United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, THURSDAY, NOVEMBER 1, 2001 No. 149

House of Representatives

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The point of no quorum is considered withdrawn.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 gentlewoman 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-minutes on each side.

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.

Printed on recycled paper.

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 understood had it not been 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 tourism 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, from 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 create yet another public employee union. 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 retirement 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.

□ 1015

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 chaired 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 change, 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. Reject 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 health conditions.

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 those around 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 overestimated, 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 has created a workforce that suffers from high turnover, and we have seen the turnover over 400 percent, low pay and low morale. Baggage screeners should be a highly skilled, highly trained workforce that serves the frontline of this Nation's national defense. There is a broad bipartisan support for federalizing the workers.

The Washington Post just came out with a report that 82 percent of Americans support this effort. 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 issue GI's who went ashore 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 privatize 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 before. 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 federalizing it.

We must make sure that our airports are like our borders. We would not privatize 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 resume itself, 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 federalizing.

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

Mr. SESSIONS. Mr. Speaker, by direction 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 resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes. All points of order against the conference 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 customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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 provides that the conference report shall be considered as read.

Mr. Speaker, this is a noncontroversial conference report, and I am asking for us to support this rule and the underlying legislation.

I want to congratulate the conferees 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 this conference 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 important 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 Dallas Floodway 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 Wesleyan University, which serves neighborhood children as well as students in a historic inner-city neighborhood on the east side of Fort Worth, Texas.

□ 1030

I also want to thank the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Texas (Mr. EDWARDS) for working with me to fund these critical provisions for north Texas.

This is a good bill, Mr. Speaker, and the conferees should be commended for doing the best they could under the circumstances. But as many of them will tell us, they were hamstrung by the fact that the Senate originally passed these bills before September 11.

Since that infamous date, Mr. Speaker, all of us have become acutely aware of the massive security needs facing America. This bill does not reflect many of the priorities of today's new war against terrorism.

For instance, the conference report provides no additional funds to address terrorist threats related to nuclear weapons plants or Department of Energy labs. The gentleman from Texas (Mr. EDWARDS) offered an amendment to beef up the Nation's nonproliferation activities that prevent terrorists from getting Russian nuclear materials. Indeed, the administration had proposed cutting $98 million from this critical program.

Fortunately, this conference report restores $81 million to this vital program, but that is still $17 million below last year's level.

Overall, the Federal agencies funded by this bill have identified about $1.2 billion in additional security needs, but this conference report funds only $287 million of that, leaving us about $900 million short.

Since September 11, Mr. Speaker, America's security needs have increased, not decreased. The safety of every American depends on whether this Congress and this President will invest more, not less, in meeting them.

So after we pass this conference report today, it is crucial that all of us work together to immediately ensure all of our homeland security needs are fully funded. There is no higher priority.

Mr. Speaker, I yield 7 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I want to commend the gentleman from Alabama (Chairman CALLAHAN) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for putting together this energy and water appropriation bill on a genuine bipartisan basis. This bill, because of their leadership, funds vital flood control and water projects for communities throughout the Nation. It funds important energy and research programs.

I also commend the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) for working hard to plus up about $85 million in the administration's ill-advised 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 said that we could afford to give $7.4 billion in unearned corporate rebate checks to just 16 Fortune 500 corporations. 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 special huge tax breaks to corporations like General Motors, they got nearly $1 billion, IBM got $1.4 billion, General Electric a little under $1 billion, that those tax rebate checks to those corporations are more important than

protecting 281 million Americans and their families from the threat of nuclear terrorists.

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 House. 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 it in a car in Lower Manhattan, over 2 million American citizens, not 5,000, would have been killed;

Fact No. 2, there are over 600 metric tons, enough for 41,000 nuclear devices, of weapons-usable material in Russia 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 antiterrorist safeguards 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 responsibility to get better control of Russian nuclear material so it will not some day, God forbid, end up in a major American city as part of a terrorist bomb.

Based on these known five facts and the devastating potential of nuclear terrorist attacks, I believe strongly that Congress should act immediately, not next month, not the month after that, not next year, but we should act immediately to work with Russia in providing adequate safeguards at their numerous nuclear sites.

I find it hard to believe, frankly, that in this energy and water appropriation bill we are adding $400 million to improve the U.S. offensive nuclear arsenal, which everyone would agree in all nations is by far the most powerful nuclear force in the world; yet, in my opinion, we are cutting what is generally considered the single most effective program in keeping nuclear materials out of the hands of terrorists: a materials prevention and control accounting program.

Mr. Speaker, I know every single Member of this House would do almost anything, personally or publicly, to prevent a nuclear terrorist attack on the United States. Sadly, though, sadly, though, our spending and tax decisions in this Congress are not consistent with that commitment.

I believe the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), who already worked hard to support these programs, are genuine in their efforts to convince this House and the other body that we in this Congress have a moral obligation to the American people to do everything possible to prevent terrorists from using nuclear weapons against the American family.

If the decisionmakers beyond the scope of this appropriations subcommittee's jurisdiction do not this year either expand the budget allocation for nuclear nonproliferation programs or add significant funding in the supplemental appropriations bill, if we fail to do that, then we will have failed the American people in our sworn oath to protect and defend them.

We know terrorists are at war with us. If we Americans are truly at war with them, then this Congress must make homeland defense our top priority, not just our favorite rhetoric.

The clock is ticking and our children's future is at risk. I intend to work with the gentleman from Alabama (Chairman CALLAHAN), the gentleman from Indiana (Mr. VISCLOSKY), and other Members of this Congress who agree that we must act now, immediately, to ensure that our families and children never have to witness an American holocaust perpetrated by nuclear terrorists.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee.

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

In response to the remarks of the gentleman from Texas about the shortages that are apparent in our bill for the nuclear nonproliferation account, certainly he is correct. However, we have assured him, and we discussed this at great length in conference, that we are going to correct that in some supplemental bill somewhere before the end of the year.

He is absolutely right, the commission that President Clinton put together, including former Senator Sam Nunn and Susan Eisenhower, have come to us and they have told us of the serious need for additional funds. We are going to find those funds. There were just no more additional funds available in this bill.

I assure 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 Alabama (Chairman 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. VISCLOSKY), we would be looking at this administration's proposed $100 million cut 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 today in this energy and water appropriation bill, but I failed in my effort to add an amendment which would have given $131 million extra to these 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. I thank the gentleman.

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 Kozyrov 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 LEVIN, 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, so we gathered. They described to us their 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 those weapons. 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 going to do 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.

□ 1045

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

The gentleman 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 materiel 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 materiel was recovered within Russia itself that had fallen into the wrong hands, and we do not know how many other examples there are of this materiel 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 to a large extent the budget reductions made by the administration in the program that the gentleman from Texas (Mr. EDWARDS) just described; but in my view, we have an obligation to go far beyond what was merely provided last year in order to really get a handle on this problem.

Now, the problem that we have in addition to this is that DOE has told us that they 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' worth of defense funding requirements relating to nuclear materiel 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 seems to me that a Congress that can provide $25 billion in tax gifts to General Electric, to AT&T 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 nonneedy, 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 to be almost criminal negligence, not on the part of this committee but on the part of people in the Government who know 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. CALLAHAN) 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 subcommittee members; 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 our 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 conference report.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 9, as follows:

[Roll No. 415]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)

Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Berkley
Stark

NOT VOTING—9

Brown (FL)
Cubin
Dunn
Hall (OH)
Herger
McCrery
Thompson (MS)
Wexler
Young (AK)

□ 1116

Messrs. STEARNS, SHAYS and ABERCROMBIE changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 2311, and that I may include tabular and extraneous material.

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

There was no objection.

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

(For conference report and statement, see proceedings of the House of October 30, 2001, at page H7418.)

The SPEAKER pro tempore. The gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

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

Mr. Speaker, I am pleased to present to 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 dramatic differences 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, we did so 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.

I am especially pleased with the level of funding we have recommended for the civil works program of the U.S. Army Corps of Engineers. At $4.5 billion, the recommended funding is $586 million higher than the administration's inadequate budget request. The majority of this increase, about $391 million, is in the Corps' construction program. While that may sound like a large increase, the amount we have recommended is about the same as the amount the Corps spent in fiscal year 2001 on construction. If we had funded the construction program at the level requested by the administration, the result would have been schedule delays, increased project costs, and the loss of project benefits.

For the Bureau of Reclamation, we have provided $914 million, which is $95 million above the budget request.

For the nondefense programs of the Department of Energy, we were able to provide modest increases over the last year for several programs. The basic research performed by the Department of Energy has led to many of the technological breakthroughs that have helped our economy grow. These programs will even be more important as we move into the 21st century.

I am pleased to report that the additional allocation we received has enabled us to fund these programs slightly above the levels requested by the administration. For renewable energy programs, we were able to provide about $19 million over the House-passed level.

For the Atomic Energy Defense Programs of the Department of Energy, the conference agreement includes $14.7 billion, a significant increase of almost $1.2 billion over the budget request. These funds will ensure that we have a reliable and safe nuclear weapons stockpile, continue to fund important nuclear nonproliferation programs to secure nuclear materiels in Russia, and meet our commitments to communities throughout the United States to clean up the damage done to the environment over the past 40 years.

I want to thank my Senate counterpart, Chairman HARRY REID, and his ranking minority member, Senator PETE DOMENICI, for their cooperation and hard work. Moreover, I would like to expression my sincere appreciation to my colleagues on the House Subcommittee on Energy and Water Development, whose devoted efforts made this conference report possible.

I am especially grateful to my good friend and ranking member, the gentleman from Indiana (Mr. VISCLOSKY). I want to thank our full committee chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) for their cooperation in enabling us to bring this conference report before the House today.

Finally, I would like to express my deep appreciation and sincere gratitude to the House Appropriations staff for the Subcommittee for Energy and Water Development: Bob Schmidt, Jeanne Wilson, Kevin Cook, Paul Tuminello, Tracey LaTurner, Dave Killian, Rich Kaelin, Jennifer Watkins, and my personal staff, Mike Sharp and Nancy Tippins.

Their expertise, knowledge, and negotiating skills have helped produce the bipartisan product that we present for Members' consideration today, and each is to be commended for their fine

effort. Additionally, I would like to thank each of them for making my first session as chairman of this subcommittee an extremely pleasurable experience.

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)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	160,584	130,000	163,260	152,402	154,350	-6,234
Construction, general	1,716,165	1,324,000	1,671,854	1,570,798	1,715,951	-214
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	350,458	280,000	347,655	328,011	345,992	-4,466
Supplemental appropriations (P.L. 107-20)	9,000	.....	.....	.....	.....	-9,000
Operation and maintenance, general	1,897,775	1,745,000	1,864,464	1,833,263	1,874,803	-22,972
Supplemental appropriations (P.L. 107-20)	86,500	.....	.....	.....	.....	-86,500
Regulatory program	124,725	128,000	128,000	128,000	127,000	+2,275
FUSRAP	139,692	140,000	140,000	140,000	140,000	+308
Flood control and coastal emergencies (supplemental appropriations) (P.L. 107-20)	50,000	.....	.....	.....	.....	-50,000
Rescission	.....	.....	.....	.....	-25,000	-25,000
General expenses	151,666	153,000	153,000	153,000	153,000	+1,334
Total, title I, Department of Defense - Civil	4,686,565	3,900,000	4,468,233	4,305,474	4,486,096	-200,469
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	19,524	24,169	24,169	24,169	24,169	+4,645
Fish, wildlife, and recreation mitigation and conservation	14,136	10,749	10,749	10,749	10,749	-3,387
Utah reclamation mitigation and conservation account	4,989	.....	.....	.....	.....	-4,989
Subtotal	38,649	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	39,862	36,228	36,228	36,228	36,228	-3,634
Bureau of Reclamation						
Water and related resources	678,953	647,997	691,160	732,496	762,531	+83,578
Loan program	9,348	7,495	7,495	7,495	7,495	-1,853
(Limitation on direct loans)	(26,941)	(26,000)	(26,000)	(26,000)	(26,000)	(-941)
Central Valley project restoration fund	38,360	55,039	55,039	55,039	55,039	+16,679
California Bay-Delta restoration	.....	20,000	.....	.....	.....	.....
Policy and administration	50,114	52,968	52,968	52,968	52,968	+2,854
Total, Bureau of Reclamation	776,775	783,499	806,662	847,998	878,033	+101,258
Total, title II, Department of the Interior	816,637	819,727	842,890	884,226	914,261	+97,624
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	659,918	544,245	639,317	736,139	666,726	+6,808
Non-defense environmental management	277,200	228,553	227,872	228,553	236,372	-40,828
Supplemental appropriations (P.L. 107-20)	11,950	.....	.....	.....	.....	-11,950
Uranium facilities maintenance and remediation	392,502	363,425	393,425	408,725	418,425	+25,923
Supplemental appropriations (P.L. 107-20)	30,000	.....	.....	.....	.....	-30,000
Science	3,180,341	3,159,890	3,166,395	3,268,816	3,233,100	+52,759
Nuclear Waste Disposal	190,654	134,979	133,000	25,000	95,000	-95,654
Departmental administration	225,942	221,618	209,611	208,948	210,853	-15,089
Miscellaneous revenues	-151,000	-137,810	-137,810	-137,810	-137,810	+13,190
Net appropriation	74,942	83,808	71,801	71,138	73,043	-1,899
Office of the Inspector General	31,430	31,430	32,430	30,000	32,430	+1,000
Environmental restoration and waste management:						
Defense function	(6,254,464)	(5,740,783)	(6,410,625)	(6,627,943)	(6,480,991)	(+226,527)
Non-defense function	(711,652)	(591,978)	(621,297)	(637,278)	(654,797)	(-56,855)
Total	(6,966,116)	(6,332,761)	(7,031,922)	(7,265,221)	(7,135,788)	(+169,672)
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	5,006,153	5,300,025	5,123,888	6,062,891	5,429,238	+423,085
Supplemental appropriations (P.L. 107-20)	126,625	.....	.....	.....	.....	-126,625
Defense nuclear nonproliferation	872,273	773,700	845,341	880,500	803,586	-68,687
Naval reactors	688,645	688,045	688,045	688,045	688,045	-600
Office of the Administrator	9,978	15,000	10,000	15,000	312,596	+302,618
Subtotal, National Nuclear Security Administration	6,703,674	6,776,770	6,667,274	7,646,436	7,233,465	+529,791
Defense environmental restoration and waste management	4,963,533	4,548,708	5,174,539	5,389,868	5,234,576	+271,043
Supplemental appropriations (P.L. 107-20)	95,000	.....	.....	.....	.....	-95,000
Defense facilities closure projects	1,080,331	1,050,538	1,092,878	1,080,538	1,092,878	+12,547
Supplemental appropriations (P.L. 107-20)	21,000	.....	.....	.....	.....	-21,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Defense environmental management privatization	65,000	141,537	143,208	157,537	153,537	+88,537
Supplemental appropriations (P.L. 107-20)	29,600	.....	.....	.....	.....	-29,600
Subtotal, Defense environmental management	6,254,464	5,740,783	6,410,625	6,627,943	6,480,991	+226,527
Other defense activities	582,466	527,614	487,464	564,168	544,044	-38,422
Supplemental appropriations (P.L. 107-20)	5,000	.....	.....	.....	.....	-5,000
Defense nuclear waste disposal	199,725	310,000	310,000	250,000	280,000	+80,275
Total, Atomic Energy Defense Activities	13,745,329	13,355,167	13,875,363	15,088,547	14,538,500	+793,171
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	28,038	.....
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	165,465	169,465	172,165	169,465	171,938	+6,473
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	2,663	.....
Total, Power Marketing Administrations	201,635	205,057	207,757	205,057	207,530	+5,895
Federal Energy Regulatory Commission						
Salaries and expenses	175,200	181,155	181,155	187,155	184,155	+8,955
Revenues applied	-175,200	-181,155	-181,155	-187,155	-184,155	-8,955
Defense nuclear waste disposal (rescission)	-75,000	.....	.....	.....	.....	+75,000
Defense environmental privatization (rescission)	-97,000	.....	.....	.....	.....	+97,000
Total, title III, Department of Energy	18,623,901	18,106,554	18,747,360	20,061,975	19,501,126	+877,225
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	66,254	66,290	71,290	66,290	71,290	+5,036
Defense Nuclear Facilities Safety Board	18,459	18,500	18,500	18,500	18,500	+41
Delta Regional Authority	19,956	19,992	.....	20,000	10,000	-9,956
Denali Commission	29,934	29,939	.....	40,000	38,000	+8,066
Nuclear Regulatory Commission:						
Salaries and expenses	481,825	506,900	516,900	516,900	516,900	+35,075
Revenues	-447,958	-463,248	-473,520	-468,248	-473,520	-25,562
Subtotal	33,867	43,652	43,380	48,652	43,380	+9,513
Office of Inspector General	5,500	6,180	6,180	5,500	6,180	+680
Revenues	-5,390	-5,932	-5,933	-5,280	-5,933	-543
Subtotal	110	248	247	220	247	+137
Total	33,977	43,900	43,627	48,872	43,627	+9,650
Nuclear Waste Technical Review Board	2,894	3,100	3,100	3,500	3,100	+206
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						
Cerro Grande fire activities (contingent emergency appropriations)	203,012	.....	.....	.....	.....	-203,012
Appalachian Regional Commission (contingent emergency appropriations)	10,976	.....	.....	.....	.....	-10,976
Total, title V, Emergency Supplemental	213,988	.....	.....	.....	.....	-213,988
Grand total:						
New budget (obligational) authority	24,512,565	23,008,002	24,195,000	25,448,837	25,086,000	+573,435
Appropriations	(24,470,577)	(23,008,002)	(24,195,000)	(25,448,837)	(25,111,000)	(+640,423)
Contingent emergency appropriations	(213,988)	.....	.....	.....	.....	(-213,988)
Rescissions	(-172,000)	.....	.....	.....	(-25,000)	(+147,000)

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 the 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 $835 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 nonproliferation; and within our financial limitations, we tried to do the best job possible, but there remains problems.

As we look towards a supplement for the coming year and again in investment in ensuring that these weapons of mass destruction cannot be proliferated world-wide, we will have to make a greater investment, and again would call upon the administration. I would call upon the Congress to do a better job in a comparative fashion in fiscal year 2003.

At this time, however, the chairman has covered the elements of the bill. He has done it well. 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, regarding the comment 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 for the 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 have served on 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.

□ 1130

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 compliment 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 he may consume to the gentleman 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 passed the amendment in the 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 victory for 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 rigs. 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 thank the gentleman for yielding time. I rise in support of our energy and water appropriations bill.

Let me first thank Chairman CALLAHAN 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 Nation's 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 CALLAHAN has produced a bill, insisted on a bill, in fact, that continues the Federal 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 230,000 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 role to provide a future energy source that is 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, essential work during war and in peacetime 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 tragedies, 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 structural security issues in 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 their professionalism. Mr. Speaker, I wholeheartedly support the bill.

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

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

Mr. VISCLOSKY. The gentleman is correct.

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

Mr. VISCLOSKY. 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. LATHAM) 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 is also a member of our subcommittee, should have made the people of Missouri and Iowa proud.

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

Mr. LATHAM. 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 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 upstream, 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. VISCLOSKY. 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 to $2 billion of that occurring 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. The funding that is in this bill 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 staff earlier 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.

□ 1145

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 Indiana, the ranking member, 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 this has happened 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 in my opening 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. VISCLOSKY).

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 flood control to 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 7,300 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 your support 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 of this committee for a fine, fine bill and for working with me on several issues, and the ranking member as well.

I regrettably 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 the 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 disagree 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 committee, that has the single 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 how 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 waterways ballast 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, there have been attempts 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 on his position 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 that before, 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 the 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 regrettably, because there are a lot of 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 solid 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 and Creek 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 bring it 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

fly over Flushing Bay and wonder what that exactly is.

□ 1200

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. But 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 commitments of that 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 whole 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 leadership work in a totally 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, yet 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 the 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, 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 committee by the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) deserve great credit for stopping a proposed reduction of $100 million in nuclear nonproliferation programs.

I look forward to joining with them in their efforts to convince others in this body and in the other body in the Capitol that we have an obligation to the American people to put homeland defense as our first priority, not as our second, third or last priority. I am confident that will happen in the days ahead with the leadership of the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY). I again want to thank them and their staff for their tremendous effort in putting together this very important piece of legislation.

Mr. VISCLOSKY. Mr. Speaker, I have no further speakers, and I simply would conclude by again thanking the gentleman for a terrific work product, and that it is very pleasing to me that the Alabama-Indiana connection has been reestablished on this subcommittee.

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

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume to make just a couple of comments before I yield back my time, and that is we mentioned the work of the subcommittee members and the staff people and all of that, but also the individual Members of Congress who have come to us as members of this subcommittee throughout the year explaining their projects and doing it very well, of protecting their home districts.

There are some in this country, mostly neophytes; George Wallace, when he was governor of Alabama, used to talk about those people that cannot park their bicycles straight in pointed-toe shoes, but we have some people in this country that think a great deal of this bill has to do with pork, and that is just not the fact. Actually, less than one-fifth of this bill even has to do with the Corps of Engineers. I mean this issue, this measure today is the protection for the American people for all of our nuclear programs, the safeguarding of our nuclear missiles, the safeguarding of nuclear disposal needs, the nonproliferation programs, reclamation, 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 it is solely 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 right 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 per his request.

