and technical education. Unfortunately, these "grant" schools were only for men, leaving women untrained as they entered the expanded work force. Women's advocates, such as Miss Julia Tutwiler in Alabama, immediately recognized the need for institutions where women could receive an equal education. Beginning in 1836, eight institutions in seven separate States were established as industrial schools for women. These institutions include the Mississippi University for Women, in Alabama the University of the South (Sewanee); and Wesleyan College also in Georgia, Winthrop University in South Carolina, University of North Carolina at Greensboro, Texas Women's University, and the University of Science and Arts of Oklahoma. These eight institutions remain open, providing a liberal arts education for both men and women, but retain significant historical and academic features of those pioneering efforts to educate women. Despite their continued advisability, however, facilities at these campuses are facing destruction or closure because preservation funds are not available. My legislation would enable these buildings to be preserved and maintained by providing funding for the historic buildings located at the colleges and universities that I have identified. Funding would originate from the National Historic Preservation Fund. No more than $1 million would be distributed in equal amounts to the eight institutions. My bill also provides that a 50 percent matching contribution from non-federal sources and assures that alterations in properties using the funds are subject to approval from the Secretary of the Interior and reasonable public access for interpretive and educational purposes.

These historically women's colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for women, low income individuals, and educationally disadvantaged Americans. I believe it is our duty to do all we can to preserve these historic institutions and I ask my colleagues for their support.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 1616. A bill to provide for interest on late payments of health care claims; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today to introduce the "Prompt Payment Bill." This legislation addresses the need for the managed care industry to not only take responsibility for their payments on time, but to face specific penalties if they do not.

HMOs are one of the few entities that continue to be shielded from lawsuits. It is shocking that under current federal and most state laws, there are no consequences when HMOs fail to pay their bills in a timely manner. HMOs even have the right to drop out of Medicare simply because they are unsatisfied with the rate, let alone the timeliness, of what the government is paying them. It is time that this lack of accountability is addressed and significantly increased.

In my State of New Jersey, there is in fact a "prompt pay" law that requires HMOs to pay their bills in thirty days from receiving a claim from a beneficiary, hospital or health care provider. However, a 1998 survey of twenty-four New Jersey hospitals found that more than $150 million in Medicare payments were not paid to hospitals or health care providers in a timely manner. In New Jersey, sixty percent of New Jersey hospitals lost money, over $172 million in statewide losses. HMOs simply face no consequences from state regulatory agencies and the enforcement mechanisms currently in place are too weak. If we let this continue, we will jeopardize the care that people receive from their health care providers.

For these reasons, I am introducing the "Prompt Payment Bill." This legislation would make HMOs considerably closer to assuming the financial responsibilities for the health care coverage they are being paid to provide.
Specifically, it will call for a ten-percent interest penalty per year on any payment not made within 45 days. If the HMO continues to be delinquent, benefits or health care providers can bring the HMO to court to make them pay the penalties.

I urge my colleagues to join me in my efforts in making the managed care industry significantly more accountable to their beneficiaries.

By Mr. DODD (for himself, Mr. WARNER, Mr. SARBANES, Mr. SCHUMER, Mrs. MURRAY, Mr. CLELAND, Mr. CORZINE, and Mr. DASCHLE):

S. 1617. A bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with my colleagues Senator WARNER, Senator SARBANES, Senator SCHUMER, Senator MURRAY, Senator CLELAND, and Senator CORZINE to introduce legislation to ensure that America’s firefighters have the staffing they need to do their jobs.

It has been nearly seven weeks since the terrorist attacks on the World Trade Center and the Pentagon. We are still assessing the damage done by those attacks, but one thing is already absolutely clear: the world has changed. And as we begin to figure out all of the ways in which the world has changed, we are starting to reassess our national priorities. We, as a Nation, are taking stock of our strengths and vulnerabilities, and we’re identifying ways to improve our capacity to deal with the threats that became so apparent on September 11.

One of the fundamental new realities that we find ourselves facing is that America needs to be better prepared to respond to deliberate acts of mass destruction. We need to be better prepared to deal with acts of bioterrorism and we need to be prepared to help save people even if they are deliberately attacked with toxic chemical weapons. In short, we need to be prepared for what seemed unthinkable.

The legislation that we are proposing will help ensure that America’s local fire agencies have the human resources that they need to meet the challenges that they will address as America faces the challenge of an extended war against terrorism.

Just as we have called up the National Guard to meet the increased need for more manpower in the military, we need to make a national commitment to hire the firefighters necessary to protect the American people here on the home front. The legislation that we are proposing will put 75,000 new firefighters on America’s streets over the next seven years.

Many in Congress have long understood that America’s firefighters make extraordinary contributions to their communities everyday. But on September 11, we got a glimpse of a larger role that the men and women of the fire service, not to mention police forces play. The national role of our firefighters has become apparent. They have made the nation proud. Despite their critically important role firefighters play both in our local communities and as part of our national homeland defense system, communities over the years have not maintained the level of staffing necessary to ensure the safety of the public or even of the firefighters themselves.

Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined. Today in America there is only one firefighter for every 280 citizens. We have fewer firefighters per capita than nurses and police officers. We need to turn this trend around, now more than ever.

Understaffing is dangerous for the public and for firefighters. Chronic understaffing means that many firefighters do not have the backup and on-the-ground support they need to do their jobs safely. The sad consequence is that about every three days we lose a firefighter in the line of duty. And on some days, the losses are unimaginably high.

We learned on September 11 that the American homeland is not immune from unthinkable acts of violence. Knowing that, we have an obligation to take every reasonable step to mitigate the potential damage that may be caused by future attacks.

Again, just as we have called up the National Guard to meet the increased need for more manpower in the military, we need to make a national commitment to hire firefighters to protect the American people. In these difficult times, it is both necessary and proper for us to send for reinforcements for our domestic defenders. The SAFER Act will make that commitment.

This legislation is an investment in America’s firefighters. It acknowledges the men and women who charge up the stairs while everybody else is running down them. But it is more than that. This legislation is an investment in America’s security, an investment that will rebuild public confidence and help reassure Americans that their homes and businesses are as well protected as possible.

I ask unanimous consent that the text of the bill be printed in the Record.

S. 1617

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

SECTION 1. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

Title III of the Workforce Investment Act of 1998 (Public Law 105-220; 112 Stat. 1900) is amended by adding at the end the following:

"Subtitle E—Staffing for Adequate Fire and Emergency Response

SEC. 351. SHORT TITLE.

This subtitle may be cited as the 'Staffing for Adequate Fire and Emergency Response Act of 2001' or as the 'SAFER Act of 2001'.
under this subtitle, the Secretary and hire members of racial and ethnic minorities hired with funds made available through the following the conclusion of Federal assistance for such hiring; and

(2) shall not make a grant under this subtitle to carry out a project in that community for that year.

**SEC. 356. USE OF FUNDS.**

(a) In General.—An eligible entity that receives a grant under this subtitle shall use the funds made available through the grant to hire career firefighters. The funds may only be used to increase the number of fire fighters on the payroll from the number specified under section 355(b)(3)(A). The funds may be used for salaries and benefits for the firefighters.

(b) Hiring Costs.—

(1) Fiscal Year 2002.—For fiscal year 2002, in hiring any 1 firefighter, the entity may not use more than $90,000 of such funds.

(2) Subsequent Fiscal Year.—For each subsequent fiscal year, in hiring any 1 firefighter, the entity may not use more than $90,000 of such funds, increased or decreased by the same percentage increase by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased in comparison to the period preceding fiscal year from such Index for September 2001.

(c) Waivers.—The Secretary may waive the requirements of paragraph (1) or (2) for an eligible entity.

**SEC. 357. TECHNICAL ASSISTANCE.**

The Secretary may provide technical assistance to eligible entities to further the purposes of this Act.

**SEC. 358. MONITORING AND EVALUATIONS.**

(a) Monitoring Components.—Each project funded through such a grant shall include a monitoring component developed pursuant to regulations established by the Secretary. Each monitoring required under this section shall include systematic identification and collection of data about the project throughout the period of the project and presentation of such data in a format useful for analysis.

(b) Evaluation Components.—The Secretary may require that selected grant recipients conduct local evaluations or participate in a national evaluation pursuant to regulations established by the Secretary. Each local evaluation or national evaluation conducted under this subsection shall be conducted by an entity that is a unit of local government, or an eligible entity serving a fire district, that has jurisdiction over an area with a population of less than 50,000.

**SEC. 359. ACCESS TO DOCUMENTS.**

“SEC. 359. ACCESS TO DOCUMENTS.

(a) In General.—For the purpose of conducting an audit or examination of a grant recipient that carries out a project under this subtitle, the Secretary and the Comptroller General of the United States shall have access to any pertinent books, documents, papers, or records of the grant recipient and any State or local government, to the unit of local government, to the Indian tribe, or other entity, that is involved in the project.

**SEC. 360. REPORT TO CONGRESS.**

Not later than September 30, 2008, the Secretary shall submit to the Congress concerning the experiences of eligible entities in carrying out projects under this subtitle, and the effects of the grants made under this subtitle. The report may include recommendations for such legislation as the Secretary may consider to be appropriate, which may include reauthorization of this subtitle.

**SEC. 361. REGULATIONS.**

The Secretary may issue regulations to carry out this subtitle.

**SEC. 362. AUTHORIZATION OF APPROPRIATIONS.**

(a) In General.—There is authorized to be appropriated to carry out this subtitle—

(1) $1,000,000,000 for fiscal year 2002;—

(2) $1,030,000,000 for fiscal year 2003; —

(3) $1,061,000,000 for fiscal year 2004; —

(4) $1,093,000,000 for fiscal year 2005;—

(5) $1,256,000,000 for fiscal year 2006;—

(6) $1,359,000,000 for fiscal year 2007; and—

(7) $1,404,000,000 for fiscal year 2008.

(b) Availability.—Funds appropriated under subsection (a) for a fiscal year shall remain available until the end of the second succeeding fiscal year.

**SEC. 2. CONFORMING AMENDMENT.**

The table of contents in section 1(b) of the Workforce Investment Act of 1998 (Public Law 105–220; 112 Stat. 936) is amended, in the items relating to title III, by adding at the end the following:

‘‘Subtitle E—Staffing for Adequate Fire and Emergency Response’’.
We must improve the ability of foreign service officers to detect and intercept potential terrorists before they arrive in the U.S. Most foreign nationals who travel here must apply for visas at American consulates overseas. Traditionally, consular officers have been required to interview applicants to determine whether they are likely to violate their visa status. Although this review is important, consular officers must also be trained specifically to screen for security threats.

We must require all airlines to electronically transmit passenger lists to destination airports in the United States, so that once the planes have landed, law enforcement authorities can intercept passengers who are on federal lookout lists. United States airlines already do this, but some foreign airlines do not. Our legislation requires all airlines to transmit passenger manifest information prior to the arrival of flight in the U.S.

Congress established a program to collect information on non-immigrant foreign students and participants in exchange programs. Although a pilot phase of this program ended in 1999, a permanent system has not yet been implemented. Congress added provisions in the anti-terrorism bill for the quick and effective implementation of this system by 2003, but gaps still exist. This legislation will increase the data collected by the monitoring to include the date of entry, the date of school enrollment, and the date the student leaves the school. It requires the Department of State and INS to monitor students who have been given visas, and to notify schools of their entry. It also requires a school to notify the INS if a student does not actually report to the school. If institutions fail to comply with these and other requirements, they should lose their ability to admit foreign students.

The regulations provide for regular reviews of over 26,000 educational institutions that are authorized to enroll foreign students. However, inspections have been sporadic in recent years. This legislation will require INS to monitor institutions on a regular basis. As we work to implement stronger tracking systems, we must also remember that the vast majority of foreign visitors, students, and workers who overstay their visas are not criminals or terrorists. It would be wrong and unfair, without additional information, to stigmatize them.

This legislation will also help restrict visas to foreign nationals from countries that the Department of State has determined are sponsors of terrorism. It precludes visas to individuals from countries that sponsor terrorism, unless specific steps are taken to ensure the person is not a security threat. We must be able to retain highly skilled immigration inspectors. Our legislation will provide incentives to immigration inspectors by providing...
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them with the same benefits as other law enforcement personnel.

We must fully implement the use of biometric border crossing cards and allow sufficient time for individuals to obtain these cards. Many of these cards are already in use, but INS does not yet have the necessary equipment to read the cards. This legislation appropriates needed funds to enable the INS to purchase the machines, and it extends the deadline for individuals crossing the border to acquire the cards.

When planes land at our airports, inspectors are under significant time constraints to clear the planes and ensure the safety of all departing passengers. Our legislation removes the existing 45 minute deadline, providing inspectors with adequate time to clear and secure aircraft.

The Senate took significant steps last week to improve immigration security by passing the anti-terrorism bill. Legislation is necessary. This legislation will strengthen the security of our borders and enhance our ability to prevent future terrorist attacks, while also reaffirming our tradition as a Nation of immigrants. I strongly urge my colleagues to support it.

Mr. BROWNBACK. Mr. President, the terrorist attacks of September 11th have unsettled the public’s confidence in our Nation’s security and have raised concerns about whether our institutions are up to the task of intercepting and thwarting would-be terrorists. Given that the persons responsible for the attacks on the World Trade Center and the Pentagon came from abroad, our citizens understandably ask how these people entered the United States and what can be done to prevent their kind from doing so again.

Clearly, our immigration laws and policies are instrumental to the war on terrorism. While the battle may be waged on several fronts, for the man or woman on the card, immigration in many ways forms the front line of our defense.

The immigration provisions in the anti-terrorism bill passed by this body last week, the USA Patriot Act of 2001, represent an excellent first step toward improving our border security, but we must not stop there. Our Nation receives millions of visitors each year, foreign nationals who come to the United States to visit family, to do business, to work, or to immigrate. Immigration is in many ways the front line of our defense.

Ms. CANTWELL. Mr. President I rise today for two purposes. First, I commend my colleague, Senator KENNEDY, for his tireless work on immigration issues and to offer my support for a bill he and Senator BROWNBACK are introducing today, the Enhanced Border Security Act of 2001. Also, I want to discuss legislation I will be introducing that builds upon the visa technology standards provisions of the USA Patriot Act of 2001 and fits within the construct of what Senators KENNEDY and BROWNBACK seek to accomplish.

Several of the provisions I have proposed have already been incorporated by Senators KENNEDY and BROWNBACK, and I will continue to work with them and my other colleagues to move other portions of my bill.

As a member of the Judiciary Committee, I have been honored to work closely with Senator KENNEDY to find ways to better protect our borders and provide necessary support to the men equipping the agencies that protect them. The Enhanced Border Security Act of 2001 represents an earnest, thoughtful, and bipartisan effort to refine our immigration laws and institutions to better combat the evil that threatens our Nation.

The legislation recognizes that the war on terrorism is, in large part, a war of information. To be successful, we must improve our ability to collect, compile, and utilize information critical to our safety and national security. This bill provides that the agencies tasked with screening visa applicants and applicants for admission, namely the Department of State and the Immigration and Naturalization Service, must be provided with law enforcement and intelligence information that will enable these agencies to identify alien terrorists. By directing better coordination and access, this legislation will bring together the agencies that have the information and those that need it. With input from the Office of Homeland Security and the President’s Foreign Terrorist Tracking Task Force, this bill will make prompt and effective information-sharing between these agencies.

In complement to last week’s anti-terrorism act, this legislation provides for necessary improvements in the technologies used by the State Department and the Service. It provides funding for the Service to better interface with foreign intelligence information and to better staff its infrastructure. It also provides the Service with guidance on the implementation of the Integrated Entry and Exit Data System, pointing the Service to such tools as biometric identifiers in immigration documents, machine readable visas and passports, and arrival-departure and security databases. In fact, this legislation expressly enables the Service to take immediate advantage of hiring and authorizing the funding to purchase equipment for reading border-crossing cards that are already available for use.

To the degree that we can reasonably and realistically do so, we should attempt to intercept terrorists before they reach our borders. Accordingly, we must consider security measures not only at domestic ports of entry but also at foreign ports of departure. To that end, this legislation directs the State Department and the Service, in consultation with Office of Homeland Security, to examine, expand, and enhance screening procedures to take place outside the United States, as preinspection and preclearance. It also authorizes the Service to transmit, in advance of their arrival, passenger manifests for review by the Service. Further, it eliminates the 45-minute statutory limit on airport inspections, which many feel compromise the Service’s ability to screen arriving flights properly. Finally, since we should ultimately look to expand our security perimeter to include Canada and Mexico, this bill requires these agencies to work with our neighbors to create a collaborative North American Security Perimeter.

While this legislation mandates certain technological improvements, it does not ignore the human element in the security equation. It provides special training to border patrol agents, inspectors, and foreign service officers to better identify terrorists and security threats to the United States. Moreover, to help the Service retain its most experienced people on the borders, this bill provides the Service with increased flexibility in pay, certain benefits, incentives, and the ability to hire necessary support staff.

Finally, this legislation considers certain classes of aliens that raise security concerns for our country: nationals from states that sponsor terrorism and foreign students. With respect to the former, this bill expressly prohibits the State Department from issuing a nonimmigrant visa to any alien from a country that sponsors terrorism until it has been determined that the alien does not pose a threat to the safety or national security of the United States. With respect to the latter, this legislation would fill data and reporting gaps in our foreign student programs by requiring the Service to electronically monitor the student at every stage in the student visa process. It would also authorize the Service to report a foreign student’s failure to enroll and the Service to monitor schools’ compliance with this reporting requirement.

While we must be careful not to compromise our values or our economy, we must take intelligent, immediate steps to enhance the security of our borders. This legislation, consonant with both the USA Patriot Act and President Bush’s recent directive on immigration, would implement many changes that are vital to our war on terrorism. I therefore urge my colleagues to support it.
and women who work for the State Department, the Immigration and Naturalization Service and the U.S. Customs Agency.

I, along with many of my colleagues, am currently pressing for funding to triple the size of Immigration and Naturalization Service and U.S. personnel on our northern border and improve border technology, the authorization for which was included in the USA Patriot Act. In the past, a severe lack of resources on our northern border has compromised the ability of border control officials to execute their duties. I am pleased that Congress made the tripling of these resources a priority for national security, and I will continue to fight for full funding of this measure. Senators Kennedy and Brownback have also addressed these needs by improving INS pay standards, providing additional training for Border Patrol and Customs agents, and increasing information technology funding.

Let me commend Senators Kennedy and Brownback on the bill they are introducing today. It reflects a thoughtful response to the current situation at our borders, and I am pleased to be an original cosponsor. I am aware that others have proposals to address border issues as well, and I look forward to working with them.