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 Bureau of Reclamation demands 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 Title XVI projects administered by the Bureau of Reclamation are also very important to southern Californians. These projects, where costs are borne primarily by the local water authorities, have been one of the keys to enabling southern California to grow over the past 15 years without requiring any additional supplies of water. By taking water that has already been used by residences or businesses and treating it again, this water can then be used for any industrial or municipal use that doesn't require drinking grade quality. Although the treatment costs can be considerable, this still saves businesses money when they use the recycled water for industrial purposes, and they enjoy the water supply reliability that results from this process. Many municipalities are also investing in recycled water to cut their costs by using reclaimed water to keep parks and golf courses green. Nearly one-third of Los Angeles County's water is recycled now, and with sufficient investment, that percentage can grow further, providing significant help with our water supply needs. I am pleased that $740,000 is included for the Los Angeles Area Water Reclamation/Reuse Project, and a number of other southern California projects are also going forward with funds in this bill.

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 mine tailings site in Moab, Utah that is perilously close to the Colorado River. 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 uranium facilities maintenance, 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 by our 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 at the 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 weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states 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 House and Senate leaders of 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 programs administered by the Department of the Energy.

While I will support the conference report, I am disappointed that the conferees chose not to include an increase in borrowing authority for the 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 additional 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 wholesale 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 Conferees 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.

$1 million was provided at my 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, recreational, and cultural interests. At its core, the watershed planning/HCP effort focuses on restoring adequate flows for listed species.

To insure that the federal funding provided does not create a parallel process to the existing process underway, it is the intent of Congress that the Crops 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 flow targets set through the Watershed Planning/HCP process.

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

move the previous question on the conference report.

The previous question was ordered.

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

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

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

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

Mr. CALLAHAN. 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 Alabama?

There was no objection.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the consideration of the conference report on the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, and that I may include extraneous and tabular material.

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

There was no objection.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to House Resolution 273, I call up the conference report on the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 273, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 30, 2001 at page H7512.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina from North Carolina (Mr. TAYLOR).

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I rise today to present the Legislative Branch Appropriations Conference Report for Fiscal Year 2002 to the House for consideration. I would like to thank the ranking member, the gentleman from Virginia (Mr. MORAN) and all of the members of the subcommittee, for their support in crafting this legislation. I would like to also say thank you to the staff for all of their hard work during these times, especially to Chuck Turner, Manny Crupi, Ed Lombard, Liz Dawson, Mark Murray and Tim Aiken. All Members owe them a special thanks for their work.

I would like to say a special thank you to the Capitol police who are listed under this bill. We have gone through unusual times in the last almost 60 days, and we owe them a special thanks for their undying efforts to maintain protection for the Members of the House, our staff, and our guests who come to the Capitol.

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 the 2001 bill to 4.6 percent. Now, that is an increase which is well below the President's request for 2002 appropriations.

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

Mr. Speaker, the House has approved the rule for this report. The committee has done its job and it 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 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 mattes 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 conference report by unanimous vote.

The Committee has done its job; it has done a good job. This bill deserves the overwhelming support of the House. I do not intend to extend the debate and will include a summary of the comparisons of accounts in the record.

I urge my colleagues to support the bill.

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	141					-141
Expense Allowances						
Expense allowances:						
Vice President	10	10		10	10	
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	1,867		1,867	1,867	+82
Office of the President Pro Tempore	453	473		473	473	+20
Offices of the Majority and Minority Leaders	2,742	2,868		2,868	2,868	+126
Offices of the Majority and Minority Whips	1,722	1,912		1,912	1,912	+190
Committee on Appropriations	8,747	9,875		9,875	9,875	+1,128
Conference committees	2,304	2,500		2,500	2,500	+196
Offices of the Secretaries 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	288	301		301	301	+13
Office of the Secretary	14,738	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	1,350		1,350	1,350	+58
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	1,069	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	95,904		95,904	95,904	+24,393
Miscellaneous items	8,655	10,274		11,274	14,274	+5,619
Miscellaneous appropriations (P.L. 106-554)	6,500					-6,500
Senators' Official Personnel and Office Expense Account	251,929	285,494		270,494	270,494	+18,565
Town Meeting notices				3,000		
Official Mail Costs						
Expenses	300	300		300	300	
Total, contingent expenses of the Senate	424,342	503,117		497,177	497,327	+72,985
Total, Senate	522,023	612,675		606,735	606,885	+84,862

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	714	.....	.....	.....	145	-569
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,759	1,866	1,866	1,866	1,866	+107
Office of the Majority Floor Leader	1,726	1,830	1,830	1,830	1,830	+104
Office of the Minority Floor Leader	2,096	2,224	2,224	2,224	2,224	+128
Office of the Majority Whip	1,466	1,562	1,562	1,562	1,562	+96
Office of the Minority Whip	1,096	1,168	1,168	1,168	1,168	+72
Speaker's Office for Legislative Floor Activities	410	431	431	431	431	+21
Republican Steering Committee	765	806	806	806	806	+41
Republican Conference	1,255	1,342	1,342	1,342	1,342	+87
Democratic Steering and Policy Committee	1,352	1,435	1,435	1,435	1,435	+83
Democratic Caucus	668	713	713	713	713	+45
Nine minority employees	1,229	1,293	1,293	1,293	1,293	+64
Training and Development Program:						
Majority	278	290	290	290	290	+12
Minority	278	290	290	290	290	+12
Cloakroom Personnel:						
Majority	.....	.....	330	330	330	+330
Minority	.....	.....	330	330	330	+330
Subtotal, House Leadership Offices	14,378	15,250	15,910	15,910	15,910	+1,532
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	430,877	479,339	479,472	479,472	479,472	+48,595
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	100,272	104,492	104,514	104,514	104,514	+4,242
Committee on Appropriations (including studies and investigations)	22,328	23,000	23,002	23,002	23,002	+674
Subtotal, Committee employees	122,600	127,492	127,516	127,516	127,516	+4,916
Salaries, Officers and Employees						
Office of the Clerk	17,740	16,025	15,408	15,408	15,408	-2,332
Office of the Sergeant at Arms	3,692	4,083	4,139	4,139	4,139	+447
Office of the Chief Administrative Officer	72,848	67,480	67,495	67,495	67,495	-5,353
Office of Inspector General	3,249	3,754	3,756	3,756	3,756	+507
Office of General Counsel	806	892	894	894	894	+88
Office of the Chaplain	140	144	144	144	144	+4
Office of the Parliamentarian	1,201	1,344	1,344	1,344	1,344	+143
Office of the Parliamentarian	(1,035)	(1,168)	(1,168)	(1,168)	(1,168)	(+133)
Compilation of precedents of the House of Representatives	(166)	(176)	(176)	(176)	(176)	(+10)
Office of the Law Revision Counsel of the House	2,045	2,104	2,107	2,107	2,107	+62
Office of the Legislative Counsel of the House	5,085	5,454	5,456	5,456	5,456	+371
Corrections Calendar Office	832	883	883	883	883	+51
Other authorized employees	213	230	140	140	140	-73
Technical Assistants, Office of the Attending Physician	(213)	(230)	(140)	(140)	(140)	(-73)
Subtotal, Salaries, Officers and Employees	107,851	102,393	101,766	101,766	101,766	-6,085
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	2,235	3,359	3,379	3,379	3,379	+1,144
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	.....
Government contributions	150,776	153,167	152,957	152,957	152,957	+2,181
Miscellaneous items	393	690	690	690	690	+297
Special education needs	215	.....	.....	.....	.....	-215
Subtotal, Allowances and expenses	154,029	157,626	157,436	157,436	157,436	+3,407
Total, salaries and expenses	829,735	882,100	882,100	882,100	882,100	+52,365
Undistributed reduction	.....	.....	.....	.....	-4,050	-4,050
Total, House of Representatives	830,449	882,100	882,100	882,100	878,195	+47,746

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
JOINT ITEMS						
Joint Congressional Committee on Inaugural Ceremonies of 2001	1,000	.....	.....	.....	.....	-1,000
Joint Economic Committee	3,315	3,424	3,424	3,424	3,424	+109
Joint Committee on Taxation	6,416	6,733	6,733	6,733	6,733	+317
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,831	1,765	1,865	1,765	1,865	+34
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	47,206	54,946	55,013	55,296	55,239	+8,033
Sergeant at Arms and Doorkeeper of the Senate	50,346	56,976	57,579	57,626	57,805	+7,459
Subtotal, salaries	97,552	111,922	112,592	112,922	113,044	+15,492
Security enhancements (emergency funding)	2,102	.....	.....	.....	.....	-2,102
General expenses	7,243	10,394	11,081	12,394	13,146	+5,903
Subtotal, Capitol Police	106,897	122,316	123,673	125,316	126,190	+19,293
Capitol Guide Service and Special Services Office	2,371	2,512	2,512	2,512	2,512	+141
Statements of Appropriations	30	30	30	30	30	.....
Total, Joint items	121,860	136,780	138,237	139,780	140,754	+18,894
OFFICE OF COMPLIANCE						
Salaries and expenses	1,851	2,059	2,059	2,059	2,059	+208
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	28,430	30,680	30,780	30,680	30,780	+2,350
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
General and administration, salaries and expenses	.....	.....	46,705	.....	51,371	+51,371
Minor construction	.....	.....	9,482	.....	.....	.....
Capitol buildings	44,624	111,835	17,674	54,000	15,194	-29,430
Capitol grounds	5,350	7,754	6,904	6,000	6,009	+659
Senate office buildings	63,833	53,551	.....	47,500	42,126	-21,707
House office buildings	41,678	51,187	49,006	49,006	54,006	+12,328
Capitol Power Plant	43,728	51,499	49,724	51,803	56,983	+13,255
Offsetting collections	-4,400	-4,400	-4,400	-4,400	-4,400	.....
Net subtotal, Capitol Power Plant	39,328	47,099	45,324	47,403	52,583	+13,255
Total, Architect of the Capitol	194,813	271,426	175,095	203,909	221,289	+26,476
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	73,430	81,139	81,454	81,139	81,454	+8,024
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	81,205	90,900	81,000	81,000	81,000	-205
Total, title I, Congressional Operations	1,854,061	2,107,759	1,390,725	2,027,402	2,042,416	+188,355
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,321	6,129	5,946	5,829	5,646	+2,325
LIBRARY OF CONGRESS						
Salaries and expenses	382,596	297,275	304,692	297,775	306,692	-75,904
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	.....
Subtotal, Salaries and expenses	375,746	290,425	297,842	290,925	299,842	-75,904
Copyright Office, salaries and expenses	38,438	43,322	40,896	40,701	40,896	+2,458
Authority to spend receipts	-29,270	-28,964	-27,864	-27,864	-27,864	+1,406
Subtotal, Copyright Office	9,168	14,358	13,032	12,837	13,032	+3,864
Books for the blind and physically handicapped, salaries and expenses	48,502	49,765	49,788	49,765	49,788	+1,286
Furniture and furnishings	4,881	8,599	7,932	8,532	7,932	+3,051
Total, Library of Congress (except CRS)	438,297	363,147	368,594	362,059	370,594	-67,703

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
ARCHITECT OF THE CAPITOL						
Capitol Visitors Center						
Capitol Visitors Center	.....	.....	.....	1,000	70,000	+70,000
Congressional Cemetery						
Congressional Cemetery	.....	.....	.....	2,500	1,250	+1,250
Library Buildings and Grounds						
Structural and mechanical care	15,935	21,402	22,252	18,753	21,753	+5,818
Total, Architect of the Capitol	15,935	21,402	22,252	22,253	93,003	+77,068
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	27,893	29,639	29,639	28,728	29,639	+1,746
Government Printing Office Revolving Fund						
GPO revolving fund	6,000	6,000	.....	.....	.....	-6,000
Total, Government Printing Office	33,893	35,639	29,639	28,728	29,639	-4,254
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	387,020	430,295	424,345	420,344	424,345	+37,325
Offsetting collections	-3,000	-2,501	-2,501	-2,501	-2,501	+499
Total, General Accounting Office	384,020	427,794	421,844	417,843	421,844	+37,824
CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT						
Payment to Russian Leadership development trust funds	.....	.....	.....	10,000	8,000	+8,000
Total, title II, Other agencies	875,466	854,111	848,275	846,712	928,726	+53,260
Grand total	2,729,527	2,961,870	2,239,000	2,874,114	2,971,142	+241,615
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	522,023	612,675	.....	606,735	606,885	+84,862
House of Representatives	830,449	882,100	882,100	882,100	878,195	+47,746
Joint Items	121,860	136,780	138,237	139,780	140,754	+18,894
Office of Compliance	1,851	2,059	2,059	2,059	2,059	+208
Congressional Budget Office	28,430	30,680	30,780	30,680	30,780	+2,350
Architect of the Capitol	194,813	271,426	175,095	203,909	221,289	+26,476
Library of Congress: Congressional Research Service	73,430	81,139	81,454	81,139	81,454	+8,024
Congressional printing and binding, Government Printing Office	81,205	90,900	81,000	81,000	81,000	-205
Total, title I, Congressional operations	1,854,061	2,107,759	1,390,725	2,027,402	2,042,416	+188,355
TITLE II - OTHER AGENCIES						
Botanic Garden	3,321	6,129	5,946	5,829	5,646	+2,325
Library of Congress (except CRS)	438,297	363,147	368,594	362,059	370,594	-67,703
Architect of the Capitol	15,935	21,402	22,252	22,253	93,003	+77,068
Government Printing Office (except congressional printing and binding)	33,893	35,639	29,639	28,728	29,639	-4,254
General Accounting Office	384,020	427,794	421,844	417,843	421,844	+37,824
Center for Russian Leadership Development	.....	.....	.....	10,000	8,000	+8,000
Total, title II, Other agencies	875,466	854,111	848,275	846,712	928,726	+53,260
Grand total	2,729,527	2,961,870	2,239,000	2,874,114	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 I 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 has now 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 an individual personal standpoint. I do not mean us personally, but the individuals in the Capitol.

□ 1215

It also restores 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 not 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.

We found a discrepancy existed. I will not go into the reasons that discrepancy existed, but it is now resolved.

There are a lot of other excellent provisions in this bill. I agree with the chairman and with the ranking member, this is not a controversial bill. It is a good bill.

Again, I thank both the chairman and the ranking member and our staffs for working so hard to make it so.

Mr. Speaker, this is an excellent bill that every member should support.

It fully funds a number of accounts, including the Government Printing Office, the Congressional Budget Office, and the Congressional Research Service, key agencies that directly support the Congress.

It fully funds the American Folklife Center in the Library, including the veterans' oral history project. It funds the new sound-recording preservation program. It provides needed funds to improve services in the law library.

To enhance security in the complex, it funds all the extra Capitol Police officers that the department can hire and train during fiscal 2002. I've fought for over two years for enough police manpower to assure adequate security. A key measure of adequate security is deployment of a minimum of two officers on every door.

We're not there yet, but this bill moves us in that direction and I hope we will move still further next year.

The bill does restore pay parity for the Capitol Police with the Park Police and Secret Service Uniformed officers.

The bill extends GPO's early-out/buy-out authority for 3 years, and funds a 4.6 percent COLA.

The bill otherwise provides sufficient funds for the operation of member offices, committees, and the officers of the House.

Mr. Speaker, there are two provisions that I want to mention in particular, both related to legislative-branch workers.

It funds the same $65 transit benefit available in the executive branch for every legislative-branch agency. I especially want to compliment my friend from Virginia for making this a priority. I will work with Chairman NEY in House Administration to authorize the increased benefit promptly for House employees.

First, section 133 will finally end the Architect of the Capitol's practice of employing temporary workers for long periods without providing them access to the same valuable Federal benefits that permanent employees enjoy from their first days on the job.

The Architect now employs more than 300 such workers, mostly on construction projects. Many have been employed almost continuously for years, as "temporary" workers. Under my provision, these workers will have access to benefits, and no new hires can work more than 1 year without benefits.

Second, 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.

I also want to thank Mark Murray, the minority subcommittee clerk, Tim Aiken of Mr. MORAN'S staff, and Roger Szemraj ["Shemrye"] 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 the 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 number 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. That has been resolved.

The gentlewoman from Ohio (Ms. KAPTUR) was concerned about the contract cafeteria employees. They have been without pay since the closure of the Ford and Longworth cafeterias, so this bill would enable them to be compensated for their lost wages. We did not want them to find other jobs; we wanted them to be available when these office buildings reopen. But these people are not getting paid a whole lot, and so they were really suffering.

There is a provision here that provides $65 per month for an employee transit benefit for the employees of the legislative branch if they use public

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 it 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 has, where 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.

As 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 come to work. It allows 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 cafeteria workers how the shutdowns had affected them. 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 take 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 many 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 them by name and have come to rely not only on their service, but also their smiles.

Whether it be a cup of coffee, lunch, or 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 days 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 would once again encourage all my colleagues to join me in supporting its passage.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the conference report.

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

conference report on H.R. 2311, by the yeas and nays;

conference report on H.R. 2647, by the yeas and nays;

agreeing to the Speaker's approval of the Journal, de novo.

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

CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2311, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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

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

The vote was taken by electronic device, and there were—yeas 399, nays 29, not voting 4, as follows:

[Roll No. 416]

YEAS—399

Abercrombie	Castle	Ford
Ackerman	Chabot	Fossella
Aderholt	Chambliss	Frank
Akin	Clay	Frelinghuysen
Allen	Clayton	Frost
Armey	Clement	Gallegly
Baca	Clyburn	Ganske
Bachus	Coble	Gekas
Baird	Collins	Gephardt
Baker	Combest	Gilchrest
Baldacci	Condit	Gillmor
Baldwin	Cooksey	Gilman
Ballenger	Costello	Gonzalez
Barcia	Cox	Goode
Barr	Coyne	Goodlatte
Barrett	Cramer	Gordon
Bartlett	Crane	Goss
Barton	Crenshaw	Graham
Bass	Crowley	Granger
Becerra	Culberson	Graves
Bentsen	Cummings	Green (TX)
Bereuter	Cunningham	Green (WI)
Berman	Davis (CA)	Greenwood
Berry	Davis (FL)	Grucci
Biggert	Davis (IL)	Gutierrez
Bilirakis	Davis, Jo Ann	Gutknecht
Bishop	Davis, Tom	Hall (OH)
Blagojevich	Deal	Hall (TX)
Blumenauer	DeGette	Hansen
Blunt	Delahunt	Harman
Boehlert	DeLauro	Hart
Boehner	DeLay	Hastings (FL)
Bonilla	DeMint	Hastings (WA)
Bonior	Deutsch	Hayes
Bono	Diaz-Balart	Hayworth
Borski	Dicks	Hefley
Boswell	Dingell	Herger
Boucher	Dooley	Hill
Boyd	Doolittle	Hilleary
Brady (PA)	Doyle	Hilliard
Brady (TX)	Dreier	Hinchey
Brown (FL)	Duncan	Hinojosa
Brown (SC)	Edwards	Hobson
Bryant	Ehlers	Hoeffel
Burr	Ehrlich	Hoekstra
Burton	Emerson	Holden
Buyer	Engel	Honda
Callahan	English	Hooley
Calvert	Eshoo	Horn
Camp	Evans	Houghton
Cannon	Everett	Hoyer
Cantor	Farr	Hulshof
Capito	Fattah	Hunter
Capps	Ferguson	Hyde
Capuano	Filner	Isakson
Cardin	Fletcher	Israel
Carson (IN)	Foley	Issa
Carson (OK)	Forbes	Istook

Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—29

Andrews
Berkley
Brown (OH)
Conyers
DeFazio
Doggett
Etheridge
Flake
Gibbons
Holt
Hostettler
Inslee
Kerns
Kucinich
McDermott
Obey
Owens
Paul
Payne
Pitts
Rogers (MI)
Royce
Schaffer
Sensenbrenner
Shays
Stearns
Tancredo
Walden
Wu

NOT VOTING—4

Cubin
Dunn
McKinney
Thompson (MS)

□ 1253

Messrs. CONYERS, BROWN of Ohio, and WU changed their vote from ''yea'' to ''nay.''

Ms. SANCHEZ and Mr. TIBERI changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

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 of agreeing to 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 is 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

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Barr
Barrett
Berry
Brady (TX)
Brown (OH)
Chabot
Costello
Crane
Deutsch
Doggett
Flake
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Hefley
Herger
Holt
Hulshof
Inslee
Israel
Jones (NC)
Keller
Kerns
Kind (WI)
Kucinich
Lucas (KY)
Luther
McInnis
Menendez
Moran (KS)
Paul
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stearns
Strickland

Tancredo
Thune
Toomey
Udall (CO)
Udall (NM)
Weldon (FL)

NOT VOTING—6

Cubin
Dunn
Gekas
McKinney
Taylor (MS)
Thompson (MS)

□ 1304

Mr. DEUTSCH and Mr. BARR of Georgia changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISAKSON. Mr. Speaker, on rollcall No. 417, Adoption of the Legislative Branch Appropriations Conference Report, I am not recorded. Had I been present, I would have voted ''yea.''

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

THE JOURNAL

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

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 380, noes 33, answered ''present'' 1, not voting 18, as follows:

[Roll No. 418]

AYES—380

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

NOES—33

Aderholt
Baird
Borski
Brown (OH)
Capuano
Costello
Crane
DeFazio
English
Filner
Hastings (FL)
Hefley
Hill
Kingston
Larsen (WA)
LoBiondo
McDermott
McGovern
Oberstar
Peterson (MN)
Ramstad
Sabo
Sanchez
Schaffer
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Udall (NM)
Visclosky
Waters
Weller
Whitfield

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—18

Bartlett
Cubin
Dunn
Edwards
Graham
Jefferson
Larson (CT)
Lofgren
Lynch
McCarthy (NY)
McKinney
Nadler
Olver
Payne
Pryce (OH)
Thompson (MS)
Walsh
Young (FL)

□ 1313

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF 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 request of the gentleman from New Mexico?

There was no objection.

□ 1315

PROVIDING FOR CONSIDERATION OF H.R. 3150, SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may

have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 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, at 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 airport restaurants, shops 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 despicable 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 uncertain global 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 defenses 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 powers.

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 we need to make 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 this rule makes 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 at large 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 and luggage before entering airplanes or will this be left to private sector contract employees?

Before answering that question, let me ask my colleagues related questions about public safety and security, 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 in Afghanistan 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 certainly 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 Missouri (Mr. GEPHARDT) 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 their bill with federalized screeners by a recorded vote of 100-to-nothing. Certainly if the United States Senate can pass such a bill with unanimity, the House should do no less.

Another issue that really incenses me, Mr. Speaker, is the fact that our checked baggage is not screened as it should be. According to an article that appeared in yesterday's Fort Lauderdale Sun-Sentinel, only 5 to 10 percent of checked bags are examined for explosives. The underlying bill would require examination of all checked bags by December 2003. Are we clear on this? So in 2 years and 2 months, our bags will be adequately screened.

Mr. Speaker, this is unacceptable, irresponsible and inexcusable. There is simply no reason why Congress cannot mandate the Department of Transportation and the Federal Aviation Administration to issue regulations immediately to require screening of checked baggage. I need not remind my colleagues that as the holiday season approaches, it is more critical than ever that our flying public not only feels safe but that they are safe.

□ 1330

That is the critical difference between the House bill and the unanimously passed Senate bill.

Mr. Speaker, if I had more time, I would discuss the fact that while this House has already bailed out the airline industry, provided enormous tax breaks to the largest corporations in America, and is now set to attempt to make our skies safer, we still have not lifted a single finger to help displaced workers.

I introduced a bill more than 5 weeks ago to help those hardworking Americans who have lost their jobs because of the tragedy on September 11. My bill, cosponsored by the gentlewoman from Pennsylvania (Ms. HART) and 140 other bipartisan cosponsors, needs to be considered forthwith.

Finally, Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule; and that amendment would provide that immediately after the House passes the airline safety bill it will take up H.R. 2955, the Displaced Workers Assistance Act introduced by the gentleman from Missouri (Mr. GEPHARDT) and myself and others. My amendment provides that the bill will be considered under an open amendment process so that all Members will be able to fully express their views and offer amendments that they think are important to this critical bill.

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 it is on 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. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, over 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 and friend 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 had the tremendous 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 opinions expressed by the members 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

major flaw in this proposed piece of legislation.

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 of the proposals 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 baggage is not checked.

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 issue. I have 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; and they 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 a unique infrastructure of law 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 impede 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 28,000 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, and the Department of Justice has 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 colleague 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that it is inappropriate to state how specific Senators voted on a particular measure.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules.

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 current system in 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.

On the other hand, the 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, Mr. Speaker; 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.

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 passage; and it will happen with the complete Democratic substitute written by Democrats in a partisan fashion to be brought before the House in a bipartisan vote, up or down.

So we are going to have a lot of bipartisanship or nonpartisanship today, once this rule is passed. It is going to be the opportunity for those who support the President's plan to have that vote. For those who want to look at liability provisions and other aspects contained in the manager's amendment, that will be an opportunity for a vote as well. Finally, a Democratic substitute written by the Democratic minority of this House will have an up or down vote as well.

So we are going to have a lot of bipartisanship, led by the leadership in this House, let alone rank and file Members, as we pass this rule and move toward consideration of those prospects within the bill that will be before the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa.

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

Mr. GANSKE. Mr. Speaker, about a week after September 11, I stood at ground zero with my colleague from New Jersey looking at that six-story pile of rubble and smoke rising from it that was a mass grave of 5,000 of our American citizens, and I could see superimposed over that the handwriting from a victim's relief center of a little girl, written on the wall underneath the picture of her daddy, and it said, ''Daddy, I miss you. I will love you always.''

□ 1345

We need to get past partisanship.

There will be those on the floor today who will rant and rail against putting airport safety in the hands of government employees, as if that were an evil thing. Well, here is the real story. All those brave firefighters and policemen in New York City who lost their lives were government employees. All those courageous Capitol Hill policemen who lost their lives defending our offices 2 years ago were government employees. All those men and women in the armed services who are fighting in Afghanistan right at this moment are government employees. And the FBI agents who put their lives on the line are government employees. Those postal workers who lost their lives are government employees.

Mr. Speaker, the Oberstar-Ganske substitute is the bipartisan bill. It passed the Senate 100 to zero. Such well-known conservatives as TRENT LOTT, DON NICKLES, CHUCK GRASSLEY, all voted for that bill. They all voted for that bill.

The Senate bill puts the safety of our citizens ahead of special interests. The companies who are bankrolling the effort to kill the Senate bill are foreign-owned corporations.

So that is the question: Are we going to take common sense, practical steps to improve the safety, or are we going to entrust our lives to foreign corporations who pay minimum wage and are already threatening to sue the Government? The Ganske-Oberstar amendment empowers Attorney General John Ashcroft to set the terms and conditions of hiring and firing of those screeners, and there could be no strikes. The House leadership bill will produce gridlock. The manager's amendment is even worse. The voters have elected us to solve problems, not just to talk about them. Let us put this bill where it belongs: on the President's desk. He has already said he would sign it, and the sooner the better.

Mr. Speaker, I do not want to see again a message like another one I saw at that Victims' Family Relief Center written by a mother. Underneath the picture of her husband, it said, ''Dan we will love you always,'' signed, ''Christan and your son, Justin.''

It is time to pass the true bipartisan bill, get it to the President's desk, and get it signed into law before hundreds of thousands of our citizens are flying on Thanksgiving.

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

I really wish to remind the gentleman from New York that when he said that this Oberstar measure that we will undertake was written in a partisan fashion, that the Oberstar substitute is the Senate bill that was passed 100 to nothing.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I rise to oppose the previous question, and I do so for a very simple reason that was eloquently brought to us on the floor by the gentleman from Florida (Mr. HASTINGS).

Airline workers have been laid off across this country by the tens of thousands; and so far, we have done absolutely nothing. We were told when this Congress bailed out the airline industry to the tune of $15 billion a few weeks ago that the workers would be next. On top of that, today they have something called uncapped compensation for some of these executives that would give them additional millions of dollars that was in the manager's amendment. I do not know if they are going to go forward with it and try 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. After they did this bailout of the airline industry, the House passed this corporate welfare package under the guise of economic stimulus. Multinational corporations received tax breaks to the tune of billions of dollars, individual companies, $2 billion, $1.5 billion. Airline workers were given the pink slip.

Mr. Speaker, 150,000 airline workers, baggage handlers, machinists, flight attendants, pilots, mechanics, are out of work. They need unemployment compensation. About 40 percent of people get it today if you are thrown out of work in this country. That is an outrage. They are not getting it. They need health care benefits to make sure that their families have health care, that they can feed their families, pay their mortgage with unemployment compensation benefits. All of that has run out or will run out without any help from this Congress.

Mr. Speaker, it is time to lend these workers a hand. How much time needs to go by? How many more bailouts and tax breaks will we need to consider before we help these 150,000 airline workers whose livelihoods have been most affected, and all of the other tens of thousands, if not hundreds of thousands who have been laid off as a result of their layoffs?

Mr. Speaker, we need to pass an airline 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-Gephardt-Bonior bill that we need to deal with on unemployment compensation and health care.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH), one of the newer Members of the House of Representatives, who replaced the ranking member, our dear departed friend Joe Moakley.

Mr. LYNCH. Mr. Speaker, I want to thank the gentleman from Florida (Mr. HASTINGS) for yielding me this time. I also want to thank the gentleman from Minnesota (Mr. OBERSTAR) for his solid work on the substitute bill.

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 Boston. It just so happens that 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 by foreign security companies. We can fulfill our public duty by professionalizing and federalizing airport security personnel and by supporting the substitute bill.

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. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today in support of a fair rule that will allow the people's representatives to consider federalizing the screeners in our Nation's airports. We cannot shortchange the public by continuing to contract out low-wage jobs and less-trained personnel. We need to federalize our airport security. We do not contract out our security for people who work for the INS or the military. Why then would we contract out for airline security?

We have learned the hard way that an airplane can hit anywhere. Federalization means less employee turnover, more experience and accountability. According to GAO, in 1999, turnover averaged 126 percent among screeners at 19 airports. No wonder, since the average pay that they receive is anywhere between $6 and $6.75 an hour.

The Republican bill would eliminate the salary cap that we have placed on executive pay. These people earn hundreds of thousands of dollars. Why in

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 not contract out the airline public safety.

Mr. Speaker, it is time stabilize, it is time to professionalize, it is time to federalize our airline security workforce. 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 how 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. THORNBERRY). 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 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 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 authority and rail authorities and emergency preparedness personnel, some of them which are the first-line responders.

□ 1400

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 address anything that has to do with constituents in my district. I have laid-off workers, many of whom are single women, flight attendants. 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 provision is reflected 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 asking 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 federally managed, it is federally 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, yes, 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 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-prepared 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 2000, 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. Read the bill.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. HASTINGS of Florida. 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 during debate for Members to characterize the content of legislation or address the content. It is inappropriate to characterize the actions of the other body.

Mr. HASTINGS of Florida. So continuing my parliamentary inquiry, ''hastily'' is not an action? I just want equal admonitions, Mr. Speaker.

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 intend 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, and as such, 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 safety standards we, as Americans, should require in air travel. Since September 11th, the news media has presented countless accounts of security breaches at airports by both employees 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 the flight. We have also seen evidence 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 rule 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 to my district and assure 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 Democratic 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 freedom to express what he felt was in the legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the gentleman who preceded me in the well talked about a sham. Let us talk about a sham. They are renaming this bill as the Airport Security Federalization Act. They are going to take the private security employees, the same ones who are failing us today, some of them are even convicted felons, some are illegal aliens, but they are going to put Federal uniforms on them. They are even going to deputize them. But guess what, they are not going to be Federal law enforcement.

They are trying to fool the American public. It is too bad that the United States Congress does not have a rule of the House that requires truth in labeling. The private security firms are failing, and in Europe the large Securicor is a dismal failure at Heathrow. They just had a huge security lapse. They own Argenbright in the United States, who is under criminal indictment for the second time in 1 year for hiring and maintaining known felons on staff, falsifying documents, all under the supervision of probation, and somehow they tell us they are going to supervise these firms better.

No, the people at the door of the House of Representatives are sworn, uniformed Federal law enforcement officers. If that is necessary for us, it is necessary for the traveling public.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. Speaker, we are at war. We are at war with terrorists that annihilated 6,000 Americans. We have a responsibility to work together to solve this problem.

For me it is not an issue of whether they are Federal employees or non-Federal employees. Under the bill being presented on this side of the aisle, they can be either. We can have Federal employees in some instances, and non-Federal employees in others.

The argument that suggests we are going to hire the same people that failed in the past is simply not true. The new employees will have to meet requirements that some of the people who now do this work cannot meet.

Mr. Speaker, I weep for what we have gone through in the last few weeks, but this is not about Federal employees. It is about airport security.

What I particularly like about the Young-Mica bill is that for the first time, we are going to require that the baggage that goes in the belly of an aircraft be inspected by a date certain. By the year 2003, all baggage in the belly of a plane will be inspected for explosives and weapons. That is an issue of safety that is not covered in the bill that is being presented by the Senate.

When I hear that all Senators voted for it, in the end they all voted for the bill they had. I have some sense that if our bill passes, there will be some on the other side who will support it. It

may 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 these wild 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. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from Illinois, (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 a portion of this legislation is going to be in the Justice Department so we will have other individuals working on this, and I am quite sure that those individuals and the new Deputy Secretary for Security in the Department of Transportation will be able to put everything in place as quickly as possible.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my good friend, the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank my brother and friend on the Committee on Rules for yielding time to me.

Mr. Speaker, the manager's amendment should be opposed and we should support the Democratic substitute, because the limits on legal liability here are a little bit amazing. Legislation designed to enhance airport security would end up harming victims and rewarding the very firms whose negligence has contributed to the September 11 terrorist attacks.

Mr. Speaker, the amendment does this by providing liability relief to any person liable for any damages arising out of the September 11 hijacking. What does that mean? The baggage screening firms would be protected from liability if they hired incompetent employees or deliberately failed to check for weapons. Where is the justice in that?

I urge Members to consider liability provisions that go far beyond the protections included in the airline bailout bill we passed.

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 1½ minutes to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE), representing Houston and other areas of the world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me and for his great work.

Mr. Speaker, the Committee on Transportation and Infrastructure and the Rules Committee should be thanked for allowing the Senate bill which federalizes airline security to be worked on.

I also thank the gentleman from Minnesota (Mr. OBERSTAR) for his work, and the gentleman from Alaska (Mr. YOUNG), and all of the ranking members of that committee.

Mr. Speaker, on Monday this past week a high alert was issued to the United States of America. It is well known that we are in a crisis. On September 11, the airline security system of our Nation failed the thousands that died. Those who worked there really did not fail, it was the contract system that did not train them and did not pay them.

That is why today, Mr. Speaker, I rise for a singular reason: to support the Oberstar substitute to the underlying aviation security bill. The substitute bill is the exact same bill that the 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 airliners.

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 airplanes.

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.

□ 1415

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 pilots, 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.

Mrs. CAPPS. 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 and the gate attendants 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 professional law enforcement in charge, and this includes a process by which every piece of baggage can be screened. I urge my colleagues to support the Oberstar substitute.

Mr. REYNOLDS. 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 give 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 I think can 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 asked and was given permission to revise and extend his remarks.)

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 following the media coverage and many people say 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, but frankly 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 this 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 I think that that needs 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 Alaska (Mr. YOUNG) 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 should pass this rule, and I think there should be strong bipartisan support for that; but understand that we are not preempting 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 gentleman from Oregon (Mr. BLUMENAUER), my good friend.

Mr. BLUMENAUER. 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 is going to deal with the problems of an already failed, decentralized, privatized system for hundreds of airports is not micromanagement. Being able to step forward with a Federal program similar to what we had with the Customs Service, what we have benefiting people here in the Capitol, as my good friend from Florida has pointed out, is not micromanagement.

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 around the country is to vote for the Oberstar proposal. I strongly urge my colleagues to do so.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me the time, and I commend him on fashioning a rule that I think is fair and allows for a spirited debate on this subject.

I would simply say to my colleagues in the House that the bottom line here is how do we make air travel as safe and secure as we possibly can. It is not about whether it is Federal employees or it is not Federal employees. The President of the United States, President Bush, has asked for the House proposal and the House approach which gives him the discretion and the latitude to say whether or not we ought to have Federal employees; and perhaps in some cases, particularly at the bigger airports, that will make sense.

The problem with the Senate bill is it treats airports across this country differently. There are the bigger airports that will have one level of safety and security; and the smaller ones, like many that I represent in South Dakota, will have an entirely different set of safety and security standards.

Secondly, it charges people who fly from remote locations, airports like those that I represent, a higher fee. That is inherently unfair.

We need a system that provides safety and security and treats air travelers the same, irrespective of where they originate. That is what we ought to get. That is what this bill does, and I hope that we can adopt it today.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to ask my distinguished colleague from New York how many more speakers he has.

Mr. REYNOLDS. Mr. Speaker, I have just a couple of speakers; and once the

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. THORNBERRY). 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 a moment, 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 used on board 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 be 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, I would inquire 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.

□ 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 than I did when I was 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 we can take up the Airline Industry Worker Benefits bill 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. THORNBERRY). 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 who the hijackers were. Our Federal employees who 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. They leave 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 of 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 provision 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 107–264 and numbered 1.

SEC. 3. 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''.

In 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''; and

(B) by striking

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 of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

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

''(g) 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:

''(7) a 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 ''(8)'' and insert ''(9)''.

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

(J) the ability 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 off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if 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 air marshal, a preference for the hiring of a pilot of an air carrier 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 concurrence of''.

Page 22, before line 10, 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 5545a 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''.

Page 24, lines 2 and 3, strike ''individuals described in paragraph (6)'' and insert ''such individuals,''.

Page 26, after line 2, insert the following:

''(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

''(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

''(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

''(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier.

''(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

Page 26, strike line 19 and all that follows through line 7 on page 27 and insert the following:

''(d) 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 no later than December 31, 2003.

''(B) USE OF 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.

''(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

''(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

''(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as possible after the date of enactment of this paragraph.

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.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States 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 such a background check before the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations.''; and

Page 29, line 11, strike ''(2)'' and insert ''(3)''.

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 airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration 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 of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

''(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.''.

Page 36, line 9, strike ''subsection (b)'' and insert ''paragraph (2)''.

Page 39, lines 16 and 17, strike ''Secure Transportation for America Act of 2001'' and insert ''Airport Security Federalization Act of 2001''.

Page 43, line 22, after ''sponsor'' insert ''or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor''.

Page 44, beginning on line 25, strike ''Secure Transportation for America Act of 2001'' and insert ''Airport Security Federalization Act of 2001''.

Page 45, after line 15, insert the following:

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

''(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

''(1) SET-ASIDE.—The President may set aside a portion of the amount 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)(i) 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. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 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 suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41722. Requirement to honor passenger tickets of other carriers.''.

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

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

(b) WAR 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 aircraft.

(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 intrastate air transportation (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, to the maximum extent practicable, award 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 holding any person, or any State or political subdivision thereof, liable for any 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 new paragraphs:

''(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

''(A) no 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 and 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 allowed under this subsection, if recovery be had, 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 new subsections:

''(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 other territory of possession of the United States or any political subdivision of any of the foregoing.''.

Mr. REYNOLDS (during the reading). Mr. Speaker, I ask unanimous consent the amendment be considered as read, printed in the RECORD, and shall not be deemed as a precedent, although the Reading Clerk has done an outstanding job thus far.

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

Mr. COLLINS. Objection, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued reading the amendment.

□ 1445

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

Mr. Speaker, I thank the Reading Clerk for his outstanding job of reading the amendment that I brought before the House. This simply substitutes the manager's amendment made in order last night by the Committee on Rules with a new manager's amendment that 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 airport restaurants, shops 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 where possible, airline security companies should be American companies. I urge its adoption.

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

At the end of the resolution add the following new sections:

SEC. . 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. . 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. THORNBERRY). 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:

[Roll No. 419]

YEAS—218

Aderholt	Ballenger	Bereuter
Akin	Barr	Biggert
Armey	Bartlett	Bilirakis
Bachus	Barton	Blunt
Baker	Bass	Boehlert

Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Conyers
Dunn
Green (TX)
Greenwood
Johnson (CT)
Rangel
Thompson (MS)

□ 1519

Ms. MCCOLLUM changed her vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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—ayes 379, noes 50, not voting 3, as follows:

[Roll No. 420]

AYES—379

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)

Upton	Watt (NC)	Whitfield
Velazquez	Watts (OK)	Wicker
Vitter	Waxman	Wilson
Walden	Weiner	Wolf
Walsh	Weldon (FL)	Wu
Wamp	Weldon (PA)	Wynn
Waters	Weller	Young (AK)
Watkins (OK)	Wexler	Young (FL)

NOES—50

Andrews	Fattah	Owens
Berry	Filner	Pastor
Bishop	Flake	Paul
Blumenauer	Frost	Pelosi
Borski	Green (TX)	Sabo
Boucher	Hastings (FL)	Sanchez
Brady (PA)	Hinchey	Scott
Carson (IN)	Jackson (IL)	Smith (WA)
Conyers	Kilpatrick	Stark
Coyne	Lampson	Strickland
Cramer	Lee	Stupak
Cummings	McCollum	Tauscher
DeFazio	McIntyre	Towns
Deutsch	Miller, George	Visclosky
Dingell	Mink	Watson (CA)
Edwards	Oberstar	Woolsey
Evans	Olver	

NOT VOTING—3

Dunn	Gephardt	Thompson (MS)

□ 1530

Messrs. FKAKE, DEUTSCH, BISHOP, and CUMMINGS changed their vote from ''aye'' to ''no.''

Messrs. MORAN of Virginia, CLEMENT, RUSH, Mrs. CLAYTON, Messrs. ABERCROMBIE, HONDA, DICKS, and Mrs. MEEK of Florida, Ms. SCHAKOWSKY, Ms. McCARTHY of Missouri, and Ms. MILLENDER-McDONALD changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

Mrs. NORTHUP. 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 gentlewoman from Kentucky?

There was no objection.

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

Mr. GOODE. Mr. Speaker, I ask unanimous consent to have my name 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.

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

Mr. LaHOOD. Mr. Speaker, I ask unanimous consent to have my name 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. KOLBE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

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

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.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, THURSDAY, NOVEMBER 1, 2001 No. 149

Senate

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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 1, 2001.

To the Senate:

Under the provisions of rule I, 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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

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 leader said. 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 and complete this bill before we leave, no matter how long it takes today or tomorrow.

Mr. SPECTER. 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 at 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.

Gramm 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.

AMENDMENT NO. 2056

Mr. GREGG. Mr. President, I appreciate the courtesy of the two managers of the bill in setting up a timeframe for this amendment.