The Enhanced Border Security Act of 2001 addresses several critical issues.

First, it will require the先进技术 standard that would fast-track the flow of information to U.S. Immigration and Customs Enforcement and the Department of Homeland Security.

Second, I believe it is necessary to require the Departments of State and Justice to work with the Office of Homeland Security to build a cohesive electronic data sharing system. The system must incorporate interoperability and compatibility within and between the databases of the various agencies that maintain information relevant to determining whether a visa should be issued or whether an alien should be admitted into the United States. The provisions of Title X have not been fully implemented. Technology will address these concerns, allowing electronic recordation and verification of entry and exit immediately.

Third, I believe it is necessary to require the Departments of State and Justice to work with the Office of Homeland Security to build a cohesive electronic data sharing system. The system must incorporate interoperability and compatibility within and between the databases of the various agencies that maintain information relevant to determining whether a visa should be issued or whether an alien should be admitted into the United States. The provisions of Title X have not been fully implemented. Technology will address these concerns, allowing electronic recordation and verification of entry and exit immediately.

Finally, building on the provisions of the Kennedy-Brownback bill for a Perimeter National Security Program, and on the technology standard required under the USA Patriot Act, my legislation will require the Department of State and the Attorney General to study and report to Congress within 90 days on how best to facilitate sharing of information among the different databases created or shared, there must be protection of privacy and adequate security measures in place, limitations on the use and dissemination of information. Even in times of urgent action, we must protect the freedoms that make our country great.

By Mr. Santorum for himself, Mr. Rockefeller, Mrs. Lincoln, and Mr. McConnell:

S. 1619. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Finance.

Mr. Santorum. Mr. President, I rise to join my colleagues Mr. Rockefeller, Mrs. Lincoln, and Mr. McConnell to introduce bipartisan legislation aimed at improving long-term care health and rehabilitation options for Medicare beneficiaries, and also assisting family caregivers.

We all recognize that our Nation needs to address these issues sooner rather than later. The bill we are introducing today is the result of careful consideration and consultation with representatives from the different communities that are affected by long-term care needs.
when the 76 million baby boomers begin to turn 65. Baby boomers are expected to live longer and greater numbers will reach 85 and older.

Given the expected growing costs of long-term care services, and combined with knowledge today of so many American families are already serving as caregivers for aging or ailing seniors and providing such a large portion of long-term care services, it is more important than ever that we have in place quality options in how to best care for our aging population about to dramatically increase.

This is why we are introducing the Medicare Adult Day Services Alternative Act, legislation to offer home health beneficiaries more options for receiving care in a setting of their own choosing, rather than confining the provision of those benefits solely to the home.

This legislation would give beneficiaries the option to receive care at all of the home health services in an adult day setting. This would be a substitution, not an expansion, of services. The bill would not make new people eligible for Medicare home health benefits or expand the list of services. In fact, this legislation may be designed to produce net savings for the Medicare program.

Permitting homebound patients to receive their home health care in a clinically-based senior day center, as an alternative to receiving it at home, could result in significant benefits to the Medicare program, such as reduced cost-per-episode, reduced numbers of episodes, as well as mental and physical stimulation for patients.

Moreover, the Medicare Adult Day Services Alternative Act could well have a positive impact on our economy, as it would enable caregivers to attend to other things in today’s fast-paced family life, such as working a full-time job and raising their own children, knowing their loved ones are well cared for. It is unfortunate that today many caregivers have to choose between working or caring for a family member. It is estimated that the average age of income to these caregivers is more than $300,000 in wages, pension, and Social Security benefits. And by extension, the loss in productivity in United States businesses is pegged at more than $10 billion annually.

But we have to be an either-or proposition. The Medicare Adult Day Services Alternative Act is a creative solution to health care delivery, which would adequately reimburse providers in a fiscally responsible way. Located in every state in the United States and the District of Columbia, adult day centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered.

We can and should offer both our Medicare beneficiaries and family caregivers more and better options for health care delivery, and that is exactly what the Medicare Adult Day Services Alternative Act is designed to do. This legislation is bipartisan, and is supported by more than 20 national non-profit organizations concerned with the well-being of America’s older population and committed to representing the interests of seniors and their family caregivers.

I hope our colleagues will join us in this cause. I again thank Senators ROCKETT, LINCOLN and McCONNELL for working with me in this effort, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1619

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 “Medicare Adult Day Services Alternative Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that—

(1) adult day care offers services, including medical care, socialization, nutrition, physical therapy, occupational therapy, and speech-language therapy, life-skills training, and personal care; and

(2) access to adult day care services provides seniors and their familial caregivers support that is critical to keeping the senior in the family home;

(3) more than 22,000,000 families in the United States serve as caregivers for aging or ailing seniors, nearly 1 in 4 American families are already serving as caregivers for aging or ailing seniors, nearly 1 in 4 American families are already serving; and

(4) nearly 75 percent of those actively providing such care are women who also maintain other responsibilities, such as working outside of the home and raising young children;

(5) the average loss of income to these caregivers has been shown to be $569,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from $11,000,000,000 to $20,000,000,000 annually;

(7) the services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver;

(8) there are adult day care centers in every State in the United States and the District of Columbia;

(9) these centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered; and

(10) with the need for quality options in how to best care for our senior population about to dramatically increase with the aging of the senior generation, the time to address these issues is now.

SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER MEDICARE.

(a) SUBSTITUTE ADULT DAY CARE SERVICES UNDER MEDICARE.

(1) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in the matter preceding paragraph (1), by inserting “or (8)” after “paragraph (7)”; and

(B) in paragraph (6), by striking “and” at the end; and

(C) in paragraph (7), by adding “and” at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

“(8) substitute adult day care services (as defined in subsection (w));”.

(b) PAYMENT FOR SUBSTITUTE ADULT DAY CARE SERVICES.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:
manded benefits of it in the VA health care system. The federally funded VA health care system, because of the very substantial World War II veteran population, has developed some of the most innovative ways to care for older people especially in non-institutional settings. As a result of this investment, VA has led the Nation in developing adult day health care programs. The Adult Day Health Care Program at VA was established in the late 1970s at five facilities. At this time, there are 15 in-house VA adult day care programs. All other VA medical centers provide this program to veterans through a contractual basis with community-based programs.

In 1999, I introduced legislation to further expand on VA adult day by making adult day health care, and other non-institutional long-term care services, part of the standard benefits package in the VA. I am thrilled that my legislation was passed later that year and that all veterans who enroll for VA care will have access to these services.

I look forward to working with members of the Senate Finance Committee to advance the cause of long-term care. It is my view that providing long-term care to all Americans is a priority. Let us delay no longer.

By Mr. ALLARD. S. 1620. A bill to authorize the Government National Mortgage Association to guarantee conventional mortgage-backed securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, today I am pleased to introduce the Home Ownership Expansion Act of 2001. This legislation is designed to expand home ownership by increasing the supply of affordable mortgages available for home buyers. The legislation establishes a new entity, the Government National Mortgage Association, GNMA or Ginnie Mae.

GNMA is a part of the Department of Housing and Urban Development, and its current business is limited to home loans that are insured only by government agencies. GNMA provides a guarantee to investors who purchase FHA and VA home loans that are bundled into securities. These securities are backed by the full faith and credit of the U.S. government.

The Home Ownership Expansion Act of 2001 would authorize a new program that permits GNMA to guarantee securities that consist of mortgages insured by private mortgage insurance. Private insurance results in reduced risk to taxpayers which will in turn make more capital available for home mortgages.

This new GNMA program would be targeted at first-time and middle income home buyers. The program would be limited to mortgages up to $275,000 and tailored to borrowers who have less than 20 percent down payments to put into homes. GNMA would benefit from the ability to compete for privately insured mortgage business. GNMA's income would increase through the program and GNMA would be strengthened by its ability to offer a greater variety of products to increase.

By permitting GNMA to enter the secondary market for privately insured mortgages, the legislation would increase competition. Mortgage lenders would have a new outlet through which they could sell their mortgages, and the number and variety of loan-approval systems at use in the low down payment mortgage market would increase. The beneficiaries of this increase in competing underwriting systems it would help to qualify more first-time, middle income and minority home buyers. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

SEC. 2. GNMA GUARANTEE OF SECURITIES BACKED BY CONVENTIONAL MORTGAGES. (a) FINDINGS. — Congress finds that—

(1) expanding home ownership is a national goal, and that increasing the principal secondary market outlets for conventional home mortgages will serve that goal by improving the liquidity of investments in those mortgages; and

(2) risk-sharing between the public sector and the private mortgage insurance industry will provide consumers with greater access to mortgage credit opportunities.

(b) AUTHORITY TO GUARANTEE CONVENTIONAL MORTGAGE-BACKED SECURITIES.—Section 306 of the National Housing Act (22 U.S.C. 1721) is amended by adding at the end the following:

"(1) GNMA GUARANTEE OF SECURITIES BACKED BY CONVENTIONAL MORTGAGES.—"

"(1) GENERAL.—The Association may issue mortgage insurance for the purchase of mortgage-issued mortgage-backed securities that are backed by qualifying privately insured mortgages that are"
insured with primary mortgage insurance, extended mortgage insurance, and supplemental mortgage insurance.

(2) PREMIUMS.—The issuer of securities guaranteed under this section shall, with respect to the mortgage guaranteed under this subsection, dispose of the property covered by the mortgage, in accordance with the customary policies and procedures of the mortgage guaranty insurance industry.

(3) DISPOSITION OF PROPERTY UPON DEFAULT.—Upon default by a mortgagor of a mortgage guaranteed under this subsection, the property shall be disposed of by the issuer of the securities guaranteed under this section or the qualified mortgage insurer in accordance with the customary policies and procedures of that issuer and insurer.

(4) AUTHORITY.—As part of the authority provided to the Association to issue guarantees under this section for fiscal year 2002, the Association may, during fiscal year 2002, issue guarantees to the timely payment of principal and interest on trust certificates or other securities based on and backed by private mortgage insurance in an aggregate amount equal to not more than $50,000,000,000.

(5) REGULATORY POWER OF THE SECRETARY.—The Secretary shall—

(A) have authority to review and approve premiums and other terms and conditions established for the primary mortgage insurance covering the mortgages contained in the trusts or pools guaranteed by the Association under this subsection, and shall have the authority to participate in the program based on safety and soundness;

(B) prescribe such rules and regulations as shall be necessary and proper to ensure that the purposes of the Home Ownership Expansion Act of 2001 are accomplished.

(6) PRINCIPAL-TO-VALUE RATIO.—The term ‘principal-to-value ratio’ means the ratio of the original outstanding principal balance of a first mortgage to the value of the property securing the mortgage, as established at the time of origination by appraisal or other reliable indicia of property, conducted or performed not earlier than 6 months before the date of origination, and not later than that date of origination.

(7) QUALIFIED MORTGAGE INSURER.—The term ‘qualified mortgage insurer’ means a provider of private mortgage insurance, as defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 1454(a)(2)), that—

(A) is issued by a qualified mortgage insurer;

(B) guarantees and insures against losses on the mortgage, under standard terms and conditions generally offered in the private mortgage guaranty insurance industry;

(C) has a coverage percentage equal to—

(i) not less than 25 percent, if the principal-to-value ratio is greater than 80 percent and not greater than 85 percent;

(ii) not less than 25 percent, if the principal-to-value ratio is greater than 85 percent and not greater than 90 percent;

(iii) not less than 30 percent, if the principal-to-value ratio is greater than 90 percent and not greater than 95 percent;

(iv) not less than 35 percent, if the principal-to-value ratio is greater than 95 percent; and

(D) may be canceled or terminated by the mortgagor, issuer, or qualified mortgage insurer only pursuant to mandatory cancellation or termination.

(8) QUALIFYING PRIVATELY INSURED MORTGAGES. —The term ‘qualifying privately insured mortgage’ means a mortgage—

(A) that is a mortgage that is insured under title II of this Act, except as specifically provided in this section;

(B) insured under title V of the Housing Act of 1949 (42 U.S.C. 1417 et seq.);

(C) insured under chapter 37 of title 38, United States Code; or

(D) made or guaranteed under part B of title V of the Public Health Service Act (42 U.S.C. 200 et seq.).

(9) SUPPLEMENTAL MORTGAGE INSURANCE. —The term ‘supplemental mortgage insurance’ means insurance that—

(A) is issued by a qualified mortgage insurer;

(B) guarantees and insures against losses on the mortgage;
SEC. 3. CONFORMING AMENDMENTS.

(a) GUARANTEES.—Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) is amended—

(1) by inserting "or subsection (h)" after the term "this subsection" each place it appears;

(2) by inserting "(A)" after "(I)";

(b) Association shall collect and inserting the following—

"(B) The Association shall collect;"

(3) by striking "In the event" and inserting the following—

"(C) In the event;"

(4) by striking "In any case" and inserting the following—

"(D) In any case;"

(5) in subparagraph (D), as so designated by paragraph (4) of this subsection—

(A) by striking "(I)" and inserting "(I)";

(B) by striking "(II)" and inserting "(II)"; and

(C) by striking "(III)" and inserting "(II)";

(7) by striking "The Association is hereby empowered," and all that follows through "against which the guaranteed securities are issued." and inserting the following—

"(E)(i) The Association may, in connection with or under this subsection, either—

(1) provide by contract with the issuer for the extinguishment, upon default by the issuer, of any redemption, equitable, legal, or other right, title, or interest of the issuer in any mortgage or mortgages constituting the trust or pool against which the guaranteed securities are issued; or

(2) provide by contract with the qualified mortgage insurer for the extinguishment, upon default by the qualified mortgage insurer, of any redemption, equitable, legal, or other right, title, or interest of the qualified mortgage insurer in such mortgage or mortgages, as well as any related primary mortgage insurance, extended mortgage insurance, or supplemental mortgage insurance coverage or any future premiums and proceeds related thereto.

(ii) its rights to enforce any such contract with the issuer or the qualified mortgage insurer; or

(iii) its ownership rights, as provided in subparagraph (E)(i), to the mortgages constituting the trust or pool against which the guaranteed securities are issued, and with respect to any related primary mortgage insurance, extended mortgage insurance, or supplemental mortgage insurance coverage and any future premiums and proceeds related thereto.;"

(b) by striking "The full faith" and inserting the following—

"(G) The full faith;" and

(b) by striking "There shall be" and inserting the following—

"(H) There shall be;"

(c) In the event

(b) SEPARATE ACCOUNTABILITY.—Section 307 of the National Housing Act (12 U.S.C. 1722) is amended—

(1) by striking "All" and inserting "(a) In General,—";

(2) by striking "at the end the following:

"(b) LIMITATION.—Notwithstanding subsection (a), with respect to qualifying privately insured mortgages (as defined in section 306(i)), related earnings described in subsection (I) shall be reported to the Secretary in support of programs under titles II and III of this Act."

SEC. 4. IMPLEMENTATION AND REPORT.

(a) IN GENERAL.—The Government National Mortgage Association shall provide for the initial implementation of this Act and the amendments made by this Act by—

(1) giving notice to its participating issuers, and

(2) submitting a report to the Chairpersons and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, that confirms that the authority of the Secretary of Housing and Urban Development under section 306(h)(5) of the National Housing Act, as added by this Act, does not adversely impact the safety and soundness of the Government National Mortgage Association.

(b) PUBLICATION.—The notice required by subsection (a) shall be published not later than 120 days after the date of enactment of this Act.

S. 1625. A bill to require the Secretary of Health and Human Services to approve up to 4 State waivers to allowyoung children to enroll under the State children’s health insurance program under title XXI of the Social Security Act to increase the enrollment of children eligible for medical assistance under the Medicaid Program under title XIX of such Act to the extent that States have expanded coverage.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators Jeffords, Leahy, and Murray entitled the “Children’s Health Equity Act of 2001” addresses an inequity that was created during the establishment of the State Children’s Health Insurance Program, CHIP, that unfairly penalized certain States that had done the right thing and had expanded Medicaid coverage to children prior to the enactment of the bill.

While the Congress recognized this fact for some States and “grandfathered” in their expansions so those States could use the new CHIP funding for the children of their respective states, the legislation failed to do so for others, including New Mexico. This had the effect of penalizing a certain group of states for having done the right thing.

As a result, the “Children’s Health Equity Act of 2001” addresses this inequity by allowing four States, including New Mexico, Vermont, Washington, and Rhode Island, to be allowed to also utilize their CHIP allotments for covering children covered by Medicaid above their 1996 levels, putting them on a more level field with all other States in the country.

Mr. President, as you know, in 1997 Congress and President Clinton agreed to establish the State Children’s Health Insurance Program, CHIP, and provide $48 billion over 10 years as an incentive to States to provide health care coverage to uninsured, low-income children up 200 percent of poverty or beyond.

During the negotiations of the Balanced Budget Act, BBA, of 1997, Congress and the Administration properly recognized that certain states were already undertaking Medicaid or separate state-run expansions of coverage to children up to 185 percent of poverty or above and that they would be allowed to use the new CHIP funding for those purposes. The final bill specifically allowed the States of Florida, New York, and Pennsylvania to convert their separate state-run programs into CHIP expansions and States that had expanded coverage to children through Medicaid after March 31, 1997, were also allowed to use CHIP funding for their expansions.

Unfortunately, New Mexico and other States that had enacted similar expansions prior to March 1997 were denied the use of CHIP funding for their expansions. This created an inequity among the states where some were allowed to have their prior programs “grandfathered” into CHIP and others were denied. Again, our bill addresses this inequity.

New Mexico has a strong record of attempting to expand coverage to children through the Medicaid program. In 1995, prior to the enactment of CHIP, New Mexico expanded coverage to all children through age 18 through the Medicaid program up to 185 percent of poverty. After CHIP was passed, New Mexico expanded coverage up to 253 percent of poverty, above the level of the vast majority of states across the country.
Due to the inequity caused by CHIP, New Mexico has been allocated $182 million from CHIP between fiscal years 1998 and 2000, and yet, has only been able to spend slightly over $5 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend only 3 percent of its Federal CHIP allocations.

New Mexico is unable to spend its funding because it had enacted its expansion of coverage to children up to 185 percent of poverty prior to the enactment of CHIP and our State was “grandfathered” into CHIP as other comparable States were.

The consequences for the children of New Mexico are enormous. According to the Census Bureau, New Mexico has an estimated 120,000 uninsured children. In other words, almost 22 percent of all the children in New Mexico are uninsured, despite the fact the State has expanded coverage up to 235 percent of poverty. This is the fourth highest rate of uninsured children in the country.