We have discussed this issue innumerable times in this Chamber. This is the issue of whether or not we are going to fund, at the expense of low-income children, school construction. The amendment is very simple. It takes money which is not authorized—in fact, the dollars which are being spent under this school construction account, that authorization was rejected by this Congress, by this Senate on innumerable occasions—it takes the money which is being spent under this appropriations bill, which is therefore not authorized, and moves it into the authorized account of the title I targeted formula, the targeted formula being that formula which benefits low-income children in this country.

The purpose of funding under the Federal education initiatives has basically two goals. Our primary responsibility as a Federal Government involves two basic areas in elementary and secondary school education. The first is special education funding, IDEA funding.

I congratulate this committee and Senator HARKIN and Senator SPECTER for the tremendous job they have done in the area of funding special education. They have added over $1 billion in the special education accounts. That is very appropriate.

The second primary purpose authorized by the Federal Government and chosen by us as a Congress as to where we were going to focus Federal attention is in helping low-income children be more competitive in their school systems and have an opportunity to succeed along with kids who do not come from low-income families. Thus, we have put an exceptional commitment of resources into those accounts.

Unfortunately, it is a formula which was put in place 6 years ago to target the Federal money for kids who come from low-income backgrounds. It has never been adequately funded—in fact, was never funded at all until this bill. Instead, we have peeled dollar after dollar off for other programmatic activity, which is not the primary thrust of the Federal effort.

Specifically, in the area of school construction, which we have rejected as a purpose of Federal responsibility, it being traditionally the responsibility of the States and the local communities to make the decisions as to what school construction should occur, we have now put in this bill $925 million for this program of school construction which is not authorized. We have essentially taken that $925 million away from the title I children—the low-income kids. We have taken it away from the targeted funding formula.

My amendment very simply takes the unauthorized construction money and moves it back to the authorized new targeted title I formula so that low-income children will get the dollars and the support from the Federal Government.

The practical implications of this for each State are reflected in a chart which is going to be made available to every Member of the Senate, which I hope they will take the time to review. It shows that every State is essentially a winner under this amendment. The new targeted formula, when initially funded by the $925 million, significantly increases the money under title I that flows to low-income kids for every State.

What is happening under the school construction money? It doesn't go to low-income children. It can go to rich districts. It can go to poor districts. It can go anywhere you want in the school system. It can also go, for example, for the purposes of school safety, which makes it not only unauthorized under this bill but duplicative of the money we already put into the system for school safety in the Commerce-State-Justice bill.

We are spending $925 million for bricks and mortar. That was a program rejected by both the Senate and the House. It does not have any strong component of poverty in it. This basically can be a welfare-to-rich-district funding mechanism. It is being done at the expense of low-income kids.

We know for a fact that our low-income children simply aren't getting what they need out of the school system. We are about to reauthorize the ESEA bill in an attempt to do a better job with the dollars that are directed to low-income schools. But we know, regrettably, that 70 percent of the children in high-poverty schools score below the most basic levels in reading; that two out of three African-American and Hispanic fourth graders can barely read; in math in high-poverty schools, they remain two grade levels behind their peers; in reading, they are three to four grade levels behind their peers; that half the students in our urban school districts don't graduate at all.

It makes no sense, when we are supposed to be funding a formula targeted for low-income kids who obviously need more support as reflected by those statistics, that we end up instead funding a bricks-and-mortar program that can go to high-end school districts and which is not authorized and which is duplicative of at least three other major programs we have at the Federal level that are authorized and that are funded.

The result of my amendment is essentially this. A State such as Louisiana—I see the Senator from Louisiana in the Chamber—would receive a 21-percent increase as a result of this amendment in their title I count. It would be targeted. A State such as California would receive a 37-percent increase. It would be targeted to the low-income poverty districts and students.

When we pass the ESEA bill on which we reached agreement in conference,

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 getting 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 $925 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], for 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''); the McKinney-Vento Homeless Assistance Act; and section 418A 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 $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $7,398,721,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 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 $1,364,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not 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 1124A of title I of the ESEA shall be made 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 section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335).

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $1,130,500,000, of which $954,000,000 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), $68,000,000 shall be for formula grants for construction under section 8007(a), $50,500,000 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.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles 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 (''ESEA''); 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 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 XIII 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. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. GREGG. Will the Senator yield?

Ms. LANDRIEU. Yes.

Mr. GREGG. I wonder if the Senator is speaking to my amendment or her amendment.

Ms. LANDRIEU. I will speak, unfortunately, against the amendment of the Senator from New Hampshire.

Mr. GREGG. I presume the Senator is taking her time.

Ms. LANDRIEU. I will take the time from my side.

Mr. GREGG. I thank the Senator.

The ACTING PRESIDENT pro tempore. Does the Senator from Iowa yield time to the Senator from Louisiana?

Mr. HARKIN. Yes. I yield such time as the Senator desires.

Ms. LANDRIEU. Mr. President, I find myself in an unusual and awkward position because I normally come to the floor to support the amendments of the Senator from New Hampshire and to support his great efforts and his leadership in reforming education. He truly has been a clarion voice to lead us in many of the ways we really need to go in this country. His commitment is really exemplary. I find myself in an awkward position to oppose the amendment he has offered on a couple of very valid grounds.

One is, while in a bipartisan way we certainly have supported, along with the President, targeting our dollars more carefully so that the Federal dollars actually bolster the reform efforts at the State level by helping Governors and mayors and school board members who are on the front lines who are trying to reform education, we have attempted this year for the first time—which is a pretty extraordinary victory we are about to achieve—to target more of our Federal dollars to reach those Governors, to reach those school boards, and to reach those mayors who are struggling to rebuild their systems. So the Senator is correct when he speaks about the need to target.

Senator HARKIN and Senator SPECTER have done a magnificent job on this great piece of legislation to accomplish many of these new goals. The underlying bill indeed does that. For the first time, we will be laying down $1 billion through the targeting grants to help close the gap between those counties, and parishes in Louisiana, that have greater capacity to fund their schools and those counties and parishes that have less capacity. That is clearly one role where there is virtually no disagreement that the Federal Government should fill: to be actively engaged in leveling the playing field between the richer and the poorer districts. That is the American way. That is what the underlying bill does.

I understand Senator GREGG is saying: Let's not put any money in school construction; let's take that money and add it to targeting. I would normally be supportive of that because many of us have been leading the fight for targeting. But as important as it is for teachers to be given new tools, and for us to support these reform efforts, children cannot learn without the right physical facilities. It is very important.

They do not need palaces such as this one or Taj Mahals, but they do need warmth in the wintertime. They do need to have fresh air in hot summers. They do need to be able to walk in safety in schools and not have inadequate windows or light fixtures or be in buildings that make it impossible to learn. They do need to have electrical systems in their buildings so they can install their computers and get on line and have other high-tech tools of learning.

I do not have to explain to the Presiding Officer or to many Members in this Chamber how deficient our schools are. So let's not move money from one very important program, which is school construction, to targeting. That

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 new goals and standards.

This is not the time to stop job creation in America. Let me repeat, 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 SPECTER'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 pay check 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. I ask Senator GREGG to yield me 1 minute.

Mr. GREGG. I yield the Senator whatever time he needs.

Mr. GRAMM. Mr. President, I ask unanimous consent, because we are debating this amendment, that I be able to proceed on my amendment, which is also pending, for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2055, AS MODIFIED

Mr. GRAMM. Mr. President, I send a modification to the desk, a very simple modification. This amendment would be in order when this other amendment is over, so rather than just wait I thought I would do it and get out of everybody's way.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 2055), as modified, is as follows:

After line 7 on page 9, insert the following:

''(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.''

Mr. GRAMM. Mr. President, when I offered my amendment 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 in police and fire and sheriff departments. 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?

AMENDMENT NO. 2056

Mr. HARKIN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. Twenty-three minutes.

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 rebuild our schools.

I find it kind of an odd 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 moneys for rural water systems in this country. Should that be a State and 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 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. That is why 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 funds in for these poor kids. And 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 all right; we will send them there anyway. I find that an odd argument.

I believe this is, indeed, a Federal responsibility. The way we have constructed this, I say to my friend from New Hampshire, is that the money goes to the States. Then the States decide how to allocate this money out to local school districts. So we are not saying exactly how it is spent. This is sort of a State grant. I think my friend from New Hampshire has been a big supporter of block grants in the past. This basically is what it is. This goes out to the States and lets the States decide where it goes.

Quite frankly, I have a chart in the Chamber which shows how much money goes out to the different States and where this money goes. The fact is, we have already seen that in the last year we put in $1.2 billion for school repair and renovation. Forty-one States have already asked for and received their grants. That indicates to me there is a real need out there. If there was not a need out there, the States would not have asked for this money.

Thirdly, this money is leveraged greatly. From the experience we had in my own State of Iowa, $28 million over 3 years went out for school construction and renovation.

That $28 million was leveraged by State and local governments to the tune of $311 million, over a 10-to-1 leverage. It seems to me any time we can spend a taxpayer's dollar and we can get a 10-to-1 leverage in our local 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 a chart; it 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 get economic stimulus. 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 up their ceilings, meeting 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.

I don't see why 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 it say 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 tax bases. 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. GREGG. 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 opportunity 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 within the meaning 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. The funding that goes into education in most States comes from real estate taxes and other taxes at the local level. States provide some of the funds, but most of the money comes from local property owners. The deck is stacked against those students who live in those 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 provide the needed financial resources to deal with these particular problems of poor students.

Uniformly, I was told that losses in these funds or reductions in these funds would be devastating for our school system in Mississippi. So I am supporting the Gregg amendment because I think it tries to emphasize the importance of title I and provides more funds for title I. I will also cosponsor and vote for the Landrieu amendment. It is not an either/or proposition for the Senate. That is what I am saying. We can vote for both. I think we should.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank 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 especially more money 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 cite a couple examples: California, under present law, gets $1.15 billion; under this proposal, they would get $1.5 billion. So they pick up about $430 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 rich 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 the money to 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?

If no one yields time, time will be charged equally to both sides.

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. Title I serves our Nation's most disadvantaged children and helps ensure that they have the same educational opportunities as more affluent children. I am pleased that the bill before us includes a nearly $1.5 billion increase in title I for fiscal year 2002. I am committed to working to further increase title I funding this year and in future years, as it is the cornerstone of our Federal commitment to help low-income students succeed.

While I appreciate the goals of the Gregg amendment and agree that title I must be one of our top priorities, I cannot support it at the expense of legitimate and urgent school construction needs. In my home State of Wisconsin, nearly 80 percent of schools were built before 1969. In a recent survey of 881 Wisconsin schools, the total statewide cost of all repairs and renovations that are needed to put schools in good overall condition was $1.55 billion. Clearly, we have a serious need to address school construction and renovation.

Unfortunately, this amendment presents the Senate with a false and unnecessary choice. I agree that we need to do more for low-income children, and I intend to support the amendment to be offered by Senator LANDRIEU that will put more money into title I and target it to the lowest income students. But we cannot expect a child to learn in an old, dilapidated, or unsafe school with no access to the tools and technology that are so much a part of education today.

The Gregg amendment would force us to abandon one critical education program for another, but I believe we can and must make both a priority. I urge my colleagues to oppose the Gregg amendment and to support the Landrieu amendment later on, to ensure that the Federal Government provides funding for both school construction and assistance to low-income students. We can afford to do both.

Mr. SPECTER. Mr. President, we are debating allocation of Federal funds among quite a number of very worthwhile programs. When you talk about basic State grants, concentration grants, an effort for targeted assistance, they are all very meritorious. The difficulty our subcommittee has in making an allocation is in trying to establish priorities. We have $925 million allocated for school construction.

The Senator from New Hampshire has a laudable purpose. The Senator from Mississippi articulates laudable goals. But we have done the best we can in the appropriations process in making the allocations among many priorities that we think to be appropriate. Title I has in excess of $11 billion going to needy children, which is the largest allocation. We have been debating the issue of school construction for a long time. The former 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 has 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.

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.

We have been in the field, and we have added very substantial dollars. There is now in excess of $41 billion. We added $6 billion last year.

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 due deliberation, the school boards on a local basis decided they did not 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. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself another 3 minutes.

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 was sort of a sign of Senator SPECTER that allowed 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 called those the ''Harkin hoops'' last year. They have to survive the Harkin hoops. If not, they go to local.

Another comment is worth articulating, and that is, when we sit down and go over these accounts, it is no surprise that TOM HARKIN and ARLEN SPECTER have 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 where Senator HARKIN was not so enthusiastic and I was more enthusiastic, so that when we come to the time of presenting the arguments and the position on the floor, I am going to stay with the agreements we reached in the subcommittee.

Mr. HARKIN. I thank my friend from Pennsylvania. We have had a good working relationship. I think this is just another indication of how we can reach bipartisan agreements in committees by working together.

Mr. President, I have a letter from Rebuild America's Schools. This is a consortium of gripes including the National PTA, National Education Association, National School Boards Association, National Rural Education Association, and a number of others. This letter is dated October 30, 2001. It says:

> Rebuild America's School writes in strong support of the $925 million for the Emergency School Repair Program included in the Senate version of H.R. 3061.

They go on to say:

> The resources provided under last year's legislation combined with the funds included in the FY02 Senate appropriations bill will help fix leaky roofs and repair faulty plumbing, heating, and electrical systems. These resources will also enable districts to address other dangerous health and safety concerns in their schools, such as the presence of lead paint and asbestos in the classroom.
>
> The importance of an FY02 school repair program gains even more relevance in the face of revenue shortfalls resulting from the recent downturn in our Nation's economy. These expected losses might force State and local governments to cut or roll back education spending, particularly in the area of capital projects. In addition to providing much-needed fiscal relief to States and local school districts, funds for emergency school repairs will help to create construction jobs on the local level as each billion dollars invested in school construction is estimated to generate approximately 24,000 jobs. Also, these expenditures will have a multiplier effect on local economies by benefiting all of the construction-related industries that provide material and other types of support for infrastructure projects.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REBUILD AMERICA'S SCHOOLS,
Washington, DC, October 30, 2001.

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

DEAR SENATOR HARKIN: Rebuild America's Schools (RAS) writes in strong support of the $925 million for the Emergency School Repair Program included in the Senate version of HR 3061, the FY 02 Labor, HHS, and Education appropriations bill. RAS is a coalition of national organizations and school districts from across the nation working to increase federal support to assist local communities to build, renovate and modernize school facilities. We strongly oppose any amendment that may be offered that would cut or eliminate funding for this critical program.

This appropriation addresses the rapidly growing need to improve our nation's school buildings at a time when communities across the country are struggling to renovate and repair aged school facilities. Students in virtually every state are attending classes in overcrowded buildings with leaky roofs, crumbling ceilings and outdated ventilation and heating systems. In fact, according to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers recently reported that school facilities are in worse condition than any other part of our nation's 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 in school buildings in poor condition.

HR 3061 builds on legislation passed in the 106th Congress that provided $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 repair faulty plumbing, heating, and electrical systems. These resources will also enable districts to address other dangerous health and safety concerns in their schools, such as the presence of lead paint and asbestos in the classroom.

The importance of an FY 02 school repair program gains even more relevance in the face of revenue shortfalls resulting from the recent downturn in our nation's economy. These expected losses might force state and local governments to cut or rollback education spending, particularly in the area of capital projects. In addition to providing much needed fiscal relief to states and local school districts, funds for emergency school repairs will help to create construction jobs on the local level as each billion dollars invested in school construction is estimated to generate approximately 24,000 jobs. Also, these expenditures will have a multiplier effect on local economies by benefiting all of the construction-related industries that provide material and other types of support for infrastructure projects

Rebuild America's Schools and its membership supports inclusion of a $925 million Emergency School Repair program in HR 3061, and provisions that continue to ensure that the urgent repair needs of our high poverty, rural and Indian schools are all addressed. In addition to these funds in this education appropriations bill, we support providing a larger amount of assistance for school repairs as part of the economic stimulus bill. We believe extending this initiative will go a long way in helping communities across America fix crumbling, unsafe, and unhealthy schools, and ultimately help to create the learning environments our children will need to succeed in the 21st century.

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 take this money and put it 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 assume the Senator is saying he 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 the Senate 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 they may actually come across in 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 free 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 sending 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.'' They went out and looked at a number of schools that received some of the Federal funds for innovation and rebuilding.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[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 1915-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 they'd even grown fond of this little block-shaped, brick schoolhouse.

Sentimentality aside, leaders of the Central Decatur schools here on southern Iowa's rolling plains knew the structure was impractical and potentially dangerous. So they raised, local funds to add a wing to the district's secondary school, making room for the elementary school's staff and 115 pupils.

To help the cause, the district received a $500,000 federal grant through a program earmarked for Iowa districts that was created in 1997 at the behest of the state's Democratic U.S. senator, Tom Harkin.

While Washington lawmakers were debating whether the federal government should wade into school construction aid, the veteran senator used his considerable influence to set up a ''demonstration project'' in his Midwestern state. Now in its fourth year, the program has channeled, $37 million to the state, and the 750-student Central Decatur district and other Iowa school systems are seeing the rewards.

The program could be construed as pork, yet another example of a powerful lawmaker feathering his political nest by bringing home the maximum number of federal tax dollars. Iowa after all, does not qualify as the state most in need of school construction help, according to recent data.

But Sen. Harkin, who chairs the subcommittee on education, labor, and health of the Senate Appropriations Committee, speaks proudly of the program a success. And with Congress at odds over whether to continue a much larger school renovation program begun in the just-ended 2001 fiscal year, the senator contends that the Iowa program is proof that money for school buildings should remain in the federal government's portfolio.

Nobody questions the need for school repairs and renovations nationwide, estimates 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 decaying buildings. Mr. Harkin's program in Iowa gives grants for emergency repairs or new construction.

''The most pressing needs are 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 his Iowa experiment. The fiscal 2001 budget included $1.2 billion for emergency repairs.

Now, Congress must decide whether to continue the national program and the Iowa grants. As the fiscal 2002 appropriations bills make their way through the process this year the version passed by the now-Democratic-controlled Senate appropriations committee includes continuation of the funding at about 80 percent of the 2001 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

Kozberg, a spokeswoman for Secretary of Education Rod Paige.

The administration has, however, proposed a new facilities program for charter schools and wants to drastically increase construction funding for schools under the impact-aid program. Impact aid sends federal grants to school districts whose property-tax bases are directly affected by the presence of nontaxable federal facilities, such as military bases.

Appropriators won't decide whether to continue the Iowa program until the two bills reach a House-Senate conference committee. But a Senate Democratic aide said that Sen. Harkin, because of his seniority and influence, is always granted a pot of money to spend as he chooses, and the program likely will continue.

''If he wants it, he'll get it,'' the aide said.

TENDING TO CONSTITUENTS

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, 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.

Iowa has seen an economic downturn and declining population in recent years, which have squeezed its budget. 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 as one of the Democrats' more liberal members. But he represents a state almost evenly divided between Democrats and Republicans—Al Gore took the state in the presidential race last year by just 4,144 vote. Mr. Harkin won his last election in 1996, with only 52 percent of the vote.

Programs such as the school construction grants could be his lifeline to elected office, said Jack Jennings, the director's of the Center on Education Policy, a research and advocacy organization in Washington. Although some Iowa voters have qualms about his views, they are pleased the Senator brings so much money back to the state, Mr. Jennings said.

''What he has done is balance his liberalism with great attention to constituent needs,'' said Mr. Jennings, who is a former aide to House Democrats.

But Sen. Harkin also has consistently pushed for a nationwide school construction program. He first proposed a plan during his unsuccessful 1992 presidential campaign, and since then, has joined other Democrats—and a few Republicans—who have proposed various approaches.

While the issue has gained momentum in recent years, with hundreds of educators lobbying for such a plan, there is still plenty of opposition in Washington. Most conservatives say that school construction should remain a state and local responsibility.

Some legislators argue that if the federal government steps up its funding, state and local governments will just set aside less for school construction, and nothing additional will get built. Furthermore, bureaucratic red tape and laws requiring that federally financed construction projects pay union-level wages could drive up total costs, critics say.

MATCHING FUNDS

Hoping to quell some of those concerns, Sen. Harkin designed his program to require local districts to bring money to the table for new construction projects.

The competitive grants require communities to prove they can pay for 75 percent of a project, thus keeping most of the obligation local. Districts can receive up to $500,000 for school construction projects. Another portion of funds is reserved for the most urgent fire-safety repairs, and districts can apply for up to $250,000 without a match.

Under the national program the $1.2 billion was given to states with instructions to distribute it to poor districts that could show the greatest need for repairs.

Sen. Harkin and other Democrats argue that by requiring districts to provide the bulk of the money, school construction and renovation remain local and state obligations.

According to the senator, the initial $28 million dispensed in the Iowa program's first three years leveraged $311 million in local funding for repairs and new 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. Harkin 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.''

SOME LEFT BEHIND

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 unsound.

''The final report was, 'get out as soon as you can,' '' said Mr. Drips, the superintendent.

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 125 students annually in recent years. To help manage that growth, the district's residents passed 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 funds locally, 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 the emergency 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 well.

''It has 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 beating 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. I reserve the remainder of my time. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The ACTING PRESIDING pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of the Gregg amendment, and I ask unanimous consent that I be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, the Gregg amendment is the solution to the problem presented in the underlying bill. With all respect to the bill managers, I believe the bill tries to meet new needs before addressing current obligations.

The bill appropriates $925 million in new funding for school construction which has never been embraced in the light of open debate because policymakers, year in and year out, have 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 in 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 money 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 poverty.

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 Constitution 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 8 or 9 years in advance what 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 want the school to be for 1,200 students. There is no justification for 1,200.

We are talking about maintenance, too. The State constitution in Wyoming, interpreted by our supreme court, says there has to be equality when 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 have some 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.

''Equal school buildings'' 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 8½ minutes.

Mr. HARKIN. I yield 4 minutes—and 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 Cochran-Landrieu amendment, about which we will hear more later, goes much more 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 schools.

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 schools for 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 are fighting to keep in conference committee. We should be getting support from every Senator and the administration.

As a former Governor, the Presiding Officer 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 the 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 what is going on is 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 community; 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 8½ 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. Our 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 populations 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 schools. 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

specific as to what our responsibility as a Federal legislature is. We have said our responsibility as a Federal legislature is to, one, take care of special needs kids or be a participant in that exercise and, two, take care of kids or try to help kids from low-income backgrounds be competitive with their peers. That is what the Federal policy is.

In fact, we have rejected as Federal policy in the last two Congresses the need to have a construction program. What are we funding? We are funding a construction program at the expense of low-income children who would get money under this targeted proposal.

Let us talk about a few States. Under this proposal, Connecticut would go from $83 million targeted on low-income kids to $111 million targeted on low-income kids. Delaware would go from $22 million targeted on low-income kids to $28 million targeted on low-income kids. Hawaii would go from $25 million targeted on low-income kids to $35 million targeted on low-income kids. Illinois would go from $357 million targeted on low-income kids to $477 million targeted on low-income kids. Michigan would go from $349 million targeted on low-income kids to $445 million targeted on low-income kids, under the proposal I am suggesting. New Jersey would go from $209 million targeted on low-income kids to $272 million targeted on low-income kids. New York would go from $822 million targeted on low-income kids to $1.15 billion targeted on low-income kids. Washington State would go from $118 million targeted on low-income kids to $149 million targeted on low-income kids. Wisconsin would go from $129 million targeted on low-income kids to $160 million targeted on low-income kids, money which would go directly into the school systems which are trying to serve the low-income child. That is our purpose.

As we pass the new ESEA bill, we are going to make it even more effective in the way these dollars are used to benefit that low-income child. So it makes no sense to me to create this new program which is in the area where the States and communities have traditionally had the responsibility, which is the area of construction of their facilities, a new program which gives a carte blanche so the money can flow to whatever district wants to get it. The district can be a high-end district or it can be a low-end district that happens to spend it on something that does not impact the low-income kids, instead of putting it into the program which we as the Federal Government have said we want to fund.

There is a role for block grants in our Federal system, but the Federal Government has also said that in the education area there are certain areas which we are going to carve out and in which we are going to try to exercise our assistance. We only put 6 percent of the dollars into the local school systems. 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 process, we need to give the 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 a funding comparison 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 (Mr. CARPER). 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. 2058

Ms. LANDRIEU. Mr. President, I thank the Chair and the ranking member for their fine work on this appropriations 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 2058.

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. 2058

(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 1124A:'' insert the following: ''*Provided further*, That

$1,000,000,000 shall be available for targeted grants under section 1125: *Provided further*, That $649,979,000 shall be available for education finance incentive grants under section 1125A:''.

On page 55, strike line 15 and all that follows ''H.R. 1'' on page 55, line 22, and insert ''95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001''.

Ms. LANDRIEU. Mr. President, I have been asked to yield a few minutes before I get into the essence of this amendment. I am happy to do so.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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 PATERNO

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 football coach Joe Paterno.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, it is an honor and a pleasure for me and Senator SPECTER, who is cosponsor of the resolution, to be here today to pay tribute to 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 Ohio here, so I mention Penn State defeated the Ohio State Buckeyes on October 27—he becomes the ''winningest'' coach in Division 1–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 has added so much to that university, to our Commonwealth, to the country, and to sports in general, a man of great integrity.

When you think of Joe Paterno, words that come to my mind first and foremost are integrity and character. 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 through his example.

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 talk to 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 through these 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 poison; 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 alumnus, 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 on 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 Joe Paterno for establishing a new record for being the ''winningest'' coach in football class 1–A schools.

It was a tough first four games of the season this year when Penn State was defeated four times. Then his team came back in spectacular fashion to beat Northwestern 2 weeks ago and last Saturday to beat Ohio State to establish the new record.

In the short time we have, I will share a vignette or two. Coach Paterno tells a story of his undergraduate days at Brown when he was a member of a fraternity which did not have any Jewish members. A young Jewish student sought to enter the fraternity. They passed the cup around and it turned out to have a blackball. Sometime later, the student made a second application and they passed the cup around again and it turned out to have a blackball. Then he made a third try, and again there was a blackball.

At this point Joe Paterno, a student in the fraternity, jumped up and said: I have to admit, that was my blackball; I withdraw the blackball. Of course, it wasn't his blackball. But the blackballer didn't have the courage to stand up and acknowledge it as his blackball. That young Jewish student gained admission to the fraternity.

One other short story. I am not sure how appropriate this is, but I will take a chance. I was campaigning for reelection. I am not sure if it was 1986 or 1992. Joe Paterno happened to come by. The newsman said: Coach, are you supporting Senator SPECTER for reelection?

And Joe Paterno has a marvelous way of putting his foot down, pawing the ground, and looking down. He said:

Well, if I had a running back in, and he was making yardage and he wasn't tired, I'd leave him in. I think I'd leave Arlen Specter in.

I have had a few endorsements in my day, but that is the most memorable one I have had.

Coach Paterno visited this Chamber with, I believe, the 1983 Penn State team. They filled the visitor's gallery. I made a reference to them, pointing out that the team was in the balcony, and I was later corrected by Senator BYRD who pointed out that I violated the Senate rules in pointing to that great national championship team.

I point to them again today. I don't think Senator BYRD will admonish me because they are not in the balcony today, but there were great teams with Coach Paterno, going down in history as No. 1 in so many respects.

I thank 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:

S. RES. 175

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 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 always has placed 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

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;

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;

Whereas Joe Paterno was the first college football coach to win all of the 4 major New Year's Day bowl games: the Rose, Sugar, Cotton, and Orange Bowls;

Whereas Joe Paterno led 2 teams to National Championship titles, in 1982 and 1986;

Whereas Joe Paterno's coaching efforts have yielded over 250 National Football League players;

Whereas Joe Paterno has been chosen an unprecedented 4 times as American Football Coaches Association Coach of the Year; and

Whereas Joe Paterno, on October 27, 2001, broke the longstanding record for NCAA Division I–A victories, reaching the 324-victory mark, by leading his team to a 29–27 win over Ohio State: Now, therefore, be it

Resolved,

SECTION 1. CONGRATULATION AND COMMENDATION.

The Senate 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; and

(2) Penn State University President Graham Spanier.

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

AMENDMENT NO. 2058

Ms. LANDRIEU. Mr. President, I am happy to get back to the subject. I was of course happy to yield some time for the Senators from Pennsylvania, for those fine remarks to honor a person who certainly deserved that recognition.

I am offering this amendment today on this underlying bill in behalf of myself, Senator COCHRAN, the Senator from Mississippi, Senator DEWINE from Ohio, Senator LIEBERMAN, Senator HATCH, Senator BENNETT, and Senator ENSIGN—all who have had a pivotal role and a leadership role in helping to bring this particular amendment to the floor at this time.

So because of the change in time this morning, and so many Senators are here wanting to speak on this amendment, let me yield at this time to my distinguished colleague from Ohio for his remarks on this amendment. Then I will speak following the Senator from Ohio.

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. There is no one in this Chamber more dedicated 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 GREGG's amendment. These amendments target our limited, finite Federal resources to the school districts and to the children most in need. I am cosponsoring both because each is an effort to get funding to those school districts with high concentrations of poor children. Each amendment will put at least $1 billion into the title I targeted grant formula so impoverished school districts, those children, get what they need, so the children in those school districts get the quality education they deserve.

A little history. This grant formula, this targeted grant formula, as it is called, was created in 1994. It recognized the great disparity in this country between poor school districts and rich school districts, the great disparity between children who are in poverty and children who are not in poverty.

However, unbelievably and tragically, since the creation of these grants in 1994, not a single Federal dollar, not one dollar, has been appropriated to fund this grant program—that is until now with these two amendments. These amendments would fundamentally begin fulfilling 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 they 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, to put computers in classrooms, 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 point is 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 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 dollars first 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 and little hope, 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 core cities or 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 with incomes 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 and 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 the best way we can get to these children before we lose them is through quality education. Education is the ticket out of poverty. It has been throughout the history of this country.

We need to provide all children, regardless of their economic circumstances or family backgrounds or how poor the school district in which they live, with the tools they need to make it as adults in our society, with 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 GREGG'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. Mr. President, I thank the Senator from Ohio for those remarks, and, of course, for his hard work on this amendment. I often say to our other colleagues that any Senator who is a father of eight children certainly is an expert when it comes to the matters of children and families. He has demonstrated that over and over again.

I see my colleague from Mississippi coming in to also speak on this amendment. I am mindful of the time and his patience because our amendment has been rescheduled so many times. I would be happy to yield to him at this time or in a few moments if he wants to speak on this particular amendment because he has most certainly been a leader in this regard.

Mr. COCHRAN. Mr. President, if the distinguished Senator from Louisiana will yield, I would be happy to speak in support of her amendment and acknowledge that I am a cosponsor of the amendment. I believe that it does redirect some of the funding allocated under the bill for title I programs so that it goes to the States with the highest percentage of poor students in their student population. These are students we decided needed special attention many years ago when the program was first authorized as title I under the Elementary and Secondary Education Act. The Federal Government has the responsibility to address that program—not by supplanting the primary responsibility of the States to run their education programs and to provide the resources for teachers and school districts to educate those students in the States.

We have decided some States have such serious problems in this respect that the Federal Government ought to step in and provide some additional assistance. When the program was authorized, not all of the authorized activities were funded. This is one example of an unfunded but authorized activity and a program that was designed to help those States with very special needs. Obviously, my State is one of them.

Sixty-five percent of the student population in the State of Mississippi is classified as eligible for title I support. These are poor children. Most of those children reside in small towns and rural communities; some in urban settings, of course. But most of them are in areas with high rates of unemployment and low-wage rates where people do have jobs, and with real estate that doesn't generate the kind of taxes that are needed to operate top-of-the-line education programs. They start out with the deck stacked against them because of where they live and the fact that they are poor.

This is money that is now going to be targeted and redirected to those areas of special need. I think it is totally justified under the circumstances that we see in our country today, and also to be used in a program that has been tested and proven to be helpful.

We had hearings in our State earlier this year talking to administrators in school districts that are eligible for title I funding; talking to teachers and meeting with the State board of education members to try to assess how effective the program has been and what would happen if the funds were cut. For example, we were told if the funding under title I was reduced in our State, the effect would be devastating. We were also told the more money they could get into the program, the better job they could do in providing educational opportunities to those who are harder to teach and who need special assistance in many cases in order to achieve their goals and to be what they could be if they were given the right kinds of educational opportunities.

One of our witnesses turned out to be a school superintendent in Yazoo City, MS, who had been a title I student. He talked about his personal background and his history and the fact that there was no opportunity for him. But because of additional funds in the school that he attended that added some instructors, that added some teachers who concentrated on those students with special problems because they were poor, he benefitted from that. He talked about how he then ended up going to college. He is now a leader in our State in education, devoting his life to helping others who are in similar situations. He was a very impressive, and as you might understand, a very persuasive witness.

I am here today to speak for people like him and others in our State who because of their lives and experiences show that this program works. It has been of great benefit to him. We want it to benefit many more.

That is why I am cosponsoring the Landrieu amendment. I hope the Senate will vote for it.

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 share a lot of 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 is for their children to get a better education, 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

themselves and their families, and the children they will ultimately have, but help this Nation to fulfill its economic promise.

One of the great effects of this amendment, as the Presiding Officer knows, because you yourself have been supportive and outspoken and effective in your advocacy as a former Governor of Delaware and now as a Senator who speaks so directly about this issue, is it helps us to begin. It is only a modest beginning to help solve a great inequity in this Nation. It is the inequity that the Senator from Mississippi brought up and the inequity that I want to spend a few minutes speaking about again this morning.

The fact is that among these 50 States there are some States and some communities and some districts and some counties and some parishes that simply do not have the resources to make the grade. They have the will. They have the skill. They have the desire. And the children, because of the way God created them, have the brains. They are not sitting down on the job. These are children who want to learn. These are parents who work very hard, who do not have flexible schedules, who wake up early in the morning before the Sun comes up, who stay at work until the Sun goes down.

These are the children title I tries to reach: first-generation immigrants, families that have been in this country for many years struggling to get ahead, families that work hard and save their hard-earned dollars. These are the children title I tries to reach. Yet when we do not provide the funds through the targeted grants, we often miss the opportunity to meet these families halfway.

I think we have an obligation, on the Federal level, because of the disparity, because of the great inequity, to do what we can to try to level this playing field.

Let me be the first to say, although I am a sponsor of this amendment, this amendment does not correct that inequity. We would need many billions of dollars more to correct that inequity. But this is a beginning. That is why it is so important for us to vote overwhelmingly for this particular amendment. It is a beginning. It will be the first time the targeted grant formula has ever been funded in the Senate. It will build on the work of the House. It will support what the President wants us to do.

As we push our schools to greater heights, as we expect higher standards from our students, from our educators, and from our parents, then we can help them by giving this additional funding, so that even schools in the places that are poor, such as Louisiana and Mississippi, and places in Delaware that may be disadvantaged, have a chance to meet these higher standards. That is what this amendment does.

I am proud of the bipartisan support we have received. And I know it is tough because there are some States where funding maybe goes up slightly and there are some States where funding decreases.

I do not see my partner, Senator LIEBERMAN, in this Chamber. He has been working for hours, for days, for months on this amendment. Senator LIEBERMAN is a cosponsor. Clearly, as the Senator from Mississippi said, Mississippi will benefit. He has more poor children in Mississippi per capita than any State in the Union. My State is a close second. So to Mississippi and Louisiana, this is serious business. This is about whether these children, in homes where parents are working, doing their best, have a chance or not. That is what this amendment means. It is literally a life-and-death opportunity.

There are some States that are wealthier, Connecticut being one of them. Senator LIEBERMAN supports this amendment. I tell you, he is a great inspirational leader to me. Just to give an example of how great his leadership has been, Connecticut will not benefit as much as Louisiana, but Senator LIEBERMAN knows, as do other Senators from wealthier States, that it is ultimately in the interest of all the businesspeople and families in Connecticut if every child in this great Nation has a chance for an excellent education. The benefits will come back to Connecticut in indirect ways, if not directly. That is the kind of long-term leadership, the kind of vision that we need more of in the Senate.

So while in some ways it is easier for Senator COCHRAN and I to stand in this Chamber and argue for it because our State will be a tremendous beneficiary, I recognize the sponsorship of Senators from States that do not immediately do better, but in the long run they know this is best for their State and for the Nation; to them goes tremendous credit.

Let me take a moment to speak about the underlying bill. Many of us, including the Presiding Officer, have been working for many months to try to put forward some of the new principles that are in this particular piece of legislation.

The appropriations bill that we are discussing today helps to frame or give substance to the authorization bill that is in committee. There are some principles that I think are important, and I will address those for a moment.

First of all, the underlying bill recognizes the importance of teachers. We always say teachers are important, but sometimes we do not put our money where our mouths are. The underlying bill gives $1 billion more to help improve the quality of teachers.

We know that a good teacher instructs but a great teacher inspires. We need to have more great teachers; we need to help them become great teachers, taking their great motivation and their enthusiasm, and helping them build their skills to inspire our children in every school, in every district, to become the very best citizens they can be for our Nation and to become the very best leaders in the world. This challenging time certainly calls on us to make those investments. That is one of the initiatives in this bill.

In addition, it has been important to work on this particular bill at this time because I think there is a sense that while we have a very good public school system, it works pretty well most of the time, and we can be proud of the work we do, I think the Landrieu-Cochran amendment, and the work that is being done in the underlying bill, to push forward on some of these points, demonstrates 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 since 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 print 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.

Mr. President, I ask unanimous consent for 5 additional minutes.

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 sat in a pretty good class
And was taught by a pretty good teacher,
Who always let pretty good pass.
He wasn't terrific at reading,
He wasn't a whiz-bang at math;
But for him education was leading
Straight down a pretty good path.
He didn't find school too exciting,
But he wanted to do pretty well,
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 be ten,
A pretty good answer was nine.
The pretty good class that he sat in
Was part of a pretty good school,
And the student was not an exception,

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 was
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 had pretty good aspirations,
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 Louisiana. We need them in Connecticut. We need them in Pennsylvania. Our country depends on educated, well-skilled 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.

I 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 for years. Correcting the title I formula has long been a priority of mine and this amendment is a good step in the right direction.

This amendment would direct Federal funds to go out to States using the degree to which States equalize resources among their school districts as a proxy for their commitment to education.

This so-called ''equity provision'' of the Education Finance Incentive Grant section of the title I formula rewards states that have a policy of fairly distributing resources among school districts.

I have been beating a steady drum relative to this issue for years. As many of my colleagues know, wealthy school districts can afford to provide more resources to their schools than can poorer school districts. This sends an incredibly bad signal to students in so much as it can appear that wealthy students have access to scholastic resources such as computers and up-to-date science labs which may be unavailable to students from less affluent areas.

We should work to eliminate what has been called this ''Savage Inequality'' between more wealthy and less wealthy school districts. I believe that support for the equity provision of this formula sends a strong signal to these students that the Congress deems it a priority for States 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 of a State's commitment to education has been its 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.

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. It makes sense as a matter of good policy to have a variety of measures to establish a State's commitment to education. This amendment moves us soundly in that direction.

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 Pennsylvania.

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 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 by $200.

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 percentages 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.

I hope to work with the Presiding Officer and the chairman, the Senator from Massachusetts, and others to see that this money is increased next year so that it will be beneficial to all of our States.

I ask unanimous consent to print in the RECORD the list to which I referred:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Fiscal year 2001	Landrieu/ Cochran	Committee	Increase over FY01	Percent increase
Alabama	$133,800,000	$154,808,000	$153,957,000	$21,008,000	16
Alaska	23,064,000	27,995,000	28,159,000	4,931,000	21
Arizona	137,446,000	169,204,000	170,954,000	31,758,000	23
Arkansas	83,258,000	95,772,000	96,280,000	12,514,000	15
California	1,155,139,000	1,417,777,000	1,432,338,000	262,638,000	23
Colorado	78,563,000	98,316,000	97,204,000	19,753,000	25
Connecticut	83,813,000	103,824,000	104,422,000	20,011,000	24
Delaware	22,221,000	26,731,000	25,879,000	4,510,000	20
District of Columbia	26,603,000	32,900,000	33,276,000	6,297,000	24
Florida	400,840,000	501,169,000	498,469,000	100,329,000	25
Georgia	250,856,000	304,676,000	314,986,000	53,820,000	21
Hawaii	25,773,000	33,025,000	32,461,000	7,252,000	28
Idaho	26,557,000	32,447,000	31,664,000	5,890,000	22
Illinois	357,248,000	430,003,000	432,244,000	72,755,000	20
Indiana	128,798,000	157,498,000	157,634,000	28,700,000	22
Iowa	55,103,000	65,450,000	62,033,000	10,347,000	19
Kansas	61,260,000	74,550,000	75,206,000	13,290,000	22
Kentucky	130,625,000	149,864,000	148,913,000	19,239,000	15
Louisiana	191,576,000	212,407,000	201,954,000	20,831,000	11
Maine	32,489,000	37,653,000	37,393,000	5,164,000	16
Maryland	124,098,000	154,435,000	152,827,000	30,337,000	24
Massachusetts	180,987,000	217,491,000	221,497,000	36,504,000	20
Michigan	349,306,000	407,508,000	407,952,000	58,202,000	17
Minnesota	95,313,000	117,407,000	115,332,000	22,094,000	23
Mississippi	124,800,000	133,668,000	124,752,000	8,868,000	7
Missouri	140,579,000	163,214,000	163,875,000	22,635,000	16
Montana	28,243,000	33,223,000	33,876,000	4,980,000	18
Nebraska	32,936,000	38,708,000	36,259,000	5,772,000	18
Nevada	32,382,000	42,083,000	40,750,000	9,701,000	30
New Hampshire	21,390,000	26,684,000	25,049,000	5,294,000	25
New Jersey	209,372,000	255,415,000	257,744,000	46,043,000	22
New Mexico	68,504,000	80,281,000	81,129,000	11,777,000	17
New York	822,655,000	989,767,000	1,008,629,000	167,112,000	20
North Carolina	172,307,000	212,181,000	214,399,000	39,874,000	23
North Dakota	21,081,000	25,247,000	24,639,000	4,166,000	20
Ohio	303,990,000	345,855,000	329,733,000	41,865,000	14
Oklahoma	101,344,000	119,647,000	121,149,000	18,303,000	18
Oregon	76,714,000	93,722,000	94,465,000	17,008,000	22
Pennsylvania	346,293,000	401,635,000	394,496,000	55,342,000	16
Puerto Rico	267,301,000	301,864,000	319,602,000	34,563,000	13
Rhode Island	27,057,000	33,129,000	33,875,000	6,072,000	22
South Carolina	112,033,000	135,117,000	137,578,000	23,084,000	21
South Dakota	21,251,000	25,465,000	25,248,000	4,214,000	20
Tennessee	137,351,000	156,990,000	149,399,000	19,639,000	14
Texas	692,899,000	819,583,000	817,235,000	126,684,000	18
Utah	37,418,000	46,924,000	43,580,000	9,506,000	25
Vermont	18,016,000	21,783,000	21,324,000	3,767,000	21
Virginia	138,409,000	170,508,000	172,966,000	32,099,000	23
Washington	118,080,000	145,491,000	144,721,000	27,411,000	23
West Virginia	73,751,000	81,121,000	79,001,000	7,370,000	10
Wisconsin	129,070,000	153,714,000	148,120,000	24,644,000	19
Wyoming	19,059,000	23,077,000	22,383,000	4,018,000	21

Ms. LANDRIEU. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the time. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2056

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.