This is a result of the fact that an estimated 103,000 of the 129,000 uninsured children in New Mexico are below 200 percent of poverty. These children are, consent for Medicaid currently unenrolled. With the exception of those few children between 185 and 200 percent of poverty who are eligible for CHIP funding, all of the remaining uninsured children below 185 percent of poverty in New Mexico are denied CHIP funding despite their need.

Exacerbating this inequity is the fact that many states are accessing their CHIP allotments to cover kids at poverty levels far below New Mexico’s current or past eligibility levels. The children in those states are certainly no more worthy of health insurance coverage than the children of New Mexico.

As the most recent policy statement by the National Governors’ Association reads, “We believe that it is critical that innovative States not be penalized for having expanded coverage to children before the enactment of SCHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage to the majority of uninsured children in their States.”

Consequently, the bill I am introducing addresses this inequity. The bill reflects a carefully-crafted response to the unintended consequences of CHIP and brings much needed assistance to children currently uninsured in my State and other similarly situated States, including Washington, Vermont, and Rhode Island.

Rather than simply changing the effective date included in the BBA that helped a smaller subset of States, this initiative includes strong maintenance of effort language as well as incentives for our States to conduct outreach and enrollment efforts and program simplification to find and enroll uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

The bill does not take money from other States’ CHIP allotments. It simply allows our States to spend our States’ specific CHIP allotments from the Federal CHIP fund on our uninsured children, just as other States across the country are doing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1625

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 “Children’s Health Equity Act of 2001.”

SEC. 2. APPROVAL OF UP TO 4 STATE WAIVERS TO ALLOW TITLE XXI ALLOTMENTS TO BE USED FOR INCREASING THE ENROLLMENT OF MEDICAID CHILDREN.

(a) DEFINITIONS.—In this section:

(1) CHILD.—A child is a State, the term “child” has the meaning given such term for purposes of the State Medicaid program under title XIX of the Social Security Act.

(2) CHILD HEALTH ASSISTANCE.—The term “child health assistance” has the meaning given that term in section 2110(a) of the Social Security Act (42 U.S.C. 1397j(a)).

(3) ENHANCED FMAP.—The term “enhanced FMAP” has the meaning given that term in section 2105(b) of such Act (42 U.S.C. 1396d(b)).

(4) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term “Federal medical assistance percentage” has the meaning given that term in section 1009(b) of such Act (42 U.S.C. 1396d(b)).

(5) POVERTY LINE.—The term “poverty line” has the meaning given that term in section 2110(c)(5) of such Act (42 U.S.C. 1397j(c)(5)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(7) STATE CHILD HEALTH PLAN.—The term “State child health plan” has the meaning given that term under section 2110(c)(7) of such Act (42 U.S.C. 1397j(c)(7)).

(b) APPRAVAL OF CERTAIN WAIVERS.—The Secretary shall approve not more than 4 waiver applications under which the Secretary determines satisfies the requirements described in subsection (c) the payment authorized under subsection (a) of this section.

(c) REQUIREMENTS.—The requirements described in this subsection are the following:

(1) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or XXI of the Social Security Act)—

(A) has the highest income eligibility standard permitted under title XXI of such Act as of January 1, 2001;

(B) subject to paragraph (2), does not limit the acceptance of applications for children; and

(C) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

(2) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation on the number of such children for child health assistance under such State plan.

(3) ADDITIONAL REQUIREMENTS.—The State has implemented at least 4 of the following policies and procedures (relating to coverage of children under titles XIX and title XXI of the Social Security Act):

(A) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)), the State uses the same uniform, simplified application form (including, if applicable, permitting application on a form in person) for purposes of establishing eligibility for benefits under titles XIX and XXI of that Act.

(B) ELIMINATION OF ASSET TEST.—The State does not apply any asset test under section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)) to a child unless the child is eligible for medical assistance under section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)) to a child unless the child is eligible for medical assistance under section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)).

(C) SAME VERIFICATION AND REDETERMINATION POLICIES: AUTOMATION OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)), the State determines eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews, forms, and frequency as the State uses for purposes under title XXI of that Act, and, as part of such redeterminations, provides for the automatic reassessment of eligibility for its children for assistance under titles XIX and XXI.

(4) OUTSTATEMENT ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under title XXI of such Act and for children under title XIX of that Act at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) of such Act (42 U.S.C. 1395x(a)(1)(A)) and Federally-qualified health centers described in section 1905(b)(2)(B) of such Act (42 U.S.C. 1396d(b)(2)(B)) consistent with section 1902(a)(55) of that Act (42 U.S.C. 1396a(a)(55)).

(d) PAYMENT AUTHORIZED.—IN GENERAL.—Notwithstanding any provision of title XIX or XXI of the Social Security Act, or any other provision of law, with respect to a State with a waiver approved under this section that satisfies the requirements of subsection (c) (and that otherwise has a State child health plan approved under title XXI of the Social Security Act), the Secretary shall pay to the State its allotment under section 2104 of the Social Security Act (42 U.S.C. 1397d) an amount for each fiscal year (beginning with fiscal year 2002) determined under subparagraph (D) as follows:

(A) BASE EXPENDITURE AMOUNT.—The Secretary shall determine the total amount of expenditures for medical assistance under title XIX of the Social Security Act in the State for children described in paragraph (2) for fiscal year 1995.

(B) CURRENT EXPENDITURE AMOUNT.—The Secretary shall determine the total amount of expenditures for medical assistance under title XIX of the Social Security Act in the State for children described in paragraph (2) for the fiscal year involved.

(C) INCREASED EXPENDITURE.—The Secretary shall determine the number (if any) by which the total amount determined under subparagraph (B) exceeds the total amount determined under subparagraph (A).
BONUS AMOUNT—The amount determined under this subparagraph for a fiscal year is equal to the product of the following:

(i) The total amount determined under subparagraph (C);

(ii) The difference between the enhanced FMAP and the Federal medical assistance percentage for that State for the fiscal year involved.

(2) CHILDREN DESCRIBED.—For purposes of paragraph (1)(A), the children described in this paragraph are—

(A) children who are eligible and enrolled for medical assistance under title XIX of the Social Security Act; and

(B) children who—

(i) would be described in subparagraph (A) but for having family income that exceeds the highest income eligibility level applicable to such individuals under the State plan; and

(ii) would be considered disabled under section 1311(a)(3)(C) of the Social Security Act (42 U.S.C. 1396a(a)(3)(C)) (determined without regard to the reference to age in that section but for having earnings or deemed income or resources, as determined under title XVI of such Act for children) that exceed the requirements for receipt of supplemental security income benefits.

(3) ORDER OF TITLE XXI PAYMENTS.—With respect to a State with a waiver approved under section (b)(2) of this section, payments to the State under section 1316(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) for a fiscal year shall, notwithstanding paragraph (2) of such section, be made in the following order:

(A) First, for expenditures for items described in paragraph (1)(A) of section 1316(a)(5) of such Act.

(B) Second, for expenditures for items described in paragraph (1)(B) of such section.

(C) Third, for the payment authorized under subsection (d)(1) of this section.

(D) Fourth, for expenditures for items described in paragraph (1)(C) of section 1316(a)(5) of the Social Security Act.

(E) Fifth, for expenditures for items described in paragraph (1)(D) of such section.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. DASCHLE, Mrs. LANDOLL, Mrs. CARNAHAN, Mr. HUTCHINSON, and Mr. CORZINE):

S. 1626. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators COCHRAN, DASCHLE, LINCOLN, COLLINS, CARNAHAN, HUTCHINSON of Arkansas, and CORZINE entitled the "Children's Dental Health Improvement Act of 2001" is designed to improve the access to care is often sorely lacking. Children need a comprehensive set of child health services, including dental services, to ensure their appropriate health and development.

In implementing such a change, I want to make it clear that I am in strong support of providing additional funding to SCHIP to ensure that these services are provided without reducing their funding levels of SCHIP. I am concerned about SCHIP funding in forthcoming years, particularly in those years referred to as the "CHIP dip" when funding levels drop from over $4 billion annually to around $3 billion. I have other legislation entitled, S. 1016, the "Start Healthy, Stay Healthy Act of 2001," that addresses this very problem.

The report adds, "There are at least 2.6 children who have no form of private or public medical insurance, more than twice that many, 23 million children, have no dental insurance." The report adds, "There are at least 2.6 children who have no dental insurance for each child without medical insurance," more than twice that many, 23 million children, have no dental insurance." The report adds, "There are at least 2.6 children who have no dental insurance for each child without medical insurance."
According to GAO, in its September 2000 report entitled Oral Health: Factors Contributing to Low Use of Dental Services by Low-Income Populations, “Of 39 states that provided information about dentists’ participation in Medicaid, 29 reported that fewer than half of the Medicaid dentists saw at least one Medicaid patient during 1999.” Even worse, a 1998 survey by the National Conference of State Legislatures indicates that fewer than 20 percent of dentists participate in the Medicaid program nationally.

The GAO concludes poor participation rates by dentists is due in large part to poor reimbursement rates in Medicaid. As the GAO points out, “Our analysis showed that Medicaid payment rates are often well below dentists’ normal fees. Only 13 states had Medicaid rates that exceeded two-thirds of the average regional fees dentists charged. . . .”

Clearly, Medicaid is chronically underfunded with respect to dental care. The Surgeon General’s report notes, “On average, state Medicaid agencies contribute only 2.3 percent of their child health expenditures to dental care, whereas nationally, the percentage was 5.9 percent. Health expenditures dedicated to dental care is more than 10 times that rate, almost 30 percent.”

The good news is that many States, including New Mexico, are taking actions to improve the participation of dentists by Medicaid programs. By raising low payment rates and reducing administrative requirements. These efforts were highlighted by the GAO in its September 2000 report. To further encourage such efforts, the “Children’s Dental Health Improvement Act of 2001” provides $50 million annually as financial incentives and planning grants to states to undertake additional improvements in their Medicaid programs delivery of dental health services for children.

In addition to Medicaid and SCHIP, the federal government administers other health care programs providing dental services or providers for low-income children and their families, including services administered by community health centers and the Indian Health Service, IHS. Unfortunately, both of these programs are underfunded and, as the GAO found, “report difficulty in meeting the dental needs of their target populations.” For example, the GAO found that “IHS and health center officials report that the demand for dental services significantly exceeds the, urban and rural health, centers’ capacity to deliver it. In 1998 ... a little more than half of the Medicaid health center grantees funded under this program had active dental programs.” This is also true for public health departments across the country. To assist the health centers and public health departments with this need, the “Children’s Dental Health Improvement Act of 2001” provides $40 million to community health centers and public health departments to expand dental health services through the hiring of additional dental health professionals to serve low-income populations.

This is particularly a problem that needs to be addressed in areas with severe dental health professional shortages, such as New Mexico. For example, New Mexico ranked next to last in the Nation with just 32.1 dentists per 100,000 population in 1996, according to HHS. This compares to the national average of 48.4 per 100,000. Moreover, the number of dentists in New Mexico declined by 7 percent between 1991 and 1998 while the State’s population grew 12 percent. The result was a 17 percent decline in dentists per capita during the period.

With regard to American Indian and Alaska Native populations, the need is so great and the funding so little that a comprehensive solution is requiring throughout the IHS system. With respect to the IHS, the GAO notes that “American Indian and Alaska Native children aged 2 to 4 years old have five times the rate of dental decay that all children have.” Unfortunately, the GAO adds, “. . . about one fourth of the IHS’ dentist positions at 269 IHS and tribal facilities were vacant in April 2000. Vacancies have been chronic at IHS facilities, in the past 5 years, at least 67 facilities have had one or more dentist position vacant for at least a year. According to IHS officials, the primary reason for these vacancies is that IHS is unable to provide a competitive salary for new dentists.”

The GAO continues, “The IHS’ dental personnel shortages translate into a large unmet need for dental services among American Indians and Alaska Natives. IHS reports that only 24 percent of the eligible population had a dental visit in 1998. The personnel shortage also has reduced the scope of services that facilities are able to provide. According to IHS officials, available services have concentrated more on acute and emergency care, while routine and restorative care have dropped as a percentage of workload.”

Emergency services increased from one-fifth of the workload in 1990 to more than one-third of the workload in 1999.”

To help alleviate this workforce shortage, the “Children’s Dental Health Improvement Act of 2001” provides IHS with the authority to offer multi-year retention bonuses to dental providers offering services through the IHS and tribal programs.

The bill also provides for some technical assistance to ensure that tribal organizations and community health centers are allowed to apply for school-based dental sealant funding from the Centers for Disease Control and Prevention, CDC. And finally, to help address this “silent epidemic,” HHS implemented what is referred to as the Oral Health Initiative, OHI, to coordinate dental health services in both the Health Resources and Services Administration, HRSA, and the Center for Medicaid and Medicare Services, CMS, formerly known as the Health Care Financing Administration. Despite the progress of the Initiative, it has no legal authority or other instruments that target specific health needs of children, such as Emergency Medical Services for Children or the Traumatic Brain Injury Program. Because it lacks formal status and program control, the OHI is susceptible to future disruptions or expiring.

To ensure the continuation of the OHI, the “Children’s Health Improvement Act of 2001” provides statutory authority for the OHI and authorized funding of $25 million to improve the oral health of low-income populations served by both the public and private sector.

The bipartisan legislation I am introducing today would improve the access to preventive and emergency dental services to our Nation’s children through Medicaid, the State Children’s Health Insurance Program, SCHIP, the Indian Health Service, IHS, and our Nation’s safety net of community health centers. These problems are well-documented and call out for congressional action as soon as possible.

I would like to thank the American Dental Association, the American Dental Education Association, the American Association of Pediatric Dentistry, the National Association of Community Health Centers, Inc., the National Association of Children’s Hospitals, the American Dental Hygienists’ Association, and the Children’s Dental Health Project for their outstanding support and/or their technical advice on this legislation. This bill is a result of their outstanding work.

In particular, I want to thank Dr. Burt Edelstein and Libby Mullin of the American Dental Education Association for their vast knowledge and technical assistance on this issue. I want to thank Judy Sherman of the American Dental Association, Myla Moss of the American Dental Education Association, Dr. Heber Simmons and Scott Litch of the American Academy of Pediatric Dentistry, Karen Seelander of the American Dental Hygienists’ Association, and Heather Mizeur of the National Association of Community Health Centers for their technical advice, and support for this legislation. I look forward to working with them all to ensure that we achieve increased access to oral health care for our children.

In addition to those organizations, I would like to thank the following groups for their support of the bill, including: Academy of General Dentistry, American Academy of Child and Adolescent Psychiatry, American Academy of Oral and Maxillofacial Pathology, American Academy of Periodontology, American Association of Dental Examiners, American Association of Dental Research, American...
TITLE I—IMPROVING DELIVERY OF PED- 
ATRIC DENTAL SERVICES UNDER MED- 
ICAID AND SCHIP

SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MED- 
ICAID AND SCHIP.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MED- 
ICAID AND SCHIP.

"(a) AUTHORITY TO MAKE GRANTS.—In addi-
tion to any other payments made under this title to a State, the Secretary shall award grants to eligible entities (as defined in section 512(c)) to improve the provision of dental services to children who are enrolled in a State plan under title XIX or a Medicaid or SCHIP program, and to children enrolled in the State plan to the extent required by the Secretary to meet the standards required by section 504 of the Civil Rights Act of 1964 (42 U.S.C. 2000d)."
TITLE II—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

SEC. 201. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Part D of title III of the Public Health Service Act (42 U.S.C. 295d et seq.) is amended by inserting before section 330, the following:

"SEC. 329. GRANT PROGRAM TO EXPAND THE AVALIABILITY OF SERVICES.

"(a) In General.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

"(b) Eligibility.—

"(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

"(A) shall be—

"(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

"(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

"(iii) a tribal or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 456b)); or

"(iv) a dental education program accredited by the Commission on Dental Accreditation;

"(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

"(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

"(C) provide assurances that—

"(i) the individual will practice in a federally-designated dental health professional shortage area; and

"(ii) not less than 33 percent of the patients of such individual are—

"(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

"(III) uninsured.

"(d) Authorization of Appropriations.—

"(1) In General.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2002 through 2006 to hire and retain dental health care providers under this section.

"(2) Use of Funds.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

"(A) not more than 75 percent of such amount to make grants to eligible entities; and

"(B) not more than 25 percent of such amount to make grants to eligible individuals.

SEC. 202. DENTAL OFFICER MULTIYEAR RETENTION BONUS FOR THE INDIAN HEALTH SERVICE.

(a) Terms and Definitions.—In this section:

"(1) CREDITABLE SERVICE.—The term ‘creditable service’ includes all periods that a dental officer spent in graduate dental educational (GDE) training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

"(2) DENTAL OFFICER.—The term ‘dental officer’ means an officer of the Indian Health Service designated as a dental officer.

"(3) DIRECTOR.—The term ‘Director’ means the Director of the Indian Health Service.

"(4) RESEARCH RESIDENCY.—The term ‘research residency’ means a graduate dental educational (GDE) training program of at least 12 months leading to a specialty, including general practice residency or advanced education general dentistry (AEGD).

"(5) SPECIALTY.—The term ‘specialty’ means a dental specialty for which there is an Indian Health Service specialty code number.

(b) Requirements for Bonus.—

"(1) In General.—An eligible dental officer of the Indian Health Service who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service may, upon acceptance of the written agreement by the Director, be authorized to receive a dental officer multiyear retention bonus under this section. The Director may, based on requirements of the Indian Health Service, decline to offer such a retention bonus to any specialty that is otherwise eligible, or to require that the dental officer enter into a written agreement to remain on active duty for a specialty to less than 4 years.

"(2) Limitations.—Each annual dental officer multiyear retention bonus authorized under this section shall not exceed the following:

"(A) $14,000 for a 4-year written agreement.

"(B) $8,000 for a 3-year written agreement.

"(C) $4,000 for a 2-year written agreement.

"(d) Eligibility.—

"(1) In General.—In order to be eligible to receive a dental officer multiyear retention bonus under this section, a dental officer shall—

"(A) be at or below such grade as the Director shall determine.

"(B) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have fulfilled all other obligations of service;

"(C) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the officer enters into a dental officer multiyear retention bonus written service agreement under this section; and

"(D) have a dental specialty in pediatric dentistry or oral and maxillofacial surgery.

"(2) Extension to Other Officers.—The Director may extend the retention bonus to dental officers for service in a dental specialty in pediatric dentistry, as well as to other dental hygienists with a minimum of a baccalaureate degree, based on demonstrated need.