We 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 relatively recently, 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?

The Senator from Nevada.

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.

Mr. SPECTER. Then it is the suggestion that we proceed to two votes now?

Mr. REID. That is right. The order that is now in place would be the Gregg amendment. As soon as that is completed, we would vote on the Landrieu amendment. For 3 days Senators have known what has been taking place on the floor. We announced this vote last night. We structured the debate so there is no reason in the world that someone who opposed the Landrieu amendment would not be here.

Mr. SPECTER. With the assistant majority leader's suggestion we proceed to two votes, I raise no objection.

Madam President, I ask unanimous consent that the second vote be a 10-minute vote.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

All time is yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire, Mr. GREGG.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—46

Allard	Fitzgerald	Murkowski
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Stevens
Collins	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McCain	
Enzi	McConnell	

NAYS—54

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Cleland	Kennedy	Snowe
Clinton	Kerry	Specter
Conrad	Kohl	Stabenow
Corzine	Landrieu	Torricelli
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden

The amendment (No. 2056) was rejected.

Mr. HARKIN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2058

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes for debate evenly divided prior to the vote on the Landrieu amendment No. 2058.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, we only have 1 minute. I yield 30 seconds to my colleague from Connecticut and 30 seconds to my colleague from Utah.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I am proud to be a cosponsor of the Landrieu-Cochran amendment. Frankly, I do not see why any Member would vote against this amendment. It is the most progressive advance in reform in title I since the founding of this program in 1965. It is a program that is not working now. Every State gets more money under this program. Within every State, poor children, who were the focus of ESEA when it was created in 1965, will get more support for their education.

I urge all of my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Utah may proceed.

Mr. BENNETT. Madam President, as the Senator from Connecticut has said, title I is not working as well as we had anticipated. One of the rules of life is that if you want to keep getting the same results, you keep doing the same things.

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 agreeing to amendment No. 2058.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—81

Akaka	Dorgan	Lincoln
Allard	Durbin	Lott
Baucus	Edwards	Lugar
Bayh	Ensign	McConnell
Bennett	Enzi	Mikulski
Biden	Feingold	Miller
Bingaman	Frist	Murray
Breaux	Graham	Nelson (FL)
Bunning	Gramm	Nelson (NE)
Burns	Grassley	Reed
Byrd	Gregg	Reid
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Sessions
Cleland	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Jeffords	Snowe
Corzine	Johnson	Specter
Craig	Kennedy	Stabenow
Crapo	Kerry	Thomas
Daschle	Kohl	Thompson
Dayton	Landrieu	Torricelli
DeWine	Leahy	Voinovich
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden

NAYS—19

Allen	Fitzgerald	Roberts
Bond	Helms	Schumer
Boxer	Hutchinson	Stevens
Brownback	Kyl	Thurmond
Carnahan	McCain	Warner
Clinton	Murkowski	
Feinstein	Nickles	

The amendment (No. 2058) was agreed to.

Mr. BYRD. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. Order in the Senate.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

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.

Three conferences have been completed with floor action pending—the House will act on these 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.

Let me remind Senators how important this bill is. If any Senators are here expecting to increase 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 himself. But I can tell you one thing. You had better forget it if you are thinking about adding money to 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 that additional $4 billion. We 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 have a fight. You might as well get ready when they come here. I fought to get that additional $4 billion for education. It wasn't easy. All of us agreed on it. The four appropriators—the chairman of the House committee, the chairman of the Senate committee, the ranking member of the House committee, and the ranking member of the Senate committee—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 and with the President that there would be $2.2 billion for emergencies. Please don't come on this Senate floor with the idea that you are going to add something and you are going to designate it as an emergency. We are going to fight you over that, if you do it, because we have fought over this and we have worked over there. There is no point in going through the motion just so you can get a headline in your papers.

It is $4 billion above the President's request and nearly $6.4 billion for education. That is an increase of 15 percent over last year.

Also in this bill is $1.549 billion, an increase of $136.4 million for dislocated worker programs. These funds are used by States for rapid response assistance to help workers affected by mass layoffs and plant closures. These fund are critical now more than ever with layoff figures increasing across the country. That is a very important item in this bill.

There is $1.343 billion for community, school, homeless, and migrant health centers, an increase of $175 million. That is doing pretty well. These centers provide primary health care to over 12 million Americans, the majority without health insurance. By providing access to basic health care, health centers save the health care system billions of dollars in reduced use of costly emergency room, specialty, and hospital inpatient care.

What an important bill this is. That is important.

Senators and staff should not contemplate coming here messing with this bill. If you can really improvement it, we will be for you. But we think this bill is the best that can be done with the limited resources we have. Of course, we would like to spend more money for all of these things—some of us would.

There is $4.419 billion for the Centers for Disease Control and Prevention. That is an increased of $300.6 million, including funds for childhood immunization, HIV prevention activities, epidemic services, funds to strengthen the ability of State and local health departments to respond to bioterrorism, and to maintain the pharmaceutical stockpile.

This deals with bioterrorism. What can be more important to the American people? The Centers for Disease Control has played a primary role in responding to the recent anthrax attacks in Washington, New York, and Florida.

In addition, there is $23.695 billion for the National Institutes of Health.

If Senators want to come in here and add moneys for something, what are they going to offset the addition with? Who wants to take moneys out of the National Institutes of Health?

That is an increase of $3.4 billion over last year. This increase is the fourth year of a 5-year effort to double the funding for NIH. Saved lives, new cures and treatments, and a thriving biomedical research industry are the result of substantial Federal investment in medical research.

Also in this bill is $2 billion for substance abuse treatment programs.

Who wants to take money out of that to offset something else?

That is an increase of $80 million. Studies have shown that substance abuse treatment is effective at reducing primary drug use by 50 percent, criminal activity by 80 percent, and drug- and alcohol-related medical visits by 50 percent.

There is $2 billion in here for the Low-Income Home Energy Assistance Program.

Who wants to take money out that for an offset?

This program is more important than ever, given the weak economy and the shortfalls experienced by State programs last year.

There is $1.209 billion for aging programs, an increase of $107 million, including an increase of over $5.5 million for home-delivered and congregate meals. Last year, almost one out of every six Americans was over 60 years of age. While the total population of the US increased by 13 percent since 1990, those in the age category 75–84, increased at twice that rate.

There is $10.2 billion for Title I grants to local education agencies, an increase of $1.4 billion. These grants provide funds to schools, especially in high-poverty areas, to help low-income, low-achieving students learn to the same high standards as other students.

There is $3.039 billion for State grants to improve teacher quality, an increase of $440 million. States and local educational agencies use these funds to reduce class size, reform teacher certification requirements, recruit teachers, provide existing teachers with professional development opportunities, and implement teacher mentoring programs.

The Senate bill includes sufficient funds to increase the maximum Pell Grant to $4,000, the highest ever and an increase of $250 over last year. Pell Grants are the foundation of postsecondary student aid, allowing millions of low- and moderate-income students to attend college and other postsecondary educational programs.

That is all I have to say, except, please, let's get on with this bill. We are fast approaching Thanksgiving. We ought to be home with our families. Let's not be tied up here.

Mr. STEVENS. Madam President, this bill, in my judgment, is as important in this period of time with the war on terrorism as the Defense Department bill. It is a bill that must be finished as rapidly as possible. It contains money to assist all of the agencies dealing with the problems of chemical and biological warfare, as well as all of the items Senator BYRD has mentioned.

I am told we are very near an agreement. That may mean we can finish this bill tonight. I encourage all parties to join in that effort because this bill is going to take a long time in conference. If I count correctly, we have but 8 days in which we can conference this bill within the timeframe of the next continuing resolution. We have a holiday on the 12th. I think it is imperative we get this bill to the President as rapidly as possible.

I also want to state to the Senate that I have agreed to join Senator BYRD on any effort to table an amendment that would violate the agreement we have with the House and with the President with regard to the limitation on expenditures and the allocations within that limitation of $686 billion. It is an agreement we made, and we hope the Senate will enable us to keep that agreement.

Madam President, I do not know where the people are who are going to enter into this agreement or take the steps that will be necessary to ensure we finish this bill today, but I very much hope the Senate will agree and follow the suggestion of the chairman of the committee and get the bill done as rapidly as possible.

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 would 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. I personally 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.

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I could not hear the request.

Mr. WELLSTONE. I say to my colleague from West Virginia, I am trying to move matters along as well.

The VA reported that there were 345,000 homeless veterans in 1999. That was 34 percent higher than in 1998. The bill has been reported out of committee by Democrats and Republicans alike with unanimous support, I say to all my colleagues.

It is an annual authorization of $50 million for the Department of Labor program called HVRP, which does provide money to nonprofits to help train homeless veterans.

The second part supports community-based organizations which provide needed social service programs for veterans.

The last piece sets up comprehensive homeless centers in the country's major metropolitan areas. That can be substance abuse counseling, job counseling, and assisted housing.

This is the same bill that is moving in the House. This is my third or fourth time, colleagues, that I have come to this Chamber to ask unanimous consent to pass this bill.

Veterans Day is in the next week or so. We have men and women in harm's way. It is hardly any way to say thanks to veterans not to pass this piece of legislation.

My guess is that over a third of the adult males who are homeless in this country are veterans; many of them are Vietnam veterans. I do not know why in the world this bill is being blocked. I do not know who has put on an anonymous hold. This is my third or fourth time requesting that we pass this bill.

Therefore, one more time, Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act, with the support of Secretary Principi as well; that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Mr. President, reserving the right to object, the Senator from Minnesota is a good friend of mine, and I happen to be the only Republican in the Chamber. There is a Republican objection. I do not know who that Republican is, and I can maybe find out for the Senator. But I have to object for a Senator on my side, as long as I am in this position of being the only Republican Senator in this Chamber. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, just one more minute.

I say to my colleague from Iowa, I absolutely understand why he has to object. He is not speaking for himself. I know he is objecting on behalf of someone who is anonymous. I am positive the Senator from Iowa would be the first to support this legislation.

Mr. President, I ask unanimous consent that a letter, which is signed by AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States, which basically was addressed to Senator LOTT, saying, move this bill, take objections off, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 25, 2001.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the co-authors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, we are writing to you, as Minority Leader, to urge you to work with your colleagues to remove holds that have been placed on two pieces of legislation that are important to our Nation's veterans.

These two measures, S. 1188, the ''Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001'' and S. 739, the ''Heather French Henry Homeless Veterans Assistance Act,'' are vital pieces of legislation to the men and women who have served in our Armed Forces. With American servicemen and women on guard at home and abroad, we find it difficult to believe that some Senators are placing roadblocks and resorting to delaying tactics on passage of legislation of such great benefit to seriously disabled veterans who have also served their country with distinction. These measures have almost universal support. It is time that they be brought up, and voted upon.

We thank you, in advance, for your assistance in this matter.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.
RICK JONES,
National Legislative Director, AMVETS.
DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign War.

Mr. WELLSTONE. Let me also say to my colleague from Iowa—and this is not aimed at him—as I have said, this is the third or fourth time I have come to the floor asking unanimous consent that we pass this legislation. I would

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 minority 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 him. And I say to 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 the Senate proceed to a 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 PLAN

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 crossed party lines; in other words, 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 more liberal part 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 Democratic 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 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 bipartisanship and collegiality, something bad 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—he uses them well—ferociously denouncing the Senate Republican proposal. Rather than recognizing 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 process.

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 with 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 critical of 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 on our country. These terrorist attacks have created a national emergency, instigated a war on terrorism, and exacerbated

a slowdown in the economy. Clearly, the Congress and the President will provide the resources necessary to respond to these events. The principles articulated below are simply intended to ensure that those resources provided by the Congress and the President be an effective economic stimulus package that does not erode fiscal discipline in the future.

Overall principle. An economic stimulus package should be based on the recognition that long-term fiscal discipline is essential to sustained economic growth. Measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus that is at least equal to the surplus in Social Security. Any short-term economic stimulus should not result in higher long-term interest rates.

Objectives. An economic stimulus package should restore consumer and business confidence, increase employment and investment, and help those most vulnerable in an economic downturn, and do all of the above without converting a cyclical deficit into a structural deficit.

Timing. Congress should assemble an economic stimulus package deliberatively but with dispatch, aiming for passage within 3–4 weeks, based on the best economic data available.

Rapid impact. A substantial portion of the fiscal impact on the economy should be felt within 6 months.

Sunset. All economic stimulus proposals should sunset within 1 year, to the extent practicable.

Targets. Economic stimulus should be broad-based rather than industry-specific. Policies should achieve the greatest possible stimulus effect per dollar spent and should be directed to individuals who are most likely to spend the additional after-tax income and businesses most likely to increase investment spending and employment.

Size. The economic stimulus package should equal approximately 1 percent of GDP (about $100 billion) but should count the budgetary effects of policies implemented since August, which, at present, total roughly $40 billion.

Offsets. To uphold the policy of repaying the greatest amount of national debt feasible between 2002–2011, outyear offsets should make up over time for the cost of near-term economic stimulus.

Mr. GRASSLEY. If you compared the budgeteers' principles with the report card Senator CONRAD generated, you will see, when you get a chance to read these, interestingly, that Senator CONRAD omits four of the nine principles. In other words, Senator CONRAD has selected five of the nine principles agreed on by budgeteers. Most importantly, Senator CONRAD didn't use the ''overall principle,'' which reads:

An economic stimulus package should be based on the recognition that long-term fiscal discipline is essential to economic growth. Measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus that is at least equal to the surplus in Social Security. Any short-term economic stimulus should not result in higher long-term interest rates.

There is nothing in that comment with which I disagree. The point is, this principle is very important, and it ought to be followed. Senator CONRAD spent a lot of time dwelling on the rough 10-year revenue loss numbers of the Senate Republican and Senate Democratic plan. Senator CONRAD, however, left out an important assumption. I will explore the assumption Senator CONRAD left out.

As has been the case with all proposals from the Republican side, Chairman CONRAD has attacked the stimulus plan as, among other things, ''fiscally irresponsible.'' Of course, I contest those unfounded and unfair criticisms. The plan is a straightforward proposal that will provide immediate economic stimulus. It will also give aid to dislocated workers, and it will help with their health insurance problems while being laid off, and it is fiscally reasonable. In fact, we have been in discussions with Senator BAUCUS's staff on these latter issues, such as dislocated workers and health insurance issues. So our plan follows on the President's four principles that were really the starting point of this debate first of all. That is what we ought to give President Bush credit for. He was presenting to the Congress the need for a stimulus package before many other people in Congress were even talking about the need for it.

Since his tenure as ranking member, and now chairman, of the Budget Committee, Senator CONRAD has placed all Republican tax cut proposals under very strict scrutiny. Senator CONRAD has assumed that any temporary tax cut, no matter the terms of the proposal, would be made permanent. The assumption was then incorporated into his budgetary analysis. Without fail, the conclusion is then used as a basis to argue that long-term budget implications of any temporary tax cut make it ''fiscally irresponsible.''

We have before us a Democratic caucus stimulus proposal that contains two elements. One element is a combination of tax cuts and new temporary entitlement spending. Another element of the proposal is Senator BYRD's $20 billion ''infrastructure package.'' The two elements have been frequently mentioned by Democrat leadership, including Senators DASCHLE and REID, as the Senate Democratic position. When analyzed, these proposals are described as having a fiscal impact of $90 billion in fiscal year 2002 and $60 billion over 10 years.

Here is where you get into this double standard of scoring Republicans one way and Democrats another way. The scoring presented by the Democratic caucus, however, fails to employ Senator CONRAD's convention regarding permanency. They don't take that into consideration. If we apply Chairman CONRAD's convention to the new spending and assume permanency, the 10-year cost of the new spending package totals $526 billion.

Think about it, Mr. President. In these times, Senator CONRAD has determined that it is fiscally responsible to spend an additional $526 billion over 10 years. As a point of reference, this figure compares with the tax cuts of roughly $175 billion in the Senate Republican caucus position.

I ask unanimous consent that an analysis of the 10-year cost of the new spending in the Democratic caucus stimulus plan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF SURPLUS IMPACT OF PERMANENT SENATE DEMOCRATIC CAUCUS STIMULUS PROPOSALS

[In billions of dollars]

	FY 2002	FY 2002–11
1. Unemployment insurance: Additional 13 weeks and supplemental amount	−16	−71
2. 50% COBRA subsidy: Inflation at 8% per year	−10	−145
3. Medicaid expansion: Inflated using CBO August baseline	−7	−101
Total new entitlement spending	33	−317
New infrastructure appropriations: CBO estimate	20	−209
Total new spending	53	−526

Source: Republican Staff, Senate Budget Committee.

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 caucus 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 position and to 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 is in the bill, 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 on this bill, of a 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 mixing of human and animal gametes 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 it 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 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. The reason we have decided to defer this matter to another day is we have a very important appropriations bill funding the Departments of Labor, Education, and Health and Human Services, and the completion of this bill at an 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. It is obvious, with 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, for Senators to be 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 resolved, and I am prepared to do 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 is 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 developments as to what would be happening 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 Senator from Pennsylvania. I am a member of the subcommittee he chaired 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. I know 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 with 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

hearings on a lot of these issues. There is not a lot of material we have had to go through, and so I applaud and compliment these two Senators for allowing us to work this out. I know Senator HARKIN feels the same way.

Mr. SPECTER. I thank my colleague from Nevada for those comments. He is correct on the issue of holding the hearings.

I have conferred with the chairman of the subcommittee, Senator HARKIN, who agrees we need to have the hearings. I have discussed it with Senator BROWNBACK. These issues are extraordinarily complicated. We are going to have to have a whole series of hearings with regard to the complicated issues so we can know what we are doing on making public policy, especially in the context where Senator BROWNBACK's amendments carry penal sanctions, jail terms and fines, so that we can know what we should be doing in the public interest but not stifling science.

Senator BROWNBACK and I have worked together over the years on a great many items, and we have had some lively television discussions. I think when we finally get around to this discussion it will be lively as well.

I yield to my colleague from Kansas.

The PRESIDING OFFICER. The Senator 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 wonderful to work with, as well as 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 talking 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 futuristic-type, for 1 year, a 1-year moratorium on germ line manipulation, where you insert a snippet of a genetic code from a cow or pig into the egg or sperm of a human, so that once they connect to each other they become fertilized. It goes on to future generations. It would ban that for a year's period of time. It would ban for a year's period of time, embryo ''farming'' where embryos were created just for research purposes.

That was the series of amendments we put forward and were germane to this debate.

We have had extensive negotiations and discussions back and forth. The belief is that Members could be more up to speed on these topics come February or March. The majority leader has agreed to a free-standing bill at that point in time in order to get direct votes on these issues. That is the more appropriate way. It is the right way. I am appreciative of the majority leader and Senator REID for agreeing to that taking place so we can take this up at a more prudent time, with hearings in between taking place.

It is my understanding what we would agree to would be that I not offer these amendments at this time; that we will have free-standing debate, discussion and vote come the February-March timeframe on these topics and the topics Senator SPECTER is putting forward, with direct votes up or down on the topics, and none in the second degree or tabled. These are direct votes. And the language Senator SPECTER inserted that was in the appropriations bill, which was beyond what the President was asking for on stem cell research, would not be in the final Labor-HHS appropriations bill as it passes out of the Senate.

This is good progress on a very difficult issue. By that point in time, we will be on board with the executive branch on the biomedical research. They are enormously important.

I enter one quick note into the record. Scientists say the first human clone is near—a group says within the end of the year.

I ask unanimous consent to have several other articles printed in the RECORD at the conclusion of this colloquy, including a story about the rhesus monkey which has been cloned. That was announced this week. That is the closest model to a human off which we work. If you can do it there, you can probably do it in a human. The technology leap is not far.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1)

Mr. BROWNBACK. For these reasons I think it is an appropriate way to proceed. I am pleased Senator SPECTER has been so kind in working with us. Senator REID and Senator DASCHLE, the majority leader, have agreed to this.

I yield the floor.

Mr. SPECTER. Mr. President, the language which will be stricken appears on page 91 and reads as follows:

> Subject to the provisions of section 510(a) and (b), Federal dollars are permitted at the discretion of the President solely for the purpose of stem cell research on embryos that have been created in excess of clinical need and will be discarded and donated with the written consent of the progenitors.

That will be stricken.

I have legislation pending which would permit the use of Federal funding to extract stem cells from embryos. The precise format of the legislation which I will propose will be determined, and I will give Senator BROWNBACK ample notice as to what I intend to do. We will have the hearings on that, and we will have the hearings on the issue which Senator BROWNBACK has raised with Senators.