"(3) Termination of Entitlement to Special Pay.—The Director may terminate the multiyear retention bonus contract under this section. If such a contract is terminated, the unearned portion of the retention bonus contract shall be recouped on a pro rata basis. The regulations and conditions for termination shall be included in the written service contract for a dental officer multiyear retention bonus under this section.

"(e) Refunds.—

"(1) In General.—Prorated refunds shall be retained for such sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the contract, as conditions and circumstances warrant.

"(2) Debt to United States.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

"(3) No Discharge in Bankruptcy.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered after 5 years following the termination of a retention bonus contract under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or paragraph (1).

SEC. 203. STREAMLINE PROCESS FOR DESIGNATING DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

Section 332(a) of the Public Health Service Act (42 U.S.C. 205a(a)) is amended by adding at the end the following:

"(4) In designating health professional shortage areas under this section, the Secretary may designate certain areas as dental health professional shortage areas if the Secretary determines that such areas have a severe shortage of dental health professionals. The Secretary shall, in consultation with State and local dental societies and tribal health organizations, streamline the process to develop, publish and periodically update criteria for designating dental health professional shortage areas.

SEC. 204. DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDERSERVED AREAS.

(a) Authority To Conduct Projects.—The Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration and the Director of the Indian Health Service, shall establish demonstration projects that are designed to increase access to dental services for children in underserved areas, as determined by the Secretary.

(b) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE III—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

SEC. 301. ORAL HEALTH INITIATIVE.

(a) Establishment.—The Secretary of Health and Human Services shall establish an oral health initiative to reduce the profound disparities in oral health by improving the health status of vulnerable populations, particularly low-income children, to the level of health status that is enjoyed by the majority of Americans.

"(b) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.
(1) carry out activities to improve intra- and inter-agency collaborations, including activities to identify, engage, and encourage existing and new Federal and State programs to maximize their potential to address oral health;
(2) carry out activities to encourage pub- lic-private partnerships to engage private sector entities (including, but not limited to, health professionals, educators, State policy-makers, foundations, business, and the public) in partnerships that promote oral health and dental access;
(3) carry out activities to reduce the dis- ease burden in high risk populations through the application of best-science in oral health programs to reduce community water fluoridation and dental sealants.
(c) COORDINATION.—The Secretary of Health and Human Services shall—
(1) through the Administrator of the Cen- ters for Medicare & Medicaid Services (for- merly known as the Health Care Financing Administration) establish a Chief Dental Of- ficer for the medicare and State children's health insurance programs established under titles XIX and XXI, respectively, of the So- cial Security Act (42 U.S.C. 1396 et seq.); and
(2) carry out this section in collaboration with such Administrator and Chief Dental Officer and the Administrator and Chief Den- tal Officer of the Health Resources and Serv- ices Administration.
(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be appropriated to carry out this section, $25,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

SEC. 302. EARLY CHILDHOOD CARE.
(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention in collaboration with other organiza- tions shall annually collect data describing the dental, craniofacial, and oral health of residents of at least 1 State and 1 Indian tribe from each region of the Department of Health and Human Services.
(b) REPORTS.—The Director of the Centers for Disease Control and Prevention shall compile and analyze data collected under subsection (a) and annually prepare and submit to the appropriate committees of Congress a report concerning the oral health of children.

SEC. 303. EARLY CHILDHOOD CARE.
(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Di- rector of the Centers for Disease Control and Prevention, shall—
(1) expand existing surveillance activities to include the identification of children at high risk of early childhood caries;
(2) assist State, local, and tribal health agencies and departments in collecting, analyz- ing and disseminating data on early childhood caries;
(3) provide for the development of public health nursing programs and public health education programs on early childhood caries; and
(b) APPROPRIATENESS OF ACTIVITIES.—The Secretary of Health and Human Services shall carry out programs and activities under this section in an appro- priate manner with respect to populations at risk of early childhood caries.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. 304. SCHOOL-BASED DENTAL SEALANT PRO- GRAM. Section 317M(c) of the Public Health Service Act (as added by section 1802 of Public Law 105-170) is amended by—
(1) in paragraph (1), by inserting “and school-linked” after “school-based”;
(2) in the first sentence of paragraph (2)—
(A) by inserting “and school-linked” after “school-based”; and
(B) by inserting “or Indian tribe” after “State”;
(3) by striking paragraph (3) and inserting the following:
(3) ELIGIBILITY.—To be eligible to receive funds under this subsection it shall—
(A) prepare and submit to the State or In- dian tribe an application at such time, in such manner and containing such informa- tion as the State or Indian tribe may re- quire; and
(B) be a—
(i) public elementary or secondary school;
(ii) that is located in an urban area in which and with respect to the school district in which the school is located, the district involved has a median income that is at or below 200 percent of the poverty line, as determined by the Secretary; or
(iii) that is located in a rural area, and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 200 percent of the poverty line, as determined by the Secretary.

FACT SHEET—CHILDREN’S DENTAL HEALTH IMPROVEMENT ACT OF 2001
Senators Jeff Bingaman (D-NM), Thad Cochran (R-MS), Blanche Lincoln (D-AR), Tom Daschle (D-SD), Susan Collins (R-ME), Jean Carnahan (R-MO), and Jon Corzine (D-NJ) are preparing a Legislative Proposal: Lack of Coverage for Children According to the Surgeon General’s report, Oral Health in America: A Report of the Sur- geon General, that was issued in 2000, “Al- though over 14 percent of children under 18 have no form of private or public medical in- surance, more than twice that many, 23 mil- lion children, have no dental insurance.” The report adds, “There are at least 2.6 children without dental insurance for each child with- out medical insurance.”

Moreover, according to the General Ac- counting Office in a report entitled Factors Influencing the Access Low-Income Groups to Dental Care the demand for dental care to children has significantly increased. As the GAO adds, “Our analysis showed that Medicaid payment rates are often well below dentists’ normal fees. Only 13 States had Medicaid rates that exceeded two-thirds of the average regional fees dent- tists charged.”

Legislative Proposal: The legislation seeks to improve access to dental care for low- income children in the Medicaid program by increasing $50 million as financial incentives and planning grants to states to improve the Medicaid program’s ability to deliver quality care.

Need for Improved Coordination and Collaboration Despite Medicaid and SCHIP, dental care is the least utilized core pediatric health service for low-income children. There are 2.6 times more children lacking dental coverage than health coverage and over a hundred million Americans without dental insurance. Dental care is the most frequently cited unmet health need of children according to their parents. In fact, the Health Interview Survey reveals that the unmet need is three times greater than unmet need for medical care. The American Academy of Family Physicians developed a medication model for prescription drugs, and five times greater than unmet need for vision care. The third National Health and Nutrition Interview Survey showed that dental caries [or dental decay] is the most prevalent chronic disease of childhood.

To think of this address this “hidden epidemic,” the Department of Health and Human Serv- ices (HHS) enacted the Oral Health Initiative (OHI) to coordinate dental health services in both the Health Resources and Services Ad- ministration (HRSA) and the Center for Medicare and Medicaid Services (CMS) (for- merly known as the Health Care Financing Admin- stration). Despite the progress of the initiative, it has no legal authority unlike other programs
that target specific health needs of children (e.g., Emergency Medical Services for Children and the Traumatic Brain Injury Program). Because it lacks formal status and programs, OHI is susceptible to future disruptions or disbanding.

Legislative Proposal: The legislation provides statutory authority for the OHI and authorizes $25 million over 5 years to provide dental care to the oral health of low-income populations served by both the public and private sector.

Other Provisions

In addition, the legislation contains the following technical provisions:

Dental Health Professional Shortage Area Designation: The bill streamlines the process for the designation of dental health professional shortage areas.

Technical School-Based Sealant Provisions: The bill includes technical provisions ensuring that entities eligible for funding include both “school-linked” as well as school-based organizations, clarifies that an eligible entity can be a public or non-profit health organization.

Demonstration: The bill creates authority for HHS to establish demonstration projects to increase access to dental services for children in underserved areas.

ENDORSING ORGANIZATIONS


Mrs. CARNAHAN. Mr. President, I would like to bring your attention to a hidden epidemic. This epidemic affects the overall health of children, especially children in low-income families. It has been called a “hidden epidemic” because it can be difficult to detect at a glance, and because it receives relatively little attention as a threat to children’s health. But while this epidemic is “hidden,” it manifests itself every day in the smiles of America’s children.

The epidemic I am referring to is that of poor dental health. Dental decay, a major cause of tooth loss, is the most prevalent chronic disease of childhood. Each year, dental conditions cause children in the U.S. to miss more than 750,000 days of school. One in ten children between the ages of five and eleven has never visited a dentist. This is a shocking and distressing statistic. The unemployment trend cannot be allowed to continue.

States are working hard to offer dental health services through their Medicaid programs and the State Children’s Health Insurance Program, but they need all the help they can get. The General Accounting Office reported that the biggest reason low-income people lack dental care is that not enough dentists participate in Medicaid. In Missouri, as in other states, some dentists simply choose not to accept Medicaid patients, while others cannot afford to accept them because Medicaid reimbursement is not sufficient to cover the costs of providing care. In Missouri, there are more than 1,000 children on Medicaid for every dentist willing to serve them.

As a result, Medicaid patients must search far and wide to find a dentist and then face another challenge in traveling long distances to see that dentist. This requires hours of planning to arrange for public or Medicaid-provided transportation, and several more hours of waiting after the visit to be picked up and returned home. For many lower-income parents, these hours away from work will severely cut into their family’s income. Is it any wonder why so many children do not get the preventive dental care they need, and are not seen by a dentist until they are in intense pain or have infections so severe that their eyes have swelled shut? We cannot let this continue to happen to children in the United States.

There are many reasons for protecting children’s oral health. For instance, we know that when children have healthy teeth they chew more easily and gain more nutrients from the foods they eat. They learn to speak more quickly and clearly. They look and feel more attractive improving self-confidence and willingness to communicate with others. They have better school attendance and pay more attention in class. They avoid extensive and costly treatment. And they begin a lifetime of good dental habits.

For all of these reasons, I am proud to join with Senators BINGMAN, COCHRAN, CORZINE, COLLINS, DASCHLE, HUTCHISON, JOHNNESON, and WATERS in introducing the Children’s Dental Health Improvement Act. This bipartisan bill would improve dental care for low-income children. I appreciate Senator BINGMAN’s leadership on this bill, and I am honored for the opportunity to work with him on this issue. In order to make real improvements in our current situation, this legislation takes a multi-faceted approach that addresses each component of the problem.

First, this bill would give States the option to provide dental coverage through the State Children’s Health Insurance Program to low-income children. This may have the necessary mandate for medical care but not for dental services. Part of the reason for the epidemic in dental health is a lack of insurance for dental services. For every child without health insurance, there are nearly three children who are uninsured for dental care. By providing more of these children with insurance, we can reduce their dental care costs— one of the many barriers that low-income families face in getting dental care for their children. Although the bill does not call for additional CHIP funding, I support a separate funding increase for this program. This increase is essential to giving States the ability to expand coverage to dental services, especially States like Missouri whose SCHIP funding is not enough for an excellent job and as a result spend all of their existing funding.

Second, this bill would invest $25 million in and provide statutory authority to the Federal Oral Health Initiative. The Department of Health and Human Services initiated the Oral Health Initiative to coordinate its dental health services. These funds would be used to promote public-private partnerships and cooperation among Federal agencies in order to reduce the profound disparities in oral health among vulnerable populations. Low-income people are the hardest hit when it comes to dental disease. Compared to their counterparts in higher-income families, poor children have five times more untreated dental disease and poor teens are half as likely to visit a dentist annually. Giving legal authority to this Initiative will allow it to work on improving access to dental health services. Part of the reason for the epidemic is that many SCHIP organizations or disbanding and the increased funding will allow for the Oral Health Initiative’s much-needed expansion.

Third, this bill would offer States the opportunity to apply for $50 million in Federal grants to assist them in improving dental coverage for children through Medicaid. The financial incentives and planning grants included in the bill would enable states to improve payment rates, access to care, and service delivery. It would also allow an investment of $40 million for community health centers and public health departments to increase the number of dental health professionals who serve low-income children. With these funds, we can increase access to dental care for low-income children, shorten travel times and the wait for a dental appointment. This is especially important in rural areas, which generally face a greater shortage of providers.

The Children’s Dental Health Improvement Act has gained the support of over twenty dental health organizations, including the American Academy of Pediatric Dentistry and the
American Dental Association. Other supporters include the American Academy of Pediatrics, the National Association of Children’s Hospitals, and the National Association of Community Health Centers. With their support, and the leadership of my fellow cosponsors, I hope that we can have a profound impact on dental health and ensure that America’s low-income children will have healthy, beautiful smiles.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. SNOWE, Mr. HATCH, Mr. THURMOND, Mr. BOND, and Mr. KOHL):

S. 1627. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to join with the distinguished Senator from Arizona, who is my ranking member on the Technology and Terrorism Subcommittee of the Judiciary Committee, to introduce a piece of legislation.

On October 12, the committee held a hearing on what could be done to technologically improve our visa entry system. It was very clear to us that we know all 19 of the terrorists essentially had, at some time, valid visas, that our system is such that it really cannot countermand or alert our Government to any possible terrorist entering this country legally through our visa system.

We have about 7 million non-immigrants entering the U.S. a year. About 4 million of them disappear and are unaccounted for. We have 23 million people coming in on visa waivers from 29 different countries. We have an unregulated student visa program. And we also have about 300 million people coming across borders back and forth. We have about 5 million containers a year that come in through the ports of entry, fewer than 2 percent of them searched.

The ranking member, the distinguished Senator from Arizona, and I have been very concerned about this. As a product of the hearing, we believed that the most important thing we could do was create a centralized data base, using cutting-edge technology, and also enabling that data base to interface between our intelligence agencies, our law enforcement agencies, and our State Department to create a kind of lookout data base so that the situation that happened—whereby in Saudi Arabia 15 terrorists came into the State Department consul’s office and got visas, and we were told there was no intelligence to alert the system—would not, in fact, happen in the future. This legislation would create that kind of centralized, integrated data base.

Additionally, we provide for a biometric visa smart card. We provide that all Federal identity permits and li-cense documents be fraud-resistant and tamper-resistant. We provide for passenger manifests of all commercial transportation vehicles to go into that data base, again, so that it can alert the proper authorities about who is about to come into the U.S. Law enforcement information, intelligence information all combine to send certain signals.

We also provide regulation and school responsibility for the student visa program. I am very pleased to indicate that Senator KYL and I are joined by Senators KONI, SNOWE, HATCH, THURMOND, BOND, and KOHL:

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank Senator FEINSTEIN, the chairman of the Technology and Terrorism Subcommittee of the Judiciary Committee, for her leadership both in the holding of the hearing that she mentioned, as well as putting together the legislation we introduce this evening.

Something happened on September 11 that, with all due respect, did not happen again until September 11, when over 6,000 people were killed by foreigners who were here and attacked Americans in our country.

At that point, we began to realize that we had to begin to close the loopholes in our immigration system that, frankly, were allowing just about anybody and everybody to come into this country and, as we have learned, to do some very bad things to Americans here in our country.

So this legislation would do a variety of things, as Senator FEINSTEIN has said, beginning with the creation of a database that would enable us to know the fact that the Consular Officer is asked to grant a visa to someone, he may have no information indicating this person should be denied the visa, yet it is quite possible that person is not someone we would want to have come into the United States.

In our hearing, the representative from the State Department said the State Department personnel who granted visas to these 19 terrorists were heartbroken. She said it is like when a person hits the little kid who runs out from between the parked cars. It obviously is not the driver’s fault, but you feel horrible about it. It is obviously not the fault of the people in the State Depart-ment who granted these visas, but they felt horrible because they didn’t have the information to tell them that those visas should have been denied.

This bill will enable us to put all of that information into one simple database so that our consular officers will know to whom to grant the visas and who should not receive them. It will make a lot of other changes, as Senator FEINSTEIN said. They are designed to gain better for the process of admitting people into the country, for knowing when they exit the country, for ensuring that people who come here to study in fact come here and study, and don’t come on a pretext, as at least one of these terrorists did, and a variety of other things that take advantage of the technology we have today.

The great thing about this bill, as verified by the hearing and some other very hard work Senator FEINSTEIN has done on her own, is to determine that the technology is here. We can apply technology to this problem. The other piece of good news is that it doesn’t cost that much, relatively speaking. In fact, we are going to be able to employ technology to save money. We can’t possibly hire enough people or take all of the time it would take to do this if we don’t employ technology.

We have a very exciting prospect of applying technology to a new challenge here in America to close the loopholes in our immigration law, to ensure or at least be a lot more sure that we are not letting terrorists come into this country or stay in this country. That is what they should not be here. I am proud to join my colleague Senator FEINSTEIN in the introduction of this legislation. I hope we can find a way very early on to see that it gets considered in the proper fora so that the full Senate will have an opportunity to support the legislation and support the President, who has called for exactly this kind of approach.

Mr. President, today, Senators FEINSTEIN and I, joined by Senators SNOWE, HATCH, THURMOND, BOND, and KENT, will introduce the Visa Entry Reform Act, legislation that will strengthen our U.S. visa system, and allow better tracking and monitoring of foreign nationals in the United States who present national security risks to our country.

Last week the President signed into law anti-terrorism legislation that will provide many of the tools necessary to keep terrorists out of the United States, and to detain those terrorists who have entered our country. That law provides new, better definitions of what a terrorist organization is, and provides the Attorney General greater authority to detain members of such organizations. It clarifies that individuals who have contributed to such organizations, even if such support went to nonterrorist activities of the organizations, are inadmissible and deportable. The new law also authorizes the tripling of Border Patrol, Customs Inspectors, and the INS presence on the northern border, a minimal addition, given the expected high rates of attri-bution for these agencies over the next
five years, and the continued and growing need for personnel along the southwest border.

Yesterday, the President announced three initiatives in our fight to track down terrorists: a task force, headed by the Assistant Director at FBI for intelligence, to work toward greater coordination of intelligence and law enforcement information on terrorists; a comprehensive study of our never-implemented foreign student tracking system; and an initiative to provide better coordination among Customs and INS officials in the United States, Canada, and Mexico.

These are all important tools, and will be instrumental in our overall efforts to track down terrorists. The legislation that we introduce today will complement our recent efforts. Under the Visa Entry Reform Act of 2001, law enforcement, the Departments of Transportation and State, and all of our intelligence agencies will be connected by a comprehensive database, headed by the Director of Homeland Defense, with necessary shared law enforcement and intelligence information to thwart attempts to enter the country and to find terrorists who have made their way into the United States.

Under our bill, terrorists will be deprived of the ability to present fake or altered international documents in order to gain entrance, or stay here. Foreign nationals will be provided with a new card, the Card of Attending Student, using new technology that would include a person’s fingerprints or other forms of “biometric” identification. These cards would be used by visitors upon exit and entry into the United States, and would alert authorities immediately if a visa has expired or a red flag is raised by a Federal agency. Our bill would also strengthen other Federal identification documents such as pilots’ licenses, visas, immigration work authorization cards, and others by requiring that they be fraud- and tamper-resistant, contain biometric data, and, if applicable, include the visa’s expiration date.

Another provision of the bill would require that the 29 nations that participate in the government’s visa waiver program be required, after 1 year, to issue tamper-resistant, machine-readable passports. In addition, our bill would require that, after 2 years, all countries participate include biometric data on their passports. INS inspectors would have to check passport numbers and, where available, biometric information with the new, centralized information database. Countries that participate in the program would be required to report stolen passport numbers to the State Department in order to continue to participate in the program.

Another section of our bill will make a significant difference in our efforts to stop terrorists from ever entering our country. Section six of the bill will require that passport manifesters on all flights scheduled to come to the United States be forwarded in real-time, and then cleared, by the Immigration and Naturalization Service. All cruise and cargo lines and cross-border bus lines would also have to submit such lists to the INS. Our bill also removes a current U.S. requirement that all passports issued in the United States be cleared by the INS within 45 minutes of arrival. Clearly, in some circumstances, the INS will need more time to clear all prospective entrants to the United States. These simple steps would give law enforcement advance notice of foreigners coming into the country, particularly visitors or immigrants who pose security threats to the United States.

The Visa Entry Reform Act will also provide much needed reforms and requirements in our U.S. foreign student visa program, which has allowed numerous foreigners to enter the country without ever attending classes and with lax oversight by the Federal Government or with abuse, with numerous examples of fraud and bribery by persons seeking student visas.

Just as alarming, in the past decade, more than 16,000 people have entered the United States on student visas from states included on the government’s list of terrorist sponsors. Notwithstanding that Syria is one of the countries on the list, the State Department recently issued visas to 14 Syrian nationals to attend flight schools in Fort Worth, TX. Our legislation would prevent most persons from obtaining student visas if they come from terrorist-supporting states such as Iran, Iraq, Sudan, Libya, and Syria, with the authority of the Secretary of State to waive the ban. Additionally, our bill would require the INS to conduct background checks before the State Department issues the visas. U.S. educational institutions would be required to immediately notify the INS when a foreign student violates the term of the visa by failing to show up for class or leaving school early.

For the first time since the War of 1812, the United States has faced a massive attack from foreigners on our own soil. Every one of the terrorists who committed the September 11 atrocities were foreign nationals who had entered the United States legally through our visa system. None of them should have been allowed entry due to their ties to terrorist organizations, and yet even those whose visas had expired were not expelled.

Mohamed Atta, for example, the suspected ringleader of the attacks, was issued a tourist visa, even though he made clear his intentions to go to flight school while in the United States. Clearly, at the very least, he should have been queried about why he was using his tourist visa to attend flight school.

We also know that two of the terrorists were on watch lists that should have been provided to the State Department and the INS, in order to prevent their entry to the United States. Another hijacker, Hani Hanjour, was here on a student visa that had expired as of September 11. Hani Hanjour never attended class. In addition, at least two other visa applicants that overstayed their visa. In testimony before my own Senate subcommittee, U.S. officials have told us that they possess little information about foreigners who come into this country, how many there are, and even whether they leave when required by their visas. America is a nation that welcomes international visitors—and should remain so. But terrorists have taken advantage of our system and its openness. Now that we face new threats to our homeland, it is time we restore some balance to our immigration policy.

As former chairman and now ranking Republican of the Judiciary Committee, I have long suggested, and strongly supported, many of the anti-terrorism and immigration initiatives now being advocated by Republicans and Democrats alike. In my sadness about the overwhelming tragedy that took thousands of precious lives, I am resolved to push forward on all fronts to fight against terrorism. That means delivering justice to those who are responsible for the lives lost on September 11, and reorganizing the institutions of government so that the law-abiding can continue to live their lives in freedom. I hope that we will soon pass, the Congress will pass, the Visa Entry Reform Act. It will make a difference.
Right now, a student can apply to a number of schools, get accepted to a number, and show up at none. And there is no reporting.

We would change this. The university association will be supportive of these changes.

I am very optimistic that we have an opportunity, in meeting with Senators KENNEDY and BROWNBACK, to put together one bill that could provide some reform to a porous visa entry system.

As I said, I sit as the chair of the Judiciary Committee’s Subcommittee on Technology, Terrorism and Government Information. Last month, we held a hearing into the need for new technologies to assist our government agencies in keeping terrorists out of the United States.

The testimony at that hearing was very illuminating. We were given a picture of an immigration system in chaos, and a border control system that acts like a sieve. Agencies do not communicate with each other. Computers are incompatible. And even in instances where technological leaps have been made—like the issuance of more than 4.5 million “smart” border crossing cards with biometric data—the technology is often not used.

Let me give some specific examples of the testimony we heard before our subcommittee:

There are 29 countries that now participate in the “Visa Waiver” program that invites 23 million visitors a year to our country. Travelers from these countries do not have to get a visa before entering the United States, so no one knows when they arrive, and no one knows whether they leave. Passports don’t have to be machine-readable or tamper-proof, and the result is millions of people coming and going with no accountability, and no way to find them if they choose to stay and do mischief.

We also heard in our subcommittee that the student visa program is unregulated and subject to abuse and fraud. Schools don’t keep track of students, the INS does not find out when the students leave or whether they even show up for classes, and many students overstay their visas by years. Furthermore, students who apply to many schools can receive multiple documents—called “I-20” forms—giving them the right to entry. Because they only have these forms, the vulnerability for fraud is enormous. Additional forms are sold, and many enter the country with no real plans to go to school here at all.

In our hearing, Mary Ryan, the Assistant Secretary of State for Consular Affairs, said that the lack of information sharing is a “colossal intelligence failure” and that the State Department “had no information on the terrorists from law enforcement.” Personally, I am amazed that a person can apply for a student visa, and then simply does not exist. Or that the technology doesn’t exist. Or that the agencies involved are incapable of cooperating in a way that would keep our country safe from those who try to enter.

Third, we establish a robust “SmartVisa” program. Newly issued visas must contain biometric data and other identifying information—like more than 4 million already do on the Southwest border—and, just as importantly as in other immigration issues, other ports of entry must have the equipment necessary to read those new smart cards.

Next, we worked closely with the university community in crafting new, strict requirements for the student visa program, to crack down on fraud, make sure that students really are attending classes, and give the government the ability to track any foreign national who arrives on a student visa but fails to enroll in school.

The legislation prohibits the issuance of a student visa to any citizen of a country identified by the State Department as a terrorist-supporting nation. There is a waiver provision to this provision for international students, but we are working with the State Department to allow students even from these countries after review and evaluation.

We require that airlines, cruises lines, bus lines, and other transportation services provide passenger and crew manifests to law enforcement before arrival, so that any potential terrorists or other wrongdoers can be singled out before they arrive in this country and disappear into the general populace.

The bill contains a number of other related provisions as well, but the gist of this legislation is this:

Where we can provide law enforcement more information about potentially dangerous foreign nationals, we do so;

Where we can reform our border-crossing system to weed out or deter terrorists or others who would do us harm, we do so;

And where we can update technology to meet the demands of the modern war against terror, we do that as well.

As we prepare to modify our immigration system, we must be sure to enact changes that are realistic and
feasible. We must also provide the necessary tools to implement them.

Our Nation will be no more secure tomorrow if we create new top of the line databases and no not see to it that government agencies share critical information.

We will be no safer tomorrow if we do not create a workable entry-exit tracking system to ensure that terrorists do not enter the U.S. and blend into our communities without detection.

And we will be no safer if we simply authorize new programs and information sharing, but do not provide the resources necessary to put the new technology at the border, train agents appropriately, and require our various government agencies to cooperate in this effort.

We have a lot to do and I am confident that we will move swiftly and with great care to address these important issues. The legislation I introduce today is an important, and strong, first step. The party is only the beginning of a long, difficult process.

I urge my colleagues to support us on this legislation. I yield the floor.

Ms. SNOWE. Mr. President, I'm pleased to join with Senators FEINSTEIN and Kyl in introducing the Visa Entry Reform Act of 2001.

Both of these leaders have worked fervently to bring this bipartisan bill to fruition and I have very much appreciated the opportunity to work with them to provide a meaningful package to help secure our homeland.

The bottom line is, at this extraordinary time, in the wake of horrific attacks against innocent lives within our borders, we must take every conceivable step with regard to those variables we can control in securing our Nation. How can we do anything less when it has become so abundantly and tragically apparent that admission of the country cannot and must not be the "X-Factor" in protecting our homeland?

Entry into this country is a privilege, not a right, and it's a privilege that's clearly been violated by evildoers who were well aware of inherent weaknesses in the system. Just look at the story of Mohamed Atta, coming into Miami, he told the INS that he was returning to the U.S. to continue flight training, despite the fact that he presented them with a tourist visa, not the student required for his purposes, and they let him in. INS has since said that Atta had filed months earlier to change his status from tourist to student so they let him in, despite long-standing policy that one you leave the country, you're considered to have abandoned your change of status request.

What this bill is about is stopping dangerous aliens from entering our country at their point-of-origin and their point of entry by giving those Federal agencies charged with that responsibility the tools necessary to do the job. Now, some say the tools we need are better technologies, some say better information, some say better coordination. The beauty of this bill is that it stands on all three legs, because I can tell you if there's one thing I learned from my experience in working on these issues it's that Terrorism Committee I'm sure I look at the story of Mohamed Atta, the Egyptian cleric Sheikh Rahman. We found that the Sheikh had entered and exited the country five times totally unimpeded, even after the State Department formally revoked his visa and even after the INS granted him permanent resident status. In fact, in March of 1992, the INS rescinded that status which was granted in Newark, New Jersey about a year before.

But the trial of errors that the Sheikh requested asylum in a hearing before an immigration judge in the very same city, got a second hearing, and continued to remain in the country even after the bombing, with the Justice Department formally revoking his custod in custody pending the outcome of deportation proceedings and the asylum application, stating that "in the absence of concrete evidence that Rahman is participating in or involved in planning today's attack, the Government of that burden, upon the U.S. Government, is considered unwarranted."

To address the trail of errors, I introduced legislation to modernize the State Department's antiquated microfiche lookout system, but as we've painfully learned in the interim, such a system is only as good as the information they can access. That's why we fought tooth and nail to require information sharing between the FBI and the State Department and even then it was only a watered-down provision that eventually passed into law in 1994, with even that sunsetting in 1997 with a brief extension lapsing in 1998.

So I'm pleased that the terrorism bill we just passed does require information sharing between the State Department and the FBI, but we can and must do more, we must also require information sharing among all agencies like the CIA, DEA, INS, and Customs.

Capitol and Congress' published by the United States Capitol Historical Society shall be deemed to be Federal publications described in section 6(b)(1)(B)(v) of Public Law 103–283.

SENATE RESOLUTION 175—HONORING PENN STATE FOOTBALL COACH JOE PATERNO

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

NOW, THEREFORE, BE IT

WHEREAS Joe Paterno has served Penn State University as head coach for nearly 36 years, since February 19, 1966;

WHEREAS Joe Paterno has been on the coaching staff for more than half of the football games played by the Nittany Lions since the program began in 1887;

WHEREAS Joe Paterno has always placed a very strong emphasis on academic achievement, in character building, as evidenced by the selection of 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarships awarded to his players;

WHEREAS Joe Paterno’s most recent NCAA 4-year player graduation rate of 76 percent far exceeds the NCAA-wide average of 48 percent for the same period;

WHEREAS Joe Paterno and his wife, Sue, have personally donated over $4,000,000 to Penn State’s student library and academic programs;

WHEREAS Joe Paterno has led Penn State teams to 5 undefeated seasons; and

WHEREAS Joe Paterno has led Penn State teams to 20 bowl game victories in his career as head coach, more than any other coach in college football history;

NOW, THEREFORE, BE IT

RESOLVED, (1) that this Congress hereby recognizes and honors Joe Paterno—

(1) for his lifetime emphasis on academic achievement;

(2) for his constant integrity, professionalism, and strong focus on character building for amateur athletes;

(3) for the example he sets through philanthropic support for academic programs; and

(4) for becoming the first NCAA Division I-A football coach to achieve 324 career victories, on October 27, 2001.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to—

(1) Penn State Football Head Coach Joe Paterno;

(2) Penn State University President Graham Spanier;

AMENDMENTS SUBMITTED AND PROPOSED

SA 2056. Mr. GREGG (for himself, Mr. DeWINE, and Mr. ENZI) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 2057. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2058. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. HATCH, Mr. ENZI, Mr. DeWINE, Mr. LIBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3061, supra.

SA 2059. Mr. HATCH (for himself, Mr. REID, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2060. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2061. Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater academic standards for United States seaports, and for other purposes; which was ordered to lie on the table.

SA 2062. Mr. REID (for himself, Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to 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.

SA 2063. Mr. REID (for Mr. SESSIONS (for himself and Mr. HELMS)) proposed an amendment to the bill H.R. 3061, supra.

SA 2064. Mr. REID (for Mr. SESSIONS) proposed an amendment to the bill H.R. 3061, supra.

SA 2065. Mr. REID (for himself, Mr. BROWNBACK) proposed an amendment to the bill H.R. 3061, supra.

SA 2066. Mr. REID (for Mrs. CLINTON) proposed an amendment to the bill H.R. 3061, supra.

SA 2067. Mr. REID (for Mr. TORRICELLI (for himself and Mr. CORZINE)) proposed an amendment to the bill H.R. 3061, supra.

SA 2068. Mr. REID (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3061, supra.

SA 2069. Mr. REID (for Mr. TORRICELLI (for himself and Mr. CORZINE)) proposed an amendment to the bill H.R. 3061, supra.

SA 2070. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 3061, supra.

SA 2071. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 3061, supra.

SA 2072. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 3061, supra.

SA 2073. Mr. REID (for Mr. SPECTER) proposed an amendment to the bill H.R. 3061, supra.

SA 2074. Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 3061, supra.

SA 2075. Mr. KYL (for himself, Mr. MCAIN, Mrs. HUTCHINSON, Mr. DOMENICI, Mr. ALLARD, and Mr. MURkowski) proposed an amendment to the bill H.R. 3061, supra.

SA 2076. Mr. MILLER (for himself) proposed an amendment to the bill H.R. 3061, supra.

SA 2077. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

SA 2078. Mr. HARKIN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 3061, supra.

SA 2079. Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to the bill H.R. 3061, supra.

SA 2080. Mr. HARKIN (for Mr. DeWINE) proposed an amendment to the bill H.R. 3061, supra.

SA 2081. Mr. HARKIN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3061, supra.

SA 2082. Mr. HARKIN (for Mrs. CLINTON) proposed an amendment to the bill H.R. 3061, supra.

SA 2083. Mr. HARKIN (for Mr. HATCH (for himself, Mr. REID, and Mr. DOMENICI)) proposed an amendment to the bill H.R. 3061, supra.

SA 2084. Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. KERRY, and Mr. MURRAY)) proposed an amendment to the bill H.R. 3061, supra.

SA 2085. Mr. HARKIN (for Mr. SMITH, of New Hampshire) proposed an amendment to the bill H.R. 3061, supra.

SA 2086. Mr. HARKIN (for Mr. LIBERMAN) proposed an amendment to the bill H.R. 3061, supra.

SA 2087. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

TEXT OF AMENDMENTS

SA 2056. Mr. GREGG (for himself, Mr. DeWINE, and Mr. ENZI) proposed an amendment to 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; as follows:

Beginning on page 54, strike line 19 through “...and renovation:” and insert the following:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESEA”); the McKinney-Vento Homeless Assistance Act; and section 418 of the Higher Education Act of 1965, $7,386,721,000, of which $6,953,300,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,653,300,000 shall become available after September 30, 2003, and shall remain available through September 30, 2005, for academic year 2002-2003: Provided, That $7,364,000,000 shall be available for basic grants under section 1124: Provided further, That up to $5,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,361,000,000 shall be available for concentration grants under section 1124A: Provided further, That $79,500,000 shall be made available under sections 1124 and 1124A of title I of the ESEA shall not be less than the greater of 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the ESEA shall be made available to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002: Provided further, That $1,437,279,000 shall be available for targeted grants under...

IMPACT AID

For carrying out programs of financial assistance to federally aided schools authorized by Title I of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $2,090,000,000, of which $505,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $92,000,000 for construction of comprehensive Regional Assistance Centers: to remain available until expended, to be for assistance under subpart II of part F of title I and title II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESA’’); and the Civil Rights Act of 1964; $7,792,014,000, of which $240,750,000 shall become available on July 1, 2002, and remain available until September 30, 2003, of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003. That $9,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive School Improvement Centers: to be available only to eligible areas, or classes of individuals with the scope of compensation of such Act; and

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart I of part F of title I and title II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESA’’); and the Civil Rights Act of 1964; $7,792,014,000, of which $240,750,000 shall become available on July 1, 2002, and remain available until September 30, 2003, of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003. That $9,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive School Improvement Centers: to be available only to eligible areas, or classes of individuals with the scope of compensation of such Act; and

SA 2057. Mr. BROWNBACK submitted an amendment intended to be proposed by him to 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 ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE HUMAN-GERMLINE GENE MODIFICATION

SEC. 01. SHORT TITLE.

This title may be cited as the “Human Germline Gene Modification Prohibition Act of 2001”.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) Human Germline gene modification is not needed to save lives, or alleviate suffering, of existing people. Its target population is “prospective people” who have not been conceived.

(2) Cultural impact of treating humans as biologically perfectible artifacts would be entirely negative. People who fall short of some technically achievable ideal would be seen as “damaged goods”, while the standards for what is genetically desirable will be those of the society’s economically and politically dominant groups. This will only increase prejudices and discrimination in a society where too many such prejudices already exist.

(3) There is no way to be accountable to those in future generations who are harmed or stigmatized by wrongful or unsuccessful human germline modifications of themselves or their kin.

(4) The negative effects of human germline manipulation would not be fully known for generations, if ever, meaning that countless people who are exposed to harm will probably often be fatal as the result of only a few instances of germline manipulations.

(5) All people have the right to have been conceived, gestated, and born without genetic manipulation.