It is worthwhile making one comment on the nature of complexity as to concerns which my staff and I have had. I echo Senator BROWNBACK's praise for Bettilou Taylor and also acknowledge the contribution of Dr. Sudip Parikh, an assistant with us, and also Mr. Rob Wasinger, who is with Senator BROWNBACK. A concern expressed to me by many doctors has been whether there would be a danger of eliminating therapeutic cloning. Regretfully the words ''cloning'' and ''therapeutic cloning'' have given it a very bad name.

What it amounts to—and this is an illustration—is taking a cell, for example, from a woman who has Parkinson's; take the nucleus out of the cell and take an egg from a woman donor whose nucleus has been removed, and put the nucleus from the cell of the woman who is the patient, put it into the egg where the nucleus has been removed. You wait 5 to 7 days, and then you have a blastocystic state of an embryo. The stem cell which is extracted can then be used on the patient, who is a woman, to cure Parkinson's.

That is a very brief statement, but in the complexities of the amendments we might not have had that opportunity. We will be going into these issues and a great many others. I think had we debated it on the Senate floor today, as Senator REID has said, it would have been very difficult to grasp these issues.

When Members want to have penal provisions, jail sentences and fines, those are matters which require a lot of deliberation as to what is appropriate for deterrence and what is appropriate as a punishment.

The arrangement we have worked out today is an important arrangement. Most fundamentally, it allows moving forward on this bill, conclude this bill, go to conference, and get it passed. To pick up on the conversation with Senator LOTT, we show our willingness to make concessions on matters we would like to work on now, but it can wait until the February-March timeframe.

I hope my colleagues in the House and Senate will undertake the same kind of consideration to decide what we have to decide now, move ahead with airport security and the stimulus package and the matters of absolute necessity, the appropriations bills. If matters can be deferred, as Senator BROWNBACK and I have deferred until March, that should be the order of the day so we can go back to our States or districts and explain to people of America what is going on so they know with some confidence we do have a plan, we do have a program, and we are working in a constructive way in the Federal Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I would like to make sure from Senator REID of Nevada we have accurately reflected this

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 was in on 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)

NICOSIA (REUTERS).—Scientists could create the first cloned human before the end of the year, a doctor with the controversial project said on Friday. Dr. Panayiotis Zavos, who along with his Italian colleague Dr. Servino Antinori has triggered worldwide . . . 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 Union (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, 3 or 4 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 bin Ladens of this world, the Michael Jacksons or the Michael Jordans of this world,'' the Kentucky-based fertility specialist added. ''We are not interested in the replica of dead people. We are interested in assisting a father who does not have sperm to have a biological child of his own . . . in assisting couples to reproduce.''

Countries like France and Germany have appealed to the United Nations (news—web sites) to get human cloning banned in an international treaty. Religious groups are also enraged at what they view as the doctors' attempts to play God. But Zavos, whose partner Antinori hit the headlines by helping a woman of 62 have a child in 1994, dismissed suggestions they were only interested in cloning for its own sake. He said thousands of childless people from all over the world were helping in their research.

Though regarded as something of a maverick in the medical world, Zavos's medical accomplishments are a source of pride for many Cypriots. He emigrated to the United States more than 30 years ago but retains close . . . with the island. Zavos declined to say where the research was under way, but indicated it was in more than one country. He added that governments that had banned human clone tests were making a mistake in mixing politics with medical issues. ''They are trying to make a political decision for a procedure which is medically oriented. This is not a popular decision, this is a medical decision that needs to be made by physicians and their patients and not by politicians,'' he stated.

But Zavos said the ban was not in any way hindering progress. ''We have options we are exercising—beyond Europe, of course. This is the world we are talking about. This is not Europe, this is not America.''

[From Reuters, Oct. 5, 2001]

CYPRIOT RESEARCHER SEES HUMAN CLONE IN FOUR MONTHS

(By Michele Kambas)

NICOSIA (REUTERS).—Scientists could create the first cloned human before the end of the year, a doctor working on the controversial project said on Friday. Dr. Panayiotis Zavos, who along with his Italian colleague Severino Antinori has 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 Union (*news—web sites*) countries, but 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 bin Ladens of this world, the Michael Jacksons or the Michael Jordans of this world,'' the Kentucky-based fertility specialist added. ''We are not interested in the replica of dead people. We are interested in assisting a father who does not have a sperm to have a biological child of his own . . . in assisting couples to reproduce.''

CLONING BAN

Countries like France and Germany have appealed to the United Nations (*news—web sites*) to get human cloning banned in an international treaty. Religious groups are also enraged at the doctors' attempts to play God. But Zavos, whose partner, Dr. Antinori, hit the headlines by helping a woman of 62 have a child in 1994, dismissed suggestions they were only interested in cloning for its own sake.

He said thousands of childless people from all over the world were helping in their research. Though regarded something of a maverick in the medical world, Zavos' medical accomplishments are a source of pride for many Cypriots. He emigrated to the United States more than 30 years ago but retains close family ties with the island. Zavos declined to say where the research was under way, but indicated it was in more than one country. He added that governments which had banned human clone tests were making a mistake in mixing politics with medical issues. ''They are trying to make a political decision for a procedure which is medically oriented. This is not a political decision, this is a medical decision that needs to be made by physicians and their patients and not by politicians.''

But Zavos said the ban was not in any way hindering progress. ''We have options we are exercising, beyond Europe, of course. This is the world we are talking about, this is not Europe, this is not America.'' Zavos said countries which took a stand against cloning embryos could possibly end up at a disadvantage because the technology would inevitably catch up. ''This is not an issue of morality, this is not an issue of being ethical or unethical, but rather assisting people to have children and that is the business we are in.''

[From The Daily Telegraph (London), Oct. 29, 2001]

MONKEY TESTS RAISE HUMAN CLONE FEARS

(By Ellie Addison)

Scientists have taken a big step towards creating the world's first cloned monkey, raising fears that a human clone will not be far behind. Embryos cloned from a rhesus monkey are being prepared in the United States and could be implanted into a surrogate mother. The first monkey clone could be born within months. The work, by Don Wolf, of the Oregon Regional Primate Research Centre, has successfully combined techniques in the cloning of embryonic cells with somatic cells, which make up adult animal bodies.

Prof. Wolf deplores human reproductive cloning and says he wants to produce genetically identical laboratory monkeys to accurately test drugs and therapies. But the research is being closely watched by groups interested in creating the first human clone. Severino Antinori, an Italian fertility specialist, 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 the Pro Life Alliance. Bruno Quintavalle, 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, other than to formulate and clarify 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 primate 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. Cloning cells from embryos is known to be relatively easy. This weekend, however, Wolf said the same technique was working well with somatic cells—the kind that make up the bodies of adult animals. He said: ''We have been working with somatic cells and believe that success is just around the corner as the cloned embryos created from them are growing well in vito.''

Wolf was unable to say when the embryos might be implanted into surrogate mothers. The females need to be at exactly the right stage of their oestrous cycles, and this is hard to predict.

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 that humans could one day grow replacement 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 in an attempt 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 number of genetic 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 cloned 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.

[From The Sunday Times, Oct. 22, 2001]

FIRST PRIMATE EMBRYOS CLONED

(By Jonathan Leake)

Scientists have created the first embryonic clones of an adult primate and are preparing to implant them into surrogate mothers. The project—involving embryos cloned from a rhesus monkey—is a significant development in the technology of cloning. Until now research had suggested primates would be far more difficult to clone than species such as sheep and goats, which have already been successfully duplicated.

The primate breakthrough is seen as strong evidence it is possible to clone a human being. The researchers say they will achieve the live birth of a primate within months. The results were achieved in the US by Don Wolf of the Oregon Regional Primate Research Centre. Cloning cells from embryos is relatively easy, and Professor Wolf said the same technique was working well with somatic cells from adult animals.

The next step is for the embryos to be implanted into surrogate mothers. This process needs the females to be at exactly the right stage of their oestrous cycles, and this is hard to predict.

Professor Wolf's work has nothing to do with human reproductive cloning—a concept 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 than is now possible. However, a number of groups are keen to use the work done by researchers such as Professor Wolf to clone humans. One body of researchers is led by Severino Antinori, the Italian fertility specialist who has set up a consortium in an attempt to create the first human clone ''within the next few months''.

Mr. BROWNBACK. I yield the floor.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 unavoidably absent from 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 Senators who feel 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 of the Senate.

With that agreement, I think it paves the way for us to have some more in-depth 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 do, in fact, 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 wanted to compliment 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 the amendments, we can have a legitimate debate and vote on them. 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 would move to third reading. It is not fair to keep people waiting 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, and rightfully so, is when we are 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 tonight. We have three 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 will drag 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 right and to make it work fairly so 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

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—none in this Chamber, I am sure—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 wanting 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.

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 title VI of 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 8003(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 so 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. We are confident 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 Senator.

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. 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.

Mr. REID. I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2062 THROUGH 2073, EN BLOC

Mr. REID. On behalf of Senator HARKIN, I send a managers' package to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. HARKIN and Mr. SPECTER, 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(h) 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 Federal 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 442,000 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 claiming to attend 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.

(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 can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) 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;

(C) examine the default rates at foreign schools that enroll American students receiving federally 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. 2065

On page 93, after line 12, insert:

SEC. 520. Nothing in Section 134 of H.R. 2217 shall be construed to overturn or otherwise effect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir. 2001), or to permit gaming under the Indian Gaming Regulatory Act 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.

AMENDMENT NO. 2066

(Purpose: To provide funding for services for children relating to crises)

On page 57, line 24, insert before the period 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, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to enable local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or 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".

AMENDMENT NO. 2067

(Purpose: To express the sense of the Senate concerning the provision of assistance for airport career centers to enable such centers to serve workers in the airline and related industries who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center)

On page 22, after the period on line 3, insert the following:

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

AMENDMENT NO. 2068

(Purpose: 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)

At the appropriate place in title I, insert the following:

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

AMENDMENT NO. 2069

(Purpose: To express the sense of the Senate regarding reimbursement of certain hospitals testing and treating individuals for exposure to anthrax)

On page 54, between lines 15 and 16, insert the following:

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 expose to anthrax and continue to test and treat, 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 express the sense of the Senate regarding lead poisoning screenings and treatments under the medicaid program)

On page 54, between lines 15 and 16, insert the following:

SEC. 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 medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

AMENDMENT NO. 2071

(Purpose: To express the sense of the Senate that States should be authorized to use SCHIP funds for lead poisoning screenings and treatments)

On page 54, between lines 15 and 16, insert the following:

SEC. 223. It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

AMENDMENT NO. 2072

(Purpose: 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.)

On page 54, between lines 15 and 16, insert the following:

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined.

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

(3) For each such child who has received such minimum required tests.

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 18.

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 we 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 propound 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.

The PRESIDING OFFICER. 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.

AMENDMENT NO. 2074

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.

Mr. HUTCHINSON. Madam President, my amendment will allow employers to permit solicitations by charitable groups without subjecting themselves to what I believe is unfair and frivolous union litigation. It may sound odd that a law is needed to protect charitable giving, but currently when an employer permits such solicitations, it is likely to be found by the National Labor Relations Board to have engaged in unlawful discrimination unless it provides unions equal access to the employer's property to engage in solicitation or distribution for union purposes.

In the wake of the September 11 attacks, the need for legislation of this type has never been greater. Currently, the NLRB interprets, I think wrongly, the National Labor Relations Act to require that a retailer that regularly allows charities or civic organizations to solicit or distribute material on the retailer's premises must also grant similar access to labor unions who are seeking to organize the retailer's employees attempting to communicate a message to the retailers' customers.

Because of this, many of the Nation's largest retailers have adopted blanket no-solicitation rules which, unfortunately, include charitable organizations, to avoid being found in violation of unfair labor practices.

I want to mention a couple of the many examples that can be given of retailers that are affected by the current interpretations of the NLRB.

Example one: Prior to 1994, Meijer, Inc., located in Grand Rapids, MI, exercised its commitment to their communities and use of private property rights by allowing various charitable, religious, civic, community, and government groups for activities such as fundraising activities by groups such as United Way, Salvation Army, VFW, Lions Club, Shriners, school groups, and other national and local organizations; placement of collection or drop-off boxes by groups such as Goodwill, Toys for Tots, Lions eyeglass collection program and various community recycling programs; community service activities, such as immunization clinics or other medical screening activities run by private or government agencies, drug enforcement agencies, and the Armed Forces; and the use of conference rooms for meetings and use of parking lots for driver training, skill rodeos for public safety organizations and as staging areas for groups assembling for bus or other trips.

In May of 1994, the Ohio UFCW Local 954 struck Meijer's four Toledo stores. Through the course of events that took place during the strike, Meijer prohibited the union from striking on their property. The union activity occurred in front of the doors to their stores and blocked the entry to the store.

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 that 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 difficult decision 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 Wawa, 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 a no-solicitation rule. Last year, 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 for 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, and that is Wal-Mart Inc., in 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 grass-roots 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.

Madam President, I ask unanimous consent that the Wal-Mart letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAL-MART,
THOMAS D. HYDE, EXECUTIVE VICE PRESIDENT AND SENIOR CORPORATE COUNSEL,
November 1, 2001.

Hon. DON NICKLES,
133 Hart Building, Washington, DC.

DEAR SENATOR NICKLES: We appreciate your support of 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.

Mr. HUTCHINSON. I also have a letter from the United States Chamber of Commerce, and I would like to read that into the RECORD.

> I am writing on behalf of the U.S. Chamber of Commerce, the world's largest business federation representing over three million businesses and organizations of every size, sector and region, to express the Chamber's support for the Preserve Charitable Giving Act.
>
> This bill will provide a much-needed change in the National Labor Relations Act so that it will no longer serve as an impediment to employers that wish to maintain and enforce a valid no-solicitation/no-distribution policy and also wish 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 caution and not permit 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 rule is in the public interest and recognizes the valid distinctions between the kinds of activities engaged in by charitable groups and those of labor unions.

I ask my colleagues to untie 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.

The PRESIDING OFFICER. The Senator from Nevada.

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.

This amendment prohibits funds to the NLRB, the National Labor Relations Board, to enforce the laws and rules that require employers to provide access to all charitable and civic and labor organizations.

If the employer provides selective access, it is prohibited. For example, if Wal-Mart allows Girl Scouts to sell on the property, or they allow the United Way to distribute literature to Wal-Mart employees, technically, they have to allow labor unions to distribute their literature. That is what this amendment attempts to prevent.

Wal-Mart has been doing this; Sam's Club has been doing this. The NLRB takes this on a case-by-case basis. They are not looking for somebody to go after. There has to be some case made, and certainly there hasn't been one made of which I am aware.

The law prohibits selective access or discrimination in places of employment. That is clearly what it does. Even when discriminatory access is alleged, the National Labor Relations Board examines the facts of the case on a case-by-case basis. It has found in different cases in favor of both the employer and the union through the case-by-case method outlined in the National Labor Relations Act. The current process of permitting the NLRB to examine the facts is appropriate, and it is has worked. This has been in existence for many years.

There is no need for Congress to arbitrarily discriminate against labor unions. That is what this does. This amendment tips the scales in favor of the employers in labor-management disputes. That is simply wrong. This amendment presumes all union solicitations are directed at disrupting employers' businesses. That is not the case.

Labor unions are active participants in many charitable activities. We have seen them on Labor Day at a stoplight. They have the boots in which they ask drivers to put the money. The United Way does a lot of work, as well as many food drives and local community charities. Local firefighters, commercial food workers, and other union

members are active in many charities and organizations. 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's 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. This amendment 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 antiworker 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 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. This 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 this 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 has been in effect 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 a point the distinguished majority whip made about Wal-Mart's great success in charitable giving. That is one thing on which we certainly agree. That is, that Wal-Mart has been enormously generous, giving last year over $100 million to charity.

The distinguished former majority leader of the Senate 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 in front, and 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 saying you don't treat a union activity in front of a store the same as you treat a Salvation Army bell ringer at Christmastime 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 to do.

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 a single 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 people 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 anyone who does. Maybe they do. 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 the NLRB can 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, has approached 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, the Senator raises some questions. He says there is no problem. So perhaps this letter from a retailer I mentioned earlier, the Meijer Company, which is headquartered in a wonderful State, in Grand Rapids, MI, answers that. Do we have a problem? I think they make it very clear in this correspondence we just received:

As a mid-west based retailer, we care deeply about the communities we serve. As a corporate citizen, we want them to grow and thrive. That is why we are pleased to contribute to so many local programs.

However, since 1994, we have been prevented from providing certain support to

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, we believe there to 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 funds in front of a retailer if that retailer would like them to, simply because of a decision by the National Labor Relations Board that says if they do one, they have to allow picketing and distribution of union material in front of that store? That is the issue.

Clearly, they should not be treated the same. They are totally different causes. Retailers, while having great incentive to help charities, are not going to have an incentive to do something that is going to impede their own businesses. We should make that distinction, and this amendment would allow that for this year in this appropriations bill, and would allow for this year—a year clearly that our Nation is in crisis—to encourage that kind of charitable activity on the part of our Nation's retailers.

I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be charged equally to both sides.

Mr. REID. Madam President, I have spoken to the Senator from Arkansas, and he is going to yield back his time. I will yield back my time. There are a number of Members in the Chamber. We can start the vote. I yield my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. REID. I 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 amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) is necessarily absent.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—40

Allard	Frist	McConnell
Allen	Gramm	Miller
Bennett	Grassley	Murkowski
Bond	Gregg	Nickles
Brownback	Hagel	Roberts
Bunning	Hatch	Santorum
Burns	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Craig	Hutchison	Thomas
Crapo	Inhofe	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Ensign	Lugar	
Enzi	McCain	

NAYS—59

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Feinstein	Reed
Breaux	Fitzgerald	Reid
Byrd	Graham	Rockefeller
Campbell	Harkin	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Inouye	Smith (OR)
Carper	Jeffords	Snowe
Chafee	Johnson	Specter
Cleland	Kennedy	Stabenow
Clinton	Kerry	Stevens
Collins	Kohl	Torricelli
Conrad	Landrieu	Voinovich
Corzine	Leahy	Wellstone
Daschle	Levin	Wyden
Dayton	Lieberman	

NOT VOTING—1

Sessions

The amendment (No. 2074) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Gramm second-degree amendment No. 2055.

Mr. REID. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CAMPBELL. Yes.

Mr. REID. Mr. President, I appreciate the courtesy of my friend from Colorado.

UNANIMOUS CONSENT AGREEMENT—H.R. 2590 AND H.R. 2311

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the conference report accompanying H.R. 2590, the Treasury-Postal appropriations bill; that there be a time limitation of 6 minutes for debate with respect to the report, with the time divided as follows: 3 minutes for the chairman and 3 minutes for the ranking member; that upon the use or yielding back of all time, the conference report be laid aside and the Senate then proceed to consideration of the conference report to accompany H.R. 2311, the energy and water appropriations bill; that there be 60 minutes for debate, with the time controlled as follows: 10 minutes each for the chair and ranking member of the subcommittee, Senators STABENOW and BURNS, and 20 minutes under the control of Senator MCCAIN; that upon the use or yielding back of the time, the Senate proceed to vote on adoption of the conference report to accompany H.R. 2311, the energy and water bill, to be followed by a vote on adoption of the conference report to accompany H.R. 2590, the Treasury-Postal bill, with no further intervening action, and that these votes occur at a time to be determined by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator from Colorado needs more time, please let us know.

TREASURY AND GENERAL GOVERNMENT 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 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 and do recommend to the respective Houses this report, signed by all of the conferees on the part of both Houses.

The PRESIDING 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 functions are funded in this 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 the Postal Inspection 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 a much larger requirement on the northern border. It is quite clear this 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 in order to allow those who are guests of this country to 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, known or suspected terrorists, 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. There are 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. We must do something 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 undoubtedly 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 this 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 the investigation of forced child labor in much of the world is something to which we need to pay a great deal of attention. I added $10 million for the Customs Service 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 some 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 full of scars.

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 these questions to get help from the IRS. Guess what. 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 inspector general do this same thing over 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 with respect to providing 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 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 the country of Cuba, an embargo on trade and travel. It has been my 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 just 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. That is how absurd it was, despite the fact that they boasted of the progress.

In addition to that, last year they decided not only will we say you can 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 also codify 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 absurd. I read in the paper that the U.S. Treasury Department began levying fines against the American people for traveling in Cuba. I admit that current law prohibits travel in Cuba.

Let me describe to you a fine, because I talked to this woman. She is a woman from Illinois. I will just describe one.

A retired woman from the State of Illinois responded to an advertisement in a cycling magazine that a Canadian cycling group was taking a bicycle tour of Cuba. She thought, well, that sounded like fun. She sent a coupon, signed up, went to Cuba, and bicycled for 8 days in Cuba with a bicycle tour group out of Canada.

Eighteen months later, this retired American citizen from Illinois received a fine from the United States Treasury Department of $9,600 for traveling in Cuba.

Where did that come from? The Office of Foreign Asset Control—OFAC, at the Treasury Department. OFAC is supposed to be chasing terrorists. In early August of this year, well before September 11—in early August of this year, I wrote to the Treasury Department to say, in effect: How dare you spend your time and resources chasing a little old retired lady from Illinois.

I can describe others as well. The fines ranged from $9,500 to $55,000 for those who traveled in Cuba. How dare you spend your time doing that when we expect you to be using these resources to track terrorists and track the money laundering and money movement to apprehend terrorists.