SEC. 03. PROHIBITION ON HUMAN GERMLINE GENETIC MODIFICATION.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

“CHAPTER 16—GERMLINE GENE MODIFICATION

“Sec.

301. Definitions

302. Prohibition on germline gene modification

3) 301. Definitions

“In this chapter:

(1) HUMAN GERMLINE GENE MODIFICATION.—The term ‘human germline gene modification’ means an addition of DNA in any human cell (including human eggs, sperm, fertilized eggs, zygotes, blastocysts, embryos, or any precursor cells that will differentiate into gametes or can be manipulated to do so) for the purpose of producing a genetic change which can be passed on to future individuals, including inserting, deleting or altering DNA from any source, and in any form, such as nuclei, chromosomes, nuclear, mitochondrial, and synaptic DNA in somatic cells that is convicted of violating any provision of this section shall be imprisoned not more than 10 years, or both.

(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be liable to, in the case of a violation that involves the derivation of a pecuniary benefit, or in the case of a violation that causes or creates prejudices and discrimination in a society where too many such prejudices already exist.

(3) REPEAL.—The table of parts for chapter I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

“16. Germline Gene Modification ....... 301”.

SA 2058. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. BENNETT, Mr. HATCH, Mr. ENSIGN, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to 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; as follows:

On page 55, line 6, strike “$8,568,000,000” and insert “$9,000,000,000”.

On page 55, line 11, strike “$1,632,000,000” and insert “$3,650,000,000”.

On page 55, line 12, after “section 112A,” insert the following: “Provided further, That $1,000,000,000 shall be available for targeted grants under section 1125: Provided further, That $69,079,000 shall be available for education finance incentives grants under section 1125A.”.

On page 55, strike line 15 and all that follows “H.R. 1” on page 55, line 22, and insert after “H.R. 1” the following: “In Title I of the Appropriations for the Department of Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

Sec. 103. For the Health Resources and Services Administration, $5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a-9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which shall be available to enter into a contract with the National Research Council under which the Council shall:

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional geographic areas, classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

SA 2060. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2054 submitted by Mr. ALLEN and intended to be proposed to 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 ordered to lie on the table; as follows:

Strike everything after line 1 and insert the following:

SEC. 112A. TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) In General.—(1) CIVILIAN UNIFORMED EMPLOYEE.—The term "civilian uniformed employee" means any nonmilitary individual employed by a Federal, State, or local government (or any agency of such governmentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to medical emergencies.

(2) TERRORIST ATTACK ZONE.—The term ‘terrorist attack zone’ means any area designated by the President or any applicable State or local authority (as determined by the Secretary) to be an area in which occurred a violent act or acts which—

(A) were dangerous to human life and a violation of the criminal laws of the United States or of a State, and

(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

(3) COMPENSATION.—The term ‘compensation’ does not include pensions and retirement pay.

(b) CONFORMING AMENDMENTS.—

(1) Section 3910a(a)(1) of the Internal Revenue Code of 1986 is amended by inserting “or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)” after “United States personnel”.

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting “or section 112A” after “section 111A” for the purpose of making the table more concise.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 2061. Mr. KERRY (for himself, Mr. BREAX, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes which was ordered to lie on the table; as follows:

On page 2, before line 1, strike the items relating to sections 109 through 126, and insert the following:

Sec. 110. Counter-terrorism and incident contingency plans.

Sec. 112. Maritime security professional training.

Sec. 113. Port information infrastructure improvement.

Sec. 114. Screening and detection equipment.

Sec. 115. Revision of port security planning guide.

Sec. 116. Attorney General to coordinate port-related crime data collection.

Sec. 117. Shared dockside inspection facilities.

Sec. 118. Mandatory advanced electronic information for cargo and passengers and other improved customs reporting procedures.

Sec. 119. Presence and messages from vessels destined to United States ports.

Sec. 120. Coast Guard domestic maritime safety and security teams.

Sec. 121. Sea marshal program.

Sec. 122. Research and development for effective crime and terrorism prevention and detection technology.

Sec. 123. Extension of seaway jurisdiction.

Sec. 124. Suspension of limitation on strength of Coast Guard.

Sec. 125. Additional officers and personnel.

Sec. 126. Civil penalties.

Sec. 127. 4-year reauthorization of tonnage duties.

Sec. 128. Foreign port assessment fees.

Sec. 129. Definitions.

On page 13, line 7, strike “125(b)” and insert “127(b)”.

On page 16, line 7, strike “125(b)” and insert “127(b)”.

On page 19, line 15, strike “125(b)” and insert “127(b)”.

On page 32, between lines 3 and 4, insert the following:

(2) makes an assessment to determine whether a seaport is maintaining programs; and

(3) evaluates the potential for increasing the capabilities of sea pilots to provide information on maritime domain awareness, including specifically necessary improvements to both reporting procedures and equipment that can allow pilots to be integrated more effectively in a maritime domain awareness program.

On page 32, line 4, strike “(3)” and insert “(4)”.

On page 32, line 11, strike “(4)” and insert “(5)”.

On page 32, line 15, strike “(4)” and insert “(5)”.

On page 32, line 20, strike “(5)” and insert “(6)”.

On page 32, line 22, strike “(6)” and insert “(7)”.

On page 34, line 6, strike “section 115” and insert “section 117”.

On page 34, line 15, strike “section 116” and insert “section 117”.

On page 35, line 23, strike “125(b)” and insert “127(b)”.

On page 36, between lines 9 and 10, insert the following:

Each report to Congress relating to sections 109 through 126, and in—

SE 116. SECURITY STANDARDS AT FOREIGN SEAPORTS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall assess the effectiveness of the security measures maintained at—

(A) each foreign seaport—

(i) served by United States vessels;

(ii) from which foreign vessels serve the United States; or

(iii) that poses a high risk of introducing danger to international sea travel;

(B) other foreign seaports the Secretary considers appropriate.

(2) INTERNATIONAL COOPERATION AND STANDARDS—The Secretary shall assess the effectiveness of the security measures at foreign seaports and shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate port authorities of the government of a foreign country concerned and United States vessel operators serving the foreign seaport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign port effectively maintains and carries out security measures; and

(C) by using a standard that will result in an analysis of the security measures at the seaport based at least on international standards and recommended practices of the International Maritime Organization in effect on the date of the assessment.

(b) REPORT.—Each report to Congress required under section 120(b) shall contain a summary of the assessments conducted under this subsection.

(b) INTERVAL.—The Secretary of Transportation shall conduct assessments under section (a) of this section of at least 25 forer seaports annually until all seaports identified in subsection (a)(1) are completed. The first 25 of these assessments shall be conducted within 18 months after the date of enactment of this Act.

(c) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign seaports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international sea travel.

(d) QUALIFIED ASSESSMENT ENTITIES.—In carrying out subsection (a) of this section, the Secretary of Transportation may utilize entities determined by the Secretary of Transportation and the Secretary of State to be qualified to conduct such assessments.

(e) NOTIFYING FOREIGN AUTHORITIES.—If the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, determines that a seaport does not maintain and carry out effective security measures, the Secretary, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the seaport up to the standard used by the Secretary in making an assessment.

(f) ACTIONS WHEN SEAPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—

(1) IN GENERAL.—If the Secretary of Transportation makes a determination under subsection (e) that a seaport does not maintain and carry out effective security measures, the Secretary—

(A) shall publish the identity of the seaport in the Federal Register;

(B) shall require the identity of the seaport to be posted and displayed prominently at all United States seaports at which scheduled passenger carriage is provided regularly;

(C) shall notify the news media of the identity of the seaport;

(D) shall require each United States and foreign vessel providing international sea travel; and

(E) may, after consulting with the appropriate port authorities of the foreign country concerned and United States and foreign vessel operators serving the seaport and with the approval of the Secretary of State, withhold, revoke, or prescribe conditions on the operating authority of the foreign vessel or foreign vessel that uses that seaport to provide foreign sea transportation.
(2) PRESIDENTIAL ACTION.—If the Secretary makes such a determination under subsection (e) with respect to a seaport, the President may prohibit a United States or foreign vessel from entering that seaport. The President may take such action for a period not to exceed 90 days, unless the Secretary of Transportation makes a determination under subsection (e) of this section before the end of that 90-day period.

(3) WHEN ACTION TO BE TAKEN.—

(A) IN GENERAL.—The provisions of paragraphs (1) and (2) shall apply with respect to a foreign seaport if:

(i) 90 days after the government of a foreign country is notified of the Secretary’s determination, or an assessment under subsection (e) of this section unless the Secretary of Transportation finds that the government has brought the safety measures at the seaport up to the standard the Secretary used in making an assessment under subsection (a) of this section before the end of that 90-day period; or

(ii) on the date on which the Secretary makes that determination if the Secretary of Transportation determines, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the seaport.

(B) TRAVEL ADVISORY NOTIFICATION.—The Secretary of Transportation shall notify the Secretary of State of a determination under subsection (e) of this section if the Secretary of State may require the Secretary of Transportation to notify the President and appropriate congressional committees of the determination.

(C) U.S. GOVERNMENT AGENCIES.—The Department of Transportation shall promptly submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including the details of attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the seaport under subsection (a) of this section.

(5) CANCELLATION OF PUBLIC REQUIREMENTS.—If the Secretary of Transportation, in consultation with the Secretary of State, determines that effective security measures are maintained and carried out at the seaport against which the Secretary took action under paragraph (1), then the Secretary shall:

(A) terminate action under paragraph (1) against that seaport; and

(B) notify the Congress of the Secretary’s determination.

(g) SUSPENSIONS.—The Secretary of Transportation, with the approval of the Secretary of State and without notice of a hearing, shall suspend the right of any United States vessel to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign seaport if the Secretary of Transportation determines that—

(1) a condition exists that threatens the safety of passengers, vessels, or crew traveling to or from that seaport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that seaport.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2001 and each fiscal year thereafter to carry out this section.

On page 36, line 10, strike “SEC. 110,” and insert “SEC. 111.”

On page 36, Line 19, strike “section 114” and insert “section 115.”

On page 37, line 8, strike “SEC. 111,” and insert “SEC. 112.”

On page 41, line 14, strike “125(b)’’ and insert “127(b)”.

On page 43, line 10, strike “SEC. 112,” and insert “SEC. 113.”

On page 48, line 5, strike “125(b)” and insert “127(b)”.

On page 49, line 15, strike “SEC. 113,” and insert “SEC. 114.”

On page 49, line 17, strike “125(b)” and insert “127(b).”

On page 50, line 18, strike “SEC. 114,” and insert “SEC. 115.”

On page 50, line 24, strike “section 116” and insert “section 117.”

On page 51, line 3, strike “SEC. 115,” and insert “SEC. 116.”

On page 54, line 20, strike “125(b)” and insert “127(b).”

On page 55, line 3, strike “SEC. 116,” and insert “SEC. 117.”

On page 55, line 12, strike “125(b)” and insert “127(b).”

On page 55, line 20, strike “SEC. 117,” and insert “SEC. 118.”

On page 65, line 10, strike “SEC. 118,” and insert “SEC. 119.”

On page 65, line 12, insert “(a) IN GENERAL.—” before “The”.

On page 65, line 24, strike “require.”

On page 66, line 4, strike “require.”

On page 66, between lines 19 and 20, insert the following:

(b) IMPROVED REPORTING ON FOREIGN-FLAG VESSELS ENTERING UNITED STATES PORTS.—Within 6 months of enactment of this Act and every year thereafter, the Secretary of Transportation, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of Senate, and Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations:

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be inadequate to allow adequate control over safety and security concerns;

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats posed by flag vessels of nations named in paragraph (2).

On page 66, line 20, strike “SEC. 119,” and insert “SEC. 120.”

On page 67, between lines 14 and 15, insert the following:

SEC. 121. SEA MARSHAL PROGRAM.

(a) ESTABLISHMENT.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to place sea marshals on vessels entering United States ports identified in subsection (c).

(b) CONSULTATION.—In establishing this program, the Secretary shall consult with representatives from the port security task force and local port security committees.

(c) SEA MARSHAL PROGRAM.—The Secretary shall identify United States ports for inclusion in the sea marshal program based on criteria that include the following:

(1) The proximity of these facilities to residential or other densely populated areas.

(2) The proximity of sea lanes or navigational channels to hazardous areas that would pose a danger to citizens in the event of a loss of navigational control by the ship’s master.

(3) Any other criterion deemed necessary by the Secretary.

(d) SEA MARSHAL QUALIFICATIONS.—The Secretary shall establish appropriate qualifications and standards for sea marshals. The Secretary may use, or require use of, Federal, State, or local personnel as sea marshals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the requirements of this section for each of the fiscal years 2002 through 2006.

(f) REPORT.—Within 3 years after the date of enactment of this Act, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the success of the program in protecting the ports listed under (c), and submit any recommendations.

On page 67, line 15, strike “SEC. 120,” and insert “SEC. 121.”

On page 69, line 5, strike “SEC. 121,” and insert “SEC. 122.”

On page 69, line 16, strike “SEC. 122,” and insert “SEC. 124.”

On page 70, line 14, strike “SEC. 123,” and insert “SEC. 125.”

On page 72, line 4, strike “section 111” and insert “section 112.”

On page 72, line 9, strike “section 115” and insert “section 116.”

On page 72, line 19, strike “section 113” and insert “section 114.”

On page 72, line 21, strike “SEC. 124,” and insert “SEC. 125.”

On page 73, line 19, strike “SEC. 125,” and insert “SEC. 127.”

On page 74, beginning in line 12, strike “114(e), 114(f), 114(e), 114(a), 115(c), 116(b),” and insert “111(e), 112(f), 113(e), 114(a), 116(c), and 117(b).”

On page 74, between lines 13 and 14, insert the following:

SEC. 128. FOREIGN PORT ASSESSMENT FEES.

(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from cruise vessels upon the arrival of a cruise vessel at a United States port from a foreign port. Amounts collected under this section shall be used solely for the costs of establishing the sea marshal program to place sea marshals on vessels entering United States ports identified in subsection (c).

(b) AMOUNT OF FEE.—Cruise vessel lines shall remit $0.50 for each passenger embarkation on a cruise that includes at least one United States port and one foreign port.

(c) USE OF FEES.—Cruise vessel lines shall use the assessment for each embarkation on a cruise that includes at least one United States port and one foreign port associated with providing foreign port vulnerability assessments and may be used only...
to the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than three days after the date of enactment of this Act.

On page 74, line 14, strike “SEC. 126.” and insert “SEC. 129.”

SA 2062. Mr. Reid (for Mr. Bingaman (for himself and Mr. Domenici)) proposed an amendment to 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; as follows:

On page 73, after line 4, add the following:

SEC. 306 (a) Provisions.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,994 students in 1989 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution is identified by the student that the student is attending the institution.

(b) STUDY AND REPORT.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools;

(B) fraud, waste, and abuse in the Federal Family Education Loan Program, as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school;

(C) examine the default rates at foreign schools that enroll American students receiving federal student loans and determine the number of students that are receiving loans in multiple years;

(D) make recommendations for legislative changes that are required to improve the viability of the Federal Family Education Loan Program.

SA 2065. Mr. Reid (for Mr. Brownback) proposed an amendment to 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; as follows:

On page 93, after line 12, insert:

SEC. 520. Nothing in Section 134 of H.R. 2217 shall be construed to overturn or otherwise affect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of Sacc and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir. 2001), or to permit funding under the Indian Education for Economic Development Program on lands described in Section 123 of Public Law 106-291 or any lands contiguous to such lands that have or have not been taken into trust by the Secretary of the Interior.

SA 2066. Mr. Reid (for Mrs. Clinton) proposed an amendment to 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; as follows:

On page 57, line 24, insert before the following: “Provided further. That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 amended by H.R. 1 as passed by the Senate on June 19, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather.”

SA 2067. Mr. Reid (for Mr. Torricelli) proposed an amendment to 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; as follows:

On page 54, after line 15, insert the following:

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 140,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct a study regarding—

(1) the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than three days after the date of enactment of this Act.

On page 74, line 14, strike “SEC. 126.” and insert “SEC. 129.”

SA 2063. Mr. Reid (for Mr. Sessions (for himself and Mr. Helms)) proposed an amendment to 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; as follows:

On page 54, after line 15, insert the following:

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 140,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct a study regarding—

(1) the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than three days after the date of enactment of this Act.

On page 74, line 14, strike “SEC. 126.” and insert “SEC. 129.”

SA 2064. Mr. Reid (for Mr. Sessions) proposed an amendment to 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; as follows:

On page 54, after line 15, insert the following:

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 140,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct a study regarding—

(1) the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than three days after the date of enactment of this Act.

On page 74, line 14, strike “SEC. 126.” and insert “SEC. 129.”
should fund and reimburse hospitals and medical facilities in States that have tested and treated federal workers that have been exposed to anthrax and continue to test and treat such workers that have been determined by the Centers for Disease Control and Prevention as to risk for exposure to anthrax.

SA 2070. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to 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; as follows:

On page 54, between lines 15 and 16, insert the following:

S. 222. It is the sense of the Senate that the Secretary of Health and Human Services should ensure that each contract entered into between a State and an entity (including a health insuring organization and a Medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of health care services for children with elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

SA 2071. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to 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; as follows:

On page 54, between lines 15 and 16, insert the following:

S. 223. It is the sense of the Senate that States should be authorized to use funds, provided under the title of the Centers for Disease Control and Prevention for such screening and prevention services, for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2072. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to 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; as follows:

On page 54, between lines 15 and 16, insert the following:

S. 224. It is the sense of the Senate that States should be authorized to use funds, provided under the title of the Centers for Disease Control and Prevention for such screening and prevention services, for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2073. Mr. REID (for Mr. SPECTER) proposed an amendment to 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; as follows:

On page 91, strike lines 13 through 18.

SA 2074. Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to 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; as follows:

On page 54, between lines 3 and 4, insert the following:

SEC. 224. It is the sense of the Senate that the Federal Government should be authorized to use funds, provided under the title of the Centers for Disease Control and Prevention for such screening and prevention services, for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2075. Mr. KYL (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. ALLARD, and Mr. MURKOWSKI) proposed an amendment to 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; as follows:

On page 22, between lines 9 and 10, insert the following:

At the appropriate place add the following: "Notwithstanding any provision of this Act, the Secretary of Education shall provide for the purposes of school repair or renovation of State and local schools, but shall not extend beyond the current fiscal year unless assistance under such program is provided to meet such needs.

SA 2076. Mr. HARKIN (for Mr. MILLER) proposed an amendment to 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; as follows:

On page 2, line 19 after "of such Act:" insert "of which $3,500,000 is available for obligations October 1, 2001 until expended for carrying out the National Skills Standards Act of 1994;".

On page 2, beginning on line 24, strike out ", and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994;".

SA 2077. Mr. HARKIN proposed an amendment to 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; as follows:

On page 90, after line 12, insert the following:

SEC. 321. Amounts made available under this Act for the administrative and related expenses for departmental units for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $3,000,000. This provision shall not apply to the Food and Drug Administration and the Indian Health Service.

Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Senate Committee on Appropriations and the House Committees on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

SA 2078. Mr. HARKIN (for Mr. FEINGOLD) proposed an amendment to 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; as follows:

On page 22, line 18 after "Awareness Act," strike "$3,489,845,000" and insert in its place "$3,496,345,000."

SA 2079. Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to 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; as follows:

On page 31, line 13, strike "$3,073,446,000" and insert "$3,088,456,000. Provided, that $10,000,000 shall be made available to carry out title V of the National Skill Standards Act of 2000; and for other purposes; as follows:

SA 2080. Mr. HARKIN (for Mr. DEWINE) proposed an amendment to 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; as follows:
On page 48, line 23, after the period, add the following:

“In addition, for such purposes, $70,000,000 to carry out such section.”

SA 2081. Mr. HARKIN (for Ms. LANDRIEU) proposed an amendment to 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; as follows:

On page 54, between lines 15 and 16, insert the following:

“Sect. 522. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 205(a)(4)(F) for the Social Security Act (42 U.S.C. 686(a)(4)(F)) is rescinded.

On page 54, line 25, strike “$11,870,000,000, of which $4,104,200,000” and insert “$11,912,900,000, of which $4,129,200,000”.

On page 56, line 25, strike “$3,717,014,000” and insert “$3,740,026,000”.

On page 57, line 18, strike “$10,000,000” and insert “$15,000,000”.

On page 56, line 11, strike “$516,000,000” and insert “$616,000,000”.

On page 64, line 16, strike “$1,764,223,000” and insert “$1,826,223,000”.

SA 2085. Mr. HARKIN (for Mr. Smith of New Hampshire) proposed an amendment to 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; as follows:

At the appropriate place, insert the following:

“Scc. 226. It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, acting through the Director of NIH and the Director of the National Institute of Mental Health (in this section referred to as the ‘Institute’), should expand and intensify research and related activities of the Institute with respect to post-abortion depression and post-abortion psychosis (in this section referred to as ‘post-abortion conditions’); and

(2) the Director of the Institute should coordinate the activities of the Director under paragraph (1) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have activities that are related to post-abortion conditions; and

In carrying out paragraph (1)—

(A) the Director should engage in or support to expand the understanding of the causes of, and to find a cure for, post-abortion conditions; and

(B) activities under such paragraph should include conducting and supporting the following:

(i) basic research concerning the etiology and causes of the conditions;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments, including new biological agents; and

(v) information and education programs for health care professionals and the public; and

4(A) the Director of the Institute should conduct, or support in planning and conducting, research to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward a more fully identifying the characteristics of such cases and developing diagnostic techniques; and

(B) beginning not later than 3 years after the date of the enactment of this Act, an annual report therefor for the duration of the study under subparagraph (A), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.”

SA 2086. Mr. HARKIN (for Mr. LIEBERMAN) proposed an amendment to 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; as follows:

At the appropriate place, insert the following:

“Scc. 227. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–1) is amended by adding at the end the following:

‘‘(g) SHORT TITLE.—This section may be cited as the ‘Donald J. Cohen National Child Traumatic Stress Initiative’.’”

SA 2087. Mr. HARKIN proposed an amendment to 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; as follows:

On page 73, between lines 4 and 5, insert the following:

“Scc. 307. The requirement of section 415(c)(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(8)) shall not apply to a program during fiscal year 2002 and the State expenditures under the State program for fiscal year 2001 shall be disregarded in calculating the maintenance of effort requirement under that section for each of the fiscal years 2002 through 2004, if the State demonstrates, to the satisfaction of the Secretary of Education, that it allocated all of the funds that the State appropriated in fiscal year 2001 for need-based scholarship, grant, and work study assistance to the programs described in subparagraph 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

shall not participate in the program described in section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a) in fiscal year 2001.”

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled “Review of INS Policy on Releasing Illegal Aliens Pending Deportation Hearing.” The upcoming subcommittee hearing will examine how the Immigration and Naturalization Service, INS, processes persons arrested for illegal entry into the United States outside ports of entry, as well as the difference between procedures used at ports of entry and procedures used outside ports of entry for persons seeking to obtain or obtaining illegal entry into the United States. The hearing will ask the question whether current procedures makes sense in light of the September 11 terrorist attack and our ongoing effort to detect terrorists.

The hearing will take place on Tuesday, November 13, 2001, at 9:30 a.m., in room 342 of the Dirksen Senate Office...
Mr. REID. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, November 1, 2001, at 2:30 p.m., to consider the nominations of R. David Paulison to be Administrator of the United States Fire Administration, Federal Emergency Management Agency and Arden Bement, Jr., to be Director of the National Institute of Standards and Technology, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, November 1, 2001, at 9:30 a.m., to consider the nominations of D. Paulison to be Administrator of the United States Fire Administration, Federal Emergency Management Agency and Arden Bement, Jr., to be Director of the National Institute of Standards and Technology, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, November 1, 2001, at 2:30 p.m., to consider the nominations of R. David Paulison to be Administrator of the United States Fire Administration, Federal Emergency Management Agency and Arden Bement, Jr., to be Director of the National Institute of Standards and Technology, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 1, 2001, at 9:30 a.m., to conduct a hearing on how S. 556 would affect the environment, the economy, energy supply, achievement of regulatory and statutory goals including the National Ambient Air Quality Standards, relevant costs and benefits, and any improvements or amendments that should be made to the legislation. The hearing will be held in the rm. SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 1, 2001, at 2 p.m., to conduct a hearing on infrastructure security, chemical site security, and economic recovery. The hearing will be held in the rm. SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 1, 2001, immediately following the first vote on the Senate Floor. I consider favorably reporting the following nomination: JoAnne Barnhart to be Commissioner of the Social Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 1, 2001, at 2:30 p.m., in room S-407 in the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 1, 2001, to conduct an oversight hearing on “Protecting Retirement Savings: Federal Deposit Insurance Coverage for Retirement Accounts.”

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent Matt King, a legislative detailee from the Customs Service, be permitted floor privileges during consideration of H.R. 2596.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2647), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, having entered into conference, have agreed that the House recede from its disagreement to certain amendments of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the Record of October 30, 2001.)

Mr. DURBIN. Mr. President, as chairman of the Legislative Branch Subcommittee, I bring to the attention of the Senate the highlights of the conference report on the Legislative Branch Appropriations Act for fiscal year 2002, H.R. 2647.

The conference report totals $2.97 billion, and parallels closely the bill which passed the Senate in July with very broad support. Total funding is $10 million below the amount requested by the Legislative Branch.

Funding included in this bill includes $607 million for the Senate, and $878 million for the House of Representatives.

Funding for the rest of the legislative branch totals $1.49 billion. These agencies perform critical functions enabling Congress to operate effectively and safely—particularly the Capitol Police, the Architect of the Capitol, and the Congressional Research Service, the bill includes $452 million. The decrease of $60 million below the enacted level is attributable to last year’s one-time appropriation for the digital preservation project.

The recommendation for the Library will enable the Congressional Research Service to hire staff in some critical areas, particularly technology policy.
thankful for his leadership on these matters.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for the conference report to H.R. 2647, the Legislative Branch Appropriations Act for Fiscal Year 2002.

The conference report provides $2.974 billion in discretionary budget authority, which will result in new outlays in 2002 of $2.509 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $2.941 billion in 2002. The conference report is at the appropriations subcommittee's Section 302(b) allocation for budget authority and outlays. The conference report does not include any emergency designations.

I commend Senators BYRD and STEVENS, as well as Senators DURBIN and BENNETT, for their bipartisan effort in moving the conference report to the Legislative Branch bill so quickly. It is important that the Senate act as expeditiously in completing the remaining appropriations bills.

I ask for unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

H.R. 2647, CONFERENCE REPORT TO THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

<table>
<thead>
<tr>
<th>Spending comparisons—Conference Report (in million of dollars)</th>
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<tbody>
<tr>
<td>General purpose</td>
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<tr>
<td>Conference report:</td>
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<td>Outlays</td>
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<tr>
<td>Senate 302(b) allocation:*</td>
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<td>President's request:</td>
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<td>House-passed:**</td>
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<td>Senate-passed***</td>
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<tr>
<td>CONFERENCE REPORT COMPARED TO: Senate 302(b) allocation:*</td>
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<td>Outlays</td>
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</tbody>
</table>

For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

**The House- and Senate-passed bills did not include items exclusive to the other chamber.

†The amount provided represents an increase of $3.9 million over the budget request, which will provide for 79 additional officers, the highest number the Capitol Police believe they can recruit and train next year. It will also provide comparability for the Capitol Police in the pay scales of the Park Police and the Secret Service—Uniformed Division so the Capitol Police are able to retain their officers.

For the Architect of the Capitol, funding would total $320 million. This includes $70 million for the Capitol Visitor Center expansion space which is absolutely critical for heightened security needs. It also includes sufficient funding to hire necessary worker safety-related and security-related positions.

For the Government Printing Office, a total of $110 million is included, of which $81 million is for Congressional printing and binding. The amount recommended will provide for normal pay and inflation-related increases.

The conference report includes a provision that I feel very strongly about—a Senate employee transit subsidy increase to $65 per month. This increase puts the Senate on par with the House and the Executive Branch. I can think of no better way to encourage the use of mass transit than through raising this benefit. Fewer cars on the Senate side of the Capitol means less traffic congestion, a cleaner environment, and a more secure campus.

I thank the full committee chairman, Senator BYRD, for his support and the high priority he has placed on this bill. In addition, I wish to thank the ranking member of the full committee, Senator STEVENS, who has been actively involved in and very supportive of this bill.

Finally, I am grateful to the subcommittee ranking member, Senator BENNETT, for his critical role in bringing this conference report together. I have enjoyed working with him and am thankful for his leadership on these matters.

ORDERS FOR THURSDAY. NOVEMBER 2, 2001

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:09 p.m., recessed until Thursday, November 2, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 2001:

DEPARTMENT OF STATE

KENNETH P. MOOREFIELD, OF FLORIDA, A CAREER DIPLOMATICIAN, TO BE UNITED STATES AMBASSADOR EXTRAORDINARY AND PLAINPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABON REPUBLIC.

FREDERICK R. HIRBE, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE J. JORDAN JR., RESIGNED.

DAVID FRESTON YORK, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE J. DON FOSTER, RESIGNED.

DEPARTMENT OF JUSTICE

JOHN D. ONG, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VIRGINIA.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WEST VIRGINIA.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WASHINGTON.

RICHARD S. WILLIAMSON, JR., TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO.
HIGHLIGHTS

See Résumé of Congressional Activity.


The House agreed to the conference report on H.R. 2647, Legislative Branch Appropriations.

The House agreed to the conference report on H.R. 2311, Energy and Water Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11299–S11398

Measures Introduced: Nineteen bills and two resolutions were introduced, as follows: S. 1609–1627, and S. Res. 175–176.

Measures Reported:

S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 107–92)

Measures Passed:

Honoring Penn State Coach Joe Paterno: Senate agreed to S. Res. 175, honoring Penn State football coach Joe Paterno.

Labor/HHS/Education Appropriations Act: Senate continued 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, taking action on the following amendments proposed thereto:

Adopted:

By 81 yeas to 19 nays (Vote No. 317), Landrieu Amendment No. 2058, to redistribute certain funds under title I of the Elementary and Secondary Education Act of 1965.
of the September 11, 2001 attack on the World Trade Center.

Reid (for Torricelli) Amendment No. 2068, to express the sense of the Senate concerning assistance for individuals with disabilities who require vocational rehabilitation services as a result of the September 11, 2001 attack on the World Trade Center.

Reid (for Torricelli) Amendment No. 2069, to express the sense of the Senate regarding reimbursement of certain hospitals testing and treating individuals for exposure to anthrax.

Reid (for Torricelli) Amendment No. 2070, to express the sense of the Senate regarding lead poisoning screenings and treatments under the medicaid program.

Reid (for Torricelli) Amendment No. 2071, to express the sense of the Senate that States should be authorized to use SCHIP funds for lead poisoning screenings and treatments.

Reid (for Torricelli) Amendment No. 2072, to express the sense of the Senate that the Secretary of Health and Human Services should establish a bonus program for improvement of childhood lead screening rates.

Subsequently, the amendment was modified.

Reid (for Specter) Amendment No. 2073, to strike provisions regarding allowable use of federal funds for stem cell research.

Harkin (for Miller) Amendment No. 2076, to provide current year funding for the National Skills Standards Board.

Harkin Amendment No. 2077, to provide for administrative expenses reduction from departmental management for the Department of Labor, Department of Health and Human Services, and the Department of Education.

Harkin (for Feingold) Amendment No. 2078, to provide for increased funding for automatic external defibrillators in rural communities, offset by administrative cost reductions.

Harkin (for Graham) Amendment No. 2079, to provide additional funding to carry out the Ecstasy Anti-Proliferation Act of 2000.

Harkin (for DeWine/Rockefeller) Amendment No. 2080, to increase the appropriation for the Promoting Safe and Stable Families program.

Harkin (for Landrieu) Amendment No. 2081, to increase the appropriation for the Close Up Fellowship Program.

Harkin (for Clinton) Amendment No. 2082, to make funding available under title V of the Public Health Service Act for mental health providers serving public safety workers affected by the terrorist attacks of September 11, 2001.

Harkin (for Hatch/Reid/Domenici) Amendment No. 2083, to provide funding for cancer prevention and screening programs under the Radiation Exposure Compensation Act Amendments of 2000.

Harkin (for Bingaman) Amendment No. 2084, to provide funding for Hispanic education programs.

Harkin (for Smith (NH)) Amendment No. 2085, to express the sense of the Senate concerning research on, and services for individuals with, post-abortion depression and psychosis.

Harkin (for Lieberman) Amendment No. 2086, to amend the Public Health Service Act to provide a short title for a children’s traumatic stress program.

Harkin Amendment No. 2087, to modify the calculation of State expenditures for eligible States under title IV of the Higher Education Act of 1965.

Rejected:
By 46 yeas to 54 nays (Vote No. 316), Gregg/DeWine Amendment No. 2056, to provide funding for targeted grants under the Elementary and Secondary Education Act of 1965.

By 40 yeas to 59 nays (Vote No. 318), Hutchinson/Nickles Amendment No. 2074, to prohibit the use of funds under the National Labor Relations Act for the finding of unfair labor practices relating to certain no-solicitation or no-access rules.

Kyl Amendment No. 2075, to provide that the Federal government give priority to Indian, Military and Impact Aid schools when it allocates funds for school renovation and repair. (By 57 yeas to 41 nays (Vote No. 319), Senate tabled the amendment.)

Pending:
Daschle Amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Gramm Modified Amendment No. 2055 (to Amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

Energy and Water Development Appropriations—Conference Report: By 96 yeas to 2 nays
(Vote No. 320), Senate agreed to the conference report on H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, clearing the measure for the President. Pages S11333–37, S11338–40, S11344

Treasury, Postal Service, and General Government Appropriations—Conference Report: By 83 yeas to 15 nays (Vote No. 321), Senate agreed to the conference report on H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, clearing the measure for the President. Pages S11329–33, S11344–45

Legislative Branch Appropriations—Conference Report: Senate agreed to the conference report on H.R. 2647, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, clearing the measure for the President. Pages S11397–98

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a notice stating that the emergency declared with respect to the Government of Sudan on November 3, 1997 is to continue in effect beyond November 3, 2001; to the Committee on Banking, Housing, and Urban Affairs. (PM—53) Page S11361

Transmitting, pursuant to law, the Periodic Report on the National Emergency with respect to Sudan for the period beginning May 2001 and ending October 2001; to the Committee on Banking, Housing, and Urban Affairs. (PM—54) Page S11361

Nominations Received: Senate received the following nominations:

Kenneth P. Moorefield, of Florida, to be Ambassador to the Gabonese Republic.

Frederick R. Heebe, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

David Preston York, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

John D. Ong, of Ohio, to be Ambassador to Norway.


Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador. Page S11398

Messages From the House: Page S11361
Measures Placed on Calendar: Page S11300
Executive Communications: Page S11361
Executive Reports of Committees: Pages S11361–62
Additional Cosponsors: Pages S11362–63
Statements on Introduced Bills/Resolutions: Pages S11363–90
Additional Statements: Pages S11360–61
Amendments Submitted: Pages S11390–96
Notices of Hearings/Meetings: Pages S11396–97
Authority for Committees to Meet: Page S11397
Privilege of the Floor: Page S11397
Record Votes: Six record votes were taken today. (Total—321) Pages S11315, S11329, S11344–45

Recess: Senate met at 10 a.m., and recessed at 8:09 p.m., until 10 a.m., on Friday, November 2, 2001.

Committee Meetings
(Committees not listed did not meet)

BUSINESS MEETING
Committee on Agriculture, Nutrition, and Forestry: On Wednesday, October 31, Committee ordered favorably reported S. 1519, to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

Also, committee approved the credit title provisions, which will assist beginning farmers and ranchers gain greater access to federal farm lending programs, of the new federal farm bill, and announced the following subcommittee assignments:

Subcommittee on Production and Price Competitiveness: Senators Conrad (Chairman), Daschle, Baucus, Lincoln, Miller, Dayton, Roberts (Ranking Member), Helms, Cochran, Fitzgerald, and McConnell.

Subcommittee on Marketing, Inspection, and Product Promotion: Senators Baucus (Chairman), Leahy, Conrad, Lincoln, Nelson, Wellstone, Fitzgerald (Ranking Member), Helms, Cochran, Roberts, and Thomas.

Subcommittee on Forestry, Conservation, and Rural Revitalization: Senators Lincoln (Chairman), Leahy, Daschle, Baucus, Stabenow, Dayton, Crapo (Ranking Member), McConnell, Thomas, Allard, and Hutchinson.

Subcommittee on Research, Nutrition, and General Legislation: Senators Leahy (Chairman), Conrad, Miller, Stabenow, Ben Nelson, Wellstone, McConnell
BUSINESS MEETING
Committee on Armed Services: Committee ordered favorably reported S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, with an amendment.

DEPOSIT INSURANCE REFORM: RETIREMENT ACCOUNTS
Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions concluded oversight hearings to examine the expansion of federal deposit insurance coverage for retirement accounts, after receiving testimony from L. William Seidman, CNBC–TV, Washington, D.C., former Chairman of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation; Howell E. Jackson, Harvard Law School, Cambridge, Massachusetts; and Glenn C. Dahlke, Dahlke Financial Group, Glastonbury, Connecticut.

RAIL TRANSPORTATION SAFETY
Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine certain initiatives to provide improved safety and security measures for the national rail transportation system, including related measures S. 1550 (pending on Senate calendar), and S. 1530, after receiving testimony from Senators Biden, Carper, Durbin, and Gramm; Allan Rutter, Administrator, Federal Railroad Administration, and Mark R. Dayton, Deputy Assistant Inspector General, both of the Department of Transportation; George D. Warrington, President and Chief Executive Officer, National Railroad Passenger Corporation (Amtrak); and Edward R. Hamburger, Association of American Railroads, Frank Turner, American Short Line and Regional Railroad Association, and Edward Wytkind, Transportation Trades Department (AFL–CIO), all of Washington, D.C.

NOMINATIONS
Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of R. David Paulison, of Florida, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, and the nomination of Arden Bement, Jr., of Indiana, to be Director of the National Institute of Standards and Technology, Department of Commerce, after the nominees testified and answered questions in their own behalf. Mr. Paulison was introduced by Senator Bill Nelson, and Mr. Bement was introduced by Representative Morella.

CLEAN POWER ACT
Committee on Environment and Public Works: Committee concluded hearings on S. 556, to amend the Clean Air Act to reduce emissions from electric powerplants, focusing on the bill’s impact on the environment, economy, energy supply, achievement of regulatory and statutory goals, including the National Ambient Air Quality Standards, and relevant costs and benefits, after receiving testimony from Representative Boehlert; Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, Environmental Protection Agency; Mary J. Hutzler, Acting Administrator, Energy Information Administration, Department of Energy; Michael O. Callaghan, West Virginia Department of Environmental Protection, Charleston; Kenneth A. Colburn, New Hampshire Department of Environmental Services, Concord; David Ouimette, Colorado Department of Public Health and the Environment, Denver; and Brock M. Nicholson, North Carolina Department of Environment and Natural Resources, Raleigh.

Hearings continue on Thursday, November 15.

INFRASTRUCTURE SECURITY
Committee on Environment and Public Works: Committee concluded hearings on legislative proposals to promote infrastructure security, chemical site security, and economic recovery for the city of New York, after receiving testimony from Michael D. Brown, Acting Deputy Director, Federal Emergency Management Agency; F. Joseph Moravec, Commissioner, Public Buildings Service, General Services Administration; David A. Sampson, Assistant Secretary of Commerce for Economic Development; Richard A. Meserve, Chairman, Nuclear Regulatory Commission; Herbert L. Mitchell, Associate Administrator for Disaster Assistance, Small Business Administration; and Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency.

NOMINATION
Committee on Finance: Committee ordered favorably reported the following business items:

S. 942, to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; and

The nomination of Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security.
BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 721, to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, with an amendment in the nature of a substitute;

S. 1597, to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, with an amendment in the nature of a substitute; and

S. 1094, to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, M. Christina Armijo, to be United States District Judge for the District of New Mexico, Karon O. Bowdre, to be United States District Judge for the Northern District of Alabama, Stephen P. Friot, to be United States District Judge for the Western District of Oklahoma, Larry R. Hicks, to be United States District Judge for the District of Nevada; and Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices, Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, Leura Garrett Canary, to be United States Attorney for the Middle District of Alabama, Paul K. Charlton, to be United States Attorney for the District of Arizona, Jeffrey Gilbert Collins, to be United States Attorney for the Eastern District of Michigan, William S. Duffey, Jr., to be United States Attorney for the Northern District of Georgia, Dunn Lampton, to be United States Attorney for the Southern District of Mississippi, Alice Howze Martin, to be United States Attorney for the Northern District of Alabama, William Walter Mercer, to be United States Attorney for the District of Montana, Thomas E. Moss, to be United States Attorney for the District of Idaho, J. Strom Thurmond, Jr., to be the United States Attorney for the District of South Carolina, Maxwell Wood, to be United States Attorney for the Middle District of Georgia, and Drew Howard Wrigley, to be United States Attorney for the District of North Dakota, all of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: On Wednesday, October 31, committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Measures Introduced: 24 public bills, H.R. 3204–3227; and 3 resolutions, H. Con. Res. 258–260, were introduced. See next issue.

Reports Filed: No reports were filed today.

Journal: Agreed to the Speaker’s approval of the Journal of Tuesday, Oct. 31 by a recorded vote of 380 ayes to 33 noes with 1 voting “present”, Roll No. 418. Pages H7593, H7617


Agreed to H. Res. 272, the rule that waived points of order against the conference report by a yea-and-nay vote of 421 yeas to 2 nays, Roll No. 415. Pages H7596–99


H. Res. 273, the rule that waived points of order against the conference report was agreed to on Oct. 31, 2001.


By a yea-and-nay vote of 201 yeas to 227 nays, Roll No. 424, rejected the Oberstar motion that sought to recommit the bill to the Committee on Transportation and Infrastructure with instructions.
to report it back forthwith with an amendment in the nature of a substitute that sought to establish the Transportation Security Enhancement Act and create the Transportation Security Administration.

Agreed to the Young of Alaska amendment that makes various technical changes, authorizes airlines to use technologies to create a secure and expedited passenger screening process, and extends $1.5 billion authorized for airport security to 2003 by a recorded vote of 223 ayes to 202 noes, Roll No. 421.

Rejected the Oberstar amendment No. 2 printed in H. Rept. 107–264 that sought to incorporate the text of S. 1447, to improve aviation security, as passed the Senate by a recorded vote of 214 ayes to 218 noes, Roll No. 423.

Earlier, during debate on the Oberstar amendment, rejected the DeFazio motion that the Committee rise by a recorded vote of 11 ayes to 402 noes, Roll No. 422.

The House agreed to H. Res. 274, the rule that provided for consideration of the bill by voice vote. Earlier the House agreed to the Reynolds amendment that makes in order substitute text in lieu of Young of Alaska amendment No. 1 printed in H. Rept. 107–264 by a recorded vote of 379 ayes to 50 noes, Roll No. 420.

Earlier agreed to order the previous question on amendment and the rule by a yea-and-nay vote of 218 yeas to 207 nays, Roll No. 419.

Legislative Program: The Majority Leader announced the Legislative program for the week of Nov. 5.

Meeting Hour—Monday, Nov. 5: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, Nov. 5, 2001 in pro forma session.

Meeting Hour—Tuesday, Nov. 6: Agreed that when the House adjourns on Monday, Nov. 5 it adjourn to meet at 12:30 p.m. on Tuesday, Nov. 6, 2001 for morning hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Nov. 7.

Honoring the New Jersey State Law Enforcement Association: The House agreed to H. Res. 224, honoring the New Jersey State Law Enforcement Officers Association.

Center for Russian Leadership Development: The Chair announced the Speaker’s appointment of Representative Cramer to the Board of Trustees of the Center for Russian Leadership Development for a term of three years.

Presidential Messages: Read the following messages from the President:

Continuation of the National Emergency Re Sudan: Message wherein he transmitted a notice that the Sudan emergency is to continue in effect beyond November 3, 2001—referred to the Committee on International Relations and ordered printed H. Doc. 107–140; and

Six Month Periodic Report on the National Emergency Re Sudan: Message wherein he transmitted a 6 month periodic report on the National Emergency with respect to Sudan—referred to the Committee on International Relations and ordered printed H. Doc. 107–141.

Amendments: Amendments ordered printed pursuant to the rule appear on pages .


Adjournment: The House met at 10 a.m. and adjourned at 11:06 p.m.

Committee Meetings

AMERICAN WORKER—RETIREMENT SECURITY

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Retirement Security for the American Worker: Opportunities and Challenges. Testimony was heard from William J. Scanlon, Director, Health Care Services, GAO; and public witnesses.

OSHA

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on the Role of Consensus Standard Setting Organizations With OSHA. Testimony was heard from public witnesses.

BIOTERRORISM PREPAREDNESS PROGRAMS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “A Review of Federal Bioterrorism Preparedness Programs: Building an Early Warning Public Health Surveillance System.” Testimony was heard from Claire Broome, M.D., Senior Advisor, Integrated Health Information Systems, Office of the Director, Centers for Disease Control and Prevention, Department of Health and Human Services; Anita Barry, M.D., Director, Communicable Disease Control, Public Health Service, State of Massachusetts; Arthur
J. Davidson, M.D., Director, Public Health Informatics, Public Health Department, State of Colorado; Alan P. Zelico, Senior Scientist, Center for National Security and Arms Control, Sandia National Laboratories; and public witnesses.

REFORMULATED GASOLINE—USE OF MTBE
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Issues Concerning the Use of MTBE in Reformulated Gasoline: An Update.” Testimony was heard from Jeffery Holmstead, Assistant Administrator, Air and Radiation, EPA; Robert S. Kripowicz, Acting Assistant Secretary, Fossil Energy, Department of Energy; John Stephenson, Director, Natural Resources and Environment, GAO; Robert Hirsch, Associate Director, Water, U.S. Geological Survey, Department of the Interior; Denise Chamberlain, Deputy Secretary, Air, Recycling and Radiation Protection, Department of Environmental Protection, State of Pennsylvania; and public witnesses.

DOT KIDS NAME ACT
Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on H.R. 2417, Dot Kids Name Act of 2001. Testimony was heard from Nancy J. Victory, Administrator and Assistant Secretary, National Telecommunications and Information Administration, Department of Commerce; and public witnesses.

GIVING CONSUMERS CREDIT
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Giving Consumers Credit: How is the Credit Industry Treating its Customers?” Testimony was heard from Dolores S. Smith, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; Elaine Kolish, Assistant Director, Bureau of Consumer Protection, Division of Enforcement, FTC; and public witnesses.

NATIONAL VACCINE INJURY COMPENSATION PROGRAM
Committee on Government Reform: Held a hearing entitled “The National Vaccine Injury Compensation Program: Is It Working as Congress Intended?” Testimony was heard from Thomas Balbier, Director, Vaccine Injury Compensation Program, Department of Health and Human Services; Paul Harris, Deputy Assistant Attorney General, Civil Division, Department of Justice; and public witnesses.

SERVICES ACQUISITION REFORM
Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on Moving Forward with Services Acquisition Reform: A Legislative Approach to Utilizing Commercial Best Practices. Testimony was heard from William Woods, Acting Director, Acquisition and Sourcing Management, GAO; Angela Styles, Administrator, Office of Federal Procurement Policy, OMB; Stephen Perry, Administrator, GSA; Diedre Lee, Director, Procurement, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 3189, Export Extension Act of 2001; H.R. 2121, Russian Democracy Act of 2001; H. Con. Res. 102, Hunger to Harvest Resolution: A Decade of Concern for Africa; H. Con. Res. 211, commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of Congress with respect to the Government of Burma; and H. Con. Res. 242, recognizing Radio Free Europe/Radio Liberty’s success in promoting democracy and its continuing contribution to United States national interests.

AFGHAN PEOPLE—AMERICA’S ASSISTANCE
Committee on International Relations: Held a hearing on America’s Assistance to the Afghan People. Testimony was heard from the following officials of the Department of State: Andrew Natsios, Administrator, AID; and Alan Kreczko, Acting Assistant Secretary, Bureau of Population, Refugees and Migration; and public witnesses.

BASIC PILOT EXTENSION ACT; PRIVATE RELIEF MEASURES
Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action H.R. 3030, Basic Pilot Extension Act of 2001. The Subcommittee also considered pending private relief bills.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1606, to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related
to such appropriations; and H.R. 2388, National Heritage Areas Policy Act of 2001. Testimony was heard from Representative Clyburn; Katherine Stevenson, Associate Director, Cultural Resource Stewardship and Partnerships, National Park Service, Department of the Interior; and public witnesses.

BUDGET RESPONSIBILITY AND EFFICIENCY ACT

U.S. ENERGY SECURITY
Committee on Science: Subcommittee on Energy held a hearing on U.S. Energy Security: Options to Decrease Petroleum Use in the Transportation Sector. Testimony was heard from David Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; R. James Woolsey, former Director, CIA; and public witnesses.

COMPETITIVE TELECOMMUNICATIONS SERVICES—SMALL BUSINESS ACCESS
Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on Small Business Access to Competitive Telecommunications Services. Testimony was heard from public witnesses.

TEA 21 SUCCESS STORIES
Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on TEA 21 Success Stories. Testimony was heard from Pete K. Rahn, Secretary, State Highway and Transportation Department, State of New Mexico; William D. Ankner, Director, Department of Transportation, State of Rhode Island; David A. Galt, Director of Highways, Department of Transportation, State of Montana; Joseph L. Perkins, Commissioner, Department of Transportation and Public Facilities, State of Alaska; Jeffrey A. Warsh, Executive Director, Transit, State of New Jersey; and public witnesses.

TERRORIST ATTACKS—SSA’S RESPONSE
Committee on Ways and Means, Subcommittee on Social Security held a hearing on the SSA’s response to the September 11 terrorist attacks. Testimony was heard from Representative Kelly; and the following officials of the SSA: Larry G. Massanari, Acting Commissioner; and James G. Huse Jr., Inspector General.

Joint Meetings
AUTHORIZATION—NATIONAL DEFENSE
Conferences met in closed session to resolve the differences between the Senate and House passed versions of S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 2, 2001
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues concerning smallpox, 9 a.m., SD–192.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine the support of children in times of crisis, 10 a.m., SD–106.

House

Joint Meetings
Joint Economic Committee: to hold hearings on the employment-unemployment situation for October, focusing on the Bureau of Labor Statistics employment data for industry sectors such as manufacturing, construction, and services, and evaluate the economic situation following the events of September 11, 9:30 a.m., 2360 Rayburn Building.
Résumé of Congressional Activity

**FIRST SESSION OF THE ONE HUNDRED SIXTH CONGRESS**

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

**January 3 through October 31, 2001**

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>144</td>
<td>116</td>
<td></td>
</tr>
<tr>
<td>Time in session</td>
<td>1,023 hrs.</td>
<td>735 hrs., 39'</td>
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<tr>
<td>Congressional Record:</td>
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<tr>
<td>Pages of proceedings</td>
<td>11,297</td>
<td>7,592</td>
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<tr>
<td>Extensions of Remarks</td>
<td>1,978</td>
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<tr>
<td>Public bills enacted into law</td>
<td>15</td>
<td>42</td>
<td>57</td>
</tr>
<tr>
<td>Private bills enacted into law</td>
<td>1</td>
<td></td>
<td>1</td>
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<tr>
<td>Bills in conference</td>
<td>14</td>
<td>10</td>
<td></td>
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<tr>
<td>Measures passed, total</td>
<td>287</td>
<td>419</td>
<td>706</td>
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<tr>
<td>Senate bills</td>
<td>56</td>
<td>13</td>
<td></td>
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<tr>
<td>House bills</td>
<td>55</td>
<td>184</td>
<td></td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>7</td>
<td>5</td>
<td></td>
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<tr>
<td>House joint resolutions</td>
<td>8</td>
<td>12</td>
<td></td>
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<tr>
<td>Senate concurrent resolutions</td>
<td>28</td>
<td>4</td>
<td></td>
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<tr>
<td>House concurrent resolutions</td>
<td>30</td>
<td>64</td>
<td></td>
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<tr>
<td>Simple resolutions</td>
<td>103</td>
<td>157</td>
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<tr>
<td>Measures reported, total</td>
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<td>247</td>
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<td>Senate bills</td>
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<tr>
<td>House bills</td>
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<td>155</td>
<td></td>
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<tr>
<td>Senate joint resolutions</td>
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</tr>
<tr>
<td>House joint resolutions</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>12</td>
<td></td>
<td></td>
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<tr>
<td>House concurrent resolutions</td>
<td>11</td>
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<td></td>
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<tr>
<td>Simple resolutions</td>
<td>36</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>Special reports</td>
<td>20</td>
<td>8</td>
<td></td>
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<tr>
<td>Conference reports</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measures pending on calendar</td>
<td>98</td>
<td>46</td>
<td></td>
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<tr>
<td>Measures introduced, total</td>
<td>1,880</td>
<td>3,807</td>
<td>5,687</td>
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<tr>
<td>Bills</td>
<td>1,600</td>
<td>3,203</td>
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<tr>
<td>Joint resolutions</td>
<td>26</td>
<td>71</td>
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<tr>
<td>Concurrent resolutions</td>
<td>80</td>
<td>257</td>
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<tr>
<td>Simple resolutions</td>
<td>174</td>
<td>276</td>
<td></td>
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<tr>
<td>Quorum calls</td>
<td>3</td>
<td>4</td>
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<tr>
<td>Yea-and-nay votes</td>
<td>315</td>
<td>237</td>
<td></td>
</tr>
<tr>
<td>Recorded votes</td>
<td>173</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bills vetoed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 91 reports have been filed in the Senate, a total of 264 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

**January 3 through October 31, 2001**

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian nominations, totaling 826, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>425</td>
<td></td>
<td></td>
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<tr>
<td>Unconfirmed</td>
<td>172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Withdrawn</td>
<td>67</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>162</td>
<td></td>
<td></td>
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<tr>
<td>Other Civilian nominations totaling 2,099, disposed of as follows:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>1,188</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>660</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>251</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Force nominations, totaling 6,780, disposed of as follows:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>6,726</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>46</td>
<td></td>
<td></td>
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<tr>
<td>Army nominations, totaling 6,138, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>5,939</td>
<td></td>
<td></td>
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<tr>
<td>Unconfirmed</td>
<td>91</td>
<td></td>
<td></td>
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<tr>
<td>Returned to White House</td>
<td>108</td>
<td></td>
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<tr>
<td>Navy nominations, totaling 5,591, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>5,518</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marine Corps nominations, totaling 3,611, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>3,571</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>19</td>
<td></td>
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</tr>
<tr>
<td>Returned to White House</td>
<td>21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Summary**

- Total Nominations carried over from the First Session .......... 0
- Total Nominations Received this Session .......... 25,045
- Total Confirmed .......... 23,367
- Total Unconfirmed .......... 994
- Total Withdrawn .......... 67
- Total Returned to White House .......... 617
Next Meeting of the Senate
10 a.m., Friday, November 2

Senate Chamber
Program for Friday: Senate will be in a period of morning business.

Next Meeting of the House of Representatives
2 p.m., Monday, November 5

House Chamber
Program for Monday: Pro forma session.

(House proceedings for today will be continued in the next issue of the Record.)