Of course, a month later we discovered what terrorists mean to this country and the tragic consequences of terrorist acts that are committed in this country.

This conference report I had hoped would deal with something that the House of Representatives put in their bill. They said no money shall be expended by the Treasury Department for enforcing the travel ban with respect to the country of Cuba. I went to conference with the House of Representatives, intending to recede to the House provision. But before I could do that, the House conferees decided to abandon their own position. So I could not recede to the position they no longer held.

It only describes once again that no matter what the circumstances are on the issue of policy with respect to Cuba, the absurd proposition that this country ought to use food and drugs as a weapon, yes, even with Cuba in the pursuit of this foolish embargo that has been a 40-year failure—the absurd proposition that we ought to have the Treasury Department chasing retired schoolteachers from Illinois who join a bicycle tour of Cuba and slap a $9,600 fine on them 18 months after they join a Canadian bicycle tour and bike ride 8 days in Cuba—the absurdity of that just leaves me almost speechless. Yet in the Department of the Treasury, in an office called OFAC, Office of Foreign Asset Control, they are spending money tracking people who might have traveled to Cuba.

I called and talked to the lady from Illinois. She had no idea she was violating the law. What she was doing was riding a bicycle.

She was retired and wanted to take a bicycle trip. And she did, with a Canadian cycling company, and then was slapped with a fine of $9,600.

I didn't mean to go on at great length about it, except to say this subcommittee bill from both the House and Senate should have contained language straightening out both of these issues. One is the absurd proposition that we continue to use food and drugs as a weapon, which in my judgment is not a moral policy. It doesn't matter what country it is directed at; food ought not be used as a weapon.

Second, we ought not fine American citizens because of restrictions on travel, as has been enforced here with respect to Cuba. They can travel in China. They can travel in North Korea. They can travel in every part of the world, except somehow, if they join a bicycle tour of Cuba, something awful is going to happen to them. That is not the best of what America has to offer in terms of foreign policy or public policy.

As I indicated when I started, this conference report will, I believe, be called up in a bit. I expect my colleague, Senator CAMPBELL, to come to the floor. He has a few things to say. I think following that, whenever it is ready, it is going to require a recorded vote because it did not have a recorded vote when it left the Senate. As is the case with most of these appropriations bills, it has a recorded vote when it leaves this body, and we have a recorded vote on the conference report. In this case, this conference report is going to require a recorded vote this afternoon.

I encourage my colleagues to be supportive of it. I think it is a good compromise. It makes good, and it is an important investment, especially in the area of law enforcement. Forty percent of law enforcement in the Federal Government is funded in this particular appropriations conference.

I want to make one other point.

I want to say to all of those who are involved in Federal law enforcement—not just Federal law enforcement, but these comments apply to everyone in this country who spends time enforcing our Nation's laws, especially now with respect to terrorist acts—that this country is enormously proud of the dedication and commitment of law enforcement men and women all across this country.

I walk in the front door of this Capitol in the morning, and I see law enforcement people standing there. I stop to talk to them. I understand they have been working in most cases 12 hours a day 6 days a week. And they have been doing that now for 2 months. There is no end in sight. It is not just

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 to them 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 in 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 conferees 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 southeastern 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

[In millions of dollars]

	General purpose	Mandatory	Total
Conference report:			
Budget Authority	17,069	15,478	32,547
Outlays	16,256	15,475	31,731
Senate 302(b) allocation: [1]			
Budget Authority	17,069	15,478	32,547
Outlays	16,256	15,475	31,731
President's request:			
Budget Authority	16,614	15,478	32,092
Outlays	15,974	15,475	31,449
House-passed:			
Budget Authority	17,022	15,478	32,500
Outlays	16,261	15,475	31,736
Senate-passed:			
Budget Authority	17,118	15,478	32,596
Outlays	16,182	15,475	31,657

H.R. 2590, CONFERENCE REPORT TO THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS-CONFERENCE REPORT—Continued

[In millions of dollars]

	General purpose	Mandatory	Total
CONFERENCE REPORT COMPARED TO:			
Senate 302(b) allocation: [1]			
Budget Authority	0	0	0
Outlays	0	0	0
President's request:			
Budget Authority	455	0	455
Outlays	282	0	282
House-passed:			
Budget Authority	47	0	47
Outlays	-5	0	-5
Senate-passed:			
Budget Authority	-49	0	-49
Outlays	74	0	74

[1] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—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 for this legislation. The 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 my 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 Treasury, 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 Tracing Center Facility 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 land 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 legislative clerk proceeded to 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 bill to help these States.

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 my State is certainly 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, as she noted, was 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 because 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 Florida, Mr. GRAHAM, who sponsored the bill in the Finance Committee. It is very important to our two States that we accomplish 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 address 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 cash assistance 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 disagreeing votes 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, signed 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 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 Interior Appropriations Subcommittee 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. It was 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 he was not aware of this. It certainly was nothing that was done by either Senator DOMENICI or me. We would be happy to work with him next year if there is a problem in this regard.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, in responding to the Democratic whip's remarks, I brought this to his attention this afternoon as it was brought to my attention. Section 316 of the Senate bill that was included in the conference agreement with a slight modification 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.

Basically, that is legislating on an appropriations bill. It was put into a managers' package and, of course, with the jurisdiction being over in Interior appropriations, if any action was taken at all. Now, this rider blocks, without further consideration, oil and gas permits within that national forest. It looks like not only a jurisdictional issue, and I respect the desire of the Senators from New York to work on issues in their State, but in this time of an economic downturn and trying to make some sense of an energy policy in this country, it seems ludicrous to me that a nongermane amendment would be allowed on this legislation, especially in a time when we are trying to find energy for this country and wean us off this foreign dependence on oil.

It is especially questionable to allow a rider at this time when New York is searching for economic opportunities, asking the Congress to provide thousands and millions and billions of dollars in their time of need, and yet take away from the State an economic base, a base from which to grow. It makes no sense to me at all, especially when there is the potential for jobs and economic growth and then that is taken away sort of in a dark-of-the-night rider.

I do not presume to change Medicare policy in an Interior bill. I do not attempt to change the nuclear storage policy on an Interior bill because the jurisdiction lies elsewhere. From my position on the Interior Subcommittee, I would like to consult with the leadership of the Energy and Water Subcommittee, the Bureau of Reclamation or the Department of Energy on issues where we have overlapping jurisdiction. And we do. We exchange that information freely.

Now I realize it is too late to change this in this conference report, and I want to pass this conference report with basically the chairman of that subcommittee on the Appropriations Committee.

The chairman and the ranking member have done a great job of putting together this bill. I support it wholeheartedly. I thank them for all they put into this, especially those relating to the State of Montana.

The inclusion of section 316 is an exception rather than the rule. I expect in the future we will have closer consultation on the matters that cross subcommittee jurisdiction. I also believe the fate of 316 may change as soon as we have better information as to its actual impact on oil and gas operations.

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 clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if I could get the attention of my friend from New Mexico, Senator DOMENICI, 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.

It reminds me of when I was chairman of the Military Construction Subcommittee. They did the same with the Guard and Reserve units at home. The 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 and the 4 years before 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 has 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 set an example for other 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 and, frankly, the Bureau of Reclamation which does such good things for our country.

Will the Senator from New Mexico agree with my statement?

The PRESIDING OFFICER. The Senator from New Mexico.

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 of it 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 6½ 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 6½ 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 that puts together a budget, always finds it easy to recommend to a President a reduction, a cut, or not enough money for the Corps of Engineers to do its work. The Office of Management and Budget is not interested in water projects or flood protection as a major endeavor of the United States. They think it is secondary. They go through their work and are delighted they are meeting a budget that reduces expenditures. An easy item for them to cut includes water projects and the Corps of Engineers. That will save a lot of money.

They find in Congress a Senator, a Representative, or a Governor who has requests of the subcommittee and looks seriously at a project not taken care of in that process I just described. That happens every year. Every year we find very good projects, needed by the local community, which fit the Corps of Engineers' requirements already evaluated in terms of the cost-benefit ratio. If it does not have a good cost-benefit ratio, we are not supposed to pay for it. Even if it does, somebody decides anyway they will not do it. That usually is the Office of Management and Budget representing the President.

We now have a good bill. We had to go over the President and the Corps of Engineers, but most Members of Congress think this is a good deal. The Corps, in my opinion, continues to be maligned regardless of how well it does its work. Somebody on some issue puts forth facts and somebody decides it is time to attack the Corps of Engineers.

I have been here long enough to see a cycle. In part of my Senate life, the Corps of Engineers was valued; it was very important. The recommendations they made were good and everybody knew they were technically sound. Then we had a cycle when the White House was joined by Senators and Representatives and the Corps of Engineers was to be maligned: It was not a very good institution of our Government. There are still people who do not want the projects to be built, who think the Corps of Engineers is not good. Very few will say their projects are not well done, well defined and well engineered.

The White House, one after another, continued to propose reductions. We get blamed for spending too much because they did not spend enough. When we do the responsible thing and add funding, we are spending too much on water projects or funding your favorite or my favorite or some Senator's favorite water project.

The balance in this bill is pretty good. In the future, water projects will go up, not down. That is how I see it. I hope we can complete our bill and have a vote tonight. It is a good bill.

I am pleased to join Chairman REID to present the conference report for the fiscal year 2002 energy and water appropriations before the Senate today. This has been a tough process and I want to thank all of the members involved for their patience in working through the issues.

Chairman REID has done a good job under very difficult circumstances to put together a fair agreement that accommodates, to the extent possible, all of the competing desires. The situation was particularly difficult for the Senate, as the conference allocation for defense funding was $550 million below the Senate passed bill.

Despite the difficulties involved, we were still able to put together a conference agreement that funds nuclear weapons stockpile stewardship at $5.7 billion. Although that is a $350 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 allow us to 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 million to nonproliferation 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 labs play key roles 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 Congress moves forward this year, we must find other resources in the $20 billion supplemental to fund these needs. In fact, I have suggested to the President and others, that we should spend an additional $255 million specifically for counter-terrorism R&D and nuclear nonproliferation activities beyond what the President requested in the supplemental.

I look forward to working with all Senators to further address this issue before we adjourn this year.

As for the water portion of the bill, my colleagues may recall that the administration proposed a $600 million reduction to the Corps of Engineers, or a 13 percent reduction from last year's level. Given the state of the country's aging infrastructure, we all felt that this was an irresponsible budget to propose. Therefore, the conference worked 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, Clay Sell, Tammy Perrin, 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 best 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 weapons we own are under 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 nuclear weaponry.

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 over the dysfunctional nature 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 shape, the nuclear activity that has to 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 in a very dangerous world. We made a commitment on our own that we would do no more nuclear testing. It was voluntary 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, protecting the waters of the Great Lakes by asking, first, for a complete study of the impact of oil and gas drilling in the Great Lakes to be done by the Army Corps of Engineers, and it places an immediate 2-year ban on new 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 Development of the Appropriations Committee, Senator REID, 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 willingness to support this provision and include it in the conference report, as well as all of the House and Senate conferees.

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 and grateful to him for stepping forward. He and Senator DURBIN of Illinois have both stepped forward in strong leadership to protect the Great Lakes.

I also thank these distinguished Senators who joined me in this effort, in lending their name and their leadership: My senior Senator from Michigan, Senator CARL LEVIN; as I mentioned, Senator DURBIN; Senator VOINOVICH; Senator DAYTON, who is in the chair; Senator FEINGOLD, Senator SCHUMER, Senator KOHL, Senator WELLSTONE, Senator CLINTON, Senator BAYH, and Senator DEWINE. This was a Great Lakes effort of Senators on both sides of the aisle.

Finally, I thank my colleagues in the House, Congressmen DAVE BONIOR and BART STUPAK, and the Michigan House delegation that worked together on a bipartisan basis to support this effort—particularly BART STUPAK who has been a real pioneer in the effort of protecting the Great Lakes. When it was time in the conference committee to call on critical support to explain what we were doing, I am very grateful to Congressman DAVE CAMP for his willingness to be intimately involved in this effort, as well as Congressmen FRED UPTON, PETE HOEKSTRA, and VERN EHLERS for their wonderful support.

In case my colleagues are not aware, this is a particular issue of concern to Michigan, where it was decided they would be interested in providing up to 30 new permits for oil and gas leasing in the Great Lakes and Lake Huron. At this point in time, this will allow us to staff and reevaluate what was being proposed and what, I might add, has been overwhelmingly opposed in Michigan, as well as in all of the Great Lakes States. There has been overwhelming opposition to doing anything that would jeopardize our Great Lakes.

The Great Lakes are one of our Nation's most precious public natural resources. And 33 million people rely on the Great Lakes for their drinking water. In fact, 10 million of them rely on Lake Michigan alone. Millions of people use the Great Lakes each year to enjoy the beaches, the great fishing, and boating. The latest estimate shows that recreational fishing totals a $1.5 billion boost to Michigan's tourist economy alone.

The Great Lakes coastlines are also home to wetlands, dunes, endangered species, and plants, including the rare piping plover, Michigan monkey flower, Pitcher's thistle, and the dwarf lake iris. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake.

Great Lakes drilling would place the tourism economy, the Great Lakes ecosystem, and a vital source of drinking water at great risk for a very small amount of oil.

Last year, Michigan produced about 2 minutes' worth of oil—2 minutes' worth of oil—from Great Lakes drilling, which has been allowed since 1979. That is 2 minutes of usage in a year. From our standpoint, this amount of oil is certainly not worth any potential risk.

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 joined 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 asks the Army Corps 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 together 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 for ways, as 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 lamphrey 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 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 finish the statement of the Senator 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 then on 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 we sat around. All the Senators were sitting around and when I asked what we were waiting for they said: The managers' package of amendments.

Finally the managers' package showed up. Everyone was in line to vote so we could get out of here. Guess what. They asked unanimous consent for the adoption of the management package—the manager of the bill, the Senator from Wisconsin. I said: Reserving the right to object, what is in it? Does anybody know what is in it?

Of course that was met with a resounding silence. So I informed my colleague at that time I was very worried about a managers' package that none of us had seen, and I was worried that there might be provisions in it that I and others might find objectionable.

Then I was told there were 35 amendments included in the managers' package. Let's remember that a managers' package is supposed to be technical corrections to the overall bill. I want to tell my colleagues what went on 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 reiterate, 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 was very concerned 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 legislative riders. 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 for a bill 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 the managers for the 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 budget bills we consider.

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 to move the bill or tack on earmarks that might not pass legislative review.

Some of my colleagues may be interested to know what amendments were included in the last-minute roundup in the manager's package. Let me give you a sample:

Relief for sugar growers from paying a required marketing assessment;

Special consideration provided 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-breeder loans;

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 represents;

Funding 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 are 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 for years 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, horse-breeders, 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

memo is to provide a brief history on the subject as well as to list the currently acceptable market names for several of these species. This memo supercedes all previous FDA correspondence on Pangasius nomenclature.

In March 1999, the National Fisheries Institute (NFI) asked for guidance on an appropriate market name for P. bocourti. Since this imported fish was relatively new to interstate commerce, there was no existing acceptable market name (as would generally be described in the FDA Seafood List) for this species. From information provided by NFI (including material on this fish from Vietnamese sources), the FDA Office of Seafood accepted ''basa,'' ''bocourti,'' or ''bocourti fish'' as market names for this freshwater fish. This decision was expressed in a memo, dated March 11, 1999, from FDA to NFI.

More recently, there have been a number of requests made to FDA to allow the use of the term ''catfish'' for this species. The Pangasius species are members of the family Schilbidae. According to the American Fisheries Society World Fishes Important to North Americans. AFS Special Publication 21, American Fisheries Society, Bethesda, Maryland, p. 63.): ''The schilbids, here taken to include the Pangasiidae, are freshwater catfishes of Africa and southern Asia.'' As such, FDA's Office of Seafood will not object to the use of the name catfish, when used appropriately, to describe these species.

Mr. McCAIN. I will read a portion.

More recently there have been a number of requests made to FDA to allow the term ''catfish'' for these species. Species are members of the family—

Et cetera, saying there is no difference between the catfish that are raised in Vietnam and the catfish that the agribusinesses have. The agribusinesses, however, have advertised, ''Never trust a catfish with a foreign accent.''

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT—Continued

Mr. McCAIN. Mr. President, I will move on to the conference report for the fiscal year 2002 energy and water appropriations. Now that one of the Members, anyway, of the appropriations bill is here, the Senator from New Mexico, I hope he will note, I will not approve moving forward until I have seen the managers' amendment on this bill.

Mr. DOMENICI. There is no managers' amendment.

Mr. McCAIN. If there is one on every appropriations bill, I want to see it. Last Thursday night, in case the Senator from New Mexico missed it, he voted for a package of amendments, also for $35 million, without seeing it.

Mr. DOMENICI. The managers' amendment is, in fact, the conference report.

Mr. McCAIN. Good. I thank the Senator.

Mr. President, the energy and water development appropriations bill is important to the nation's energy resources, improving water infrastructure, and ensuring our national security interests.

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 also increases resources for renewable energy research 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 porkbarrel 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 porkbarrel spending. These are earmarks for locale-specific projects that are either unrequested or unauthorized, and that have not been considered in the appropriate merit-based review process.

The $1.2 billion in porkbarrel 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 porkbarrel 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 biomass or ethanol projects 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—wherever 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.

I was under the impression for a long time 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 Seaalaska 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 Federal Government. Unfortunately, this increasing dilemma of flagrant porkbarrel spending is indefensible.

I point out that in every single appropriations 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 two 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 Nevada.

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 Chairman REID for including funding in this bill for small wind programs being developed in the State of Vermont.

Mr. REID. I appreciate Senator JEFFORD'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 bill includes $500,000 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 a matter of policy, and these need further definition. 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 distributive 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, including 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 these funds and 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 experience with related studies, such as the remote 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's leadership on 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 efficient 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 title III Department of Energy, 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. This project is clearly worthy of Federal support, and I wanted to ensure that the intent of Congress with respect to this language is clear.

Mr. REID. This is an excellent project. I assure the Senator from California that I concur with her remarks and that this correction will be noted in the RECORD.

Mrs. BOXER. I thank the distinguished chairman.

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 to remove sediments from the recently completed channel. We performed a similar reprogramming 2 years ago because we did not know how the sedimentation pattern would develop in the area. The channel was completed during the summer of 2000. At that time the corps estimated maintenance dredging would have to be performed every 5 to 6 years.

Recent surveys show that Knik Arm and the North Point Shoals have shifted and a large deposit has settled into the southern approach to the Cook Inlet Navigation Channel. However, the corps believes that vast majority of the material is located''outside the project limits.'' It starts just inside the western limit then 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 maintenance?

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 in a colloquy regarding two provisions in the conference report to accompany the fiscal year 2002 Energy and Water Appropriations Act.

Mr. REID. I would be pleased to discuss these matters with the senior 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 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 as well as for planning and design work for access to the Big Bend Recreation Area located immediately downstream of the Jennings Randolph Dam.

Mr. SARBANES. I would also like 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 assurances 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 the Energy and Water 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 and Power, the municipally owned electric utility of the Municipality of Anchorage. The utility believe that it can effectively harness the power of the tides at Cook Inlet to supply clean, renewable power to its customers. However, it needs 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 renewable research grant to be funded under the Renewable Energy accounts in this bill. I also want to clarify that this grant can be awarded to an applicant 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 for such a research grant. I join the distinguished Senator from Alaska in exploring and providing such a grant to explore the tidal energy protection of Alaska's Cook Inlet.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2311, the Energy and Water Development Appropriations Act for Fiscal Year 2002.

The conference report provides $24.596 billion in discretionary budget authority, which will result in new outlays in 2002 of $15.973 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total $24.77 billion in 2002. Of that total, $14.7 billion in budget authority and $14.715 billion in outlays is for defense spending. The conference report is at the appropriations' subcommittee's section 302(b) allocations for both budget authority and outlays. Further, the committee has met its target without the use of any emergency designations.

I am relieved that we are moving forward on this and other appropriations bills, so that we can meet our obligation to the country to enact a spending plan for the government in a reasonably timely manner. I commend subcommittee Chairman REID, Ranking Member DOMENICI, and their House counterparts for their hard work in forging reasonable compromises between the House and Senate versions of this bill. This report addresses some of our country's most pressing nuclear security and water resources needs, as well as important energy issues.

I ask unanimous consent that a table displaying the budget committee scoring of this report 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. 2311, CONFERENCE REPORT TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose [1]	Defense [1]	Mandatory	Total
Conference report:				
Budget Authority	9,896	14,700	0	24,596
Outlays	10,055	14,715	0	24,770
Senate 302(b) allocation: [2]				
Budget Authority	9,896	14,700	0	24,596
Outlays	24,770	0	0	24,770
President's request:				
Budget Authority	9,003	13,514	0	22,517
Outlays	9,389	13,928	0	23,317
House-passed:				
Budget Authority	9,668	14,037	0	23,705
Outlays	9,931	14,287	0	24,218
Senate-passed:				
Budget Authority	9,709	15,250	0	24,959
Outlays	9,905	15,073	0	24,978
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation: [2]				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
President's request:				
Budget Authority	893	1,186	0	2,079
Outlays	666	787	0	1,453
House-passed:				
Budget Authority	228	663	0	891
Outalys	124	428	0	552
Senate-passed:				
Budget Authority	187	–550	0	–363
Outlays	150	–358	0	–208

[1] The 2002 budget resolution includes a ''firewall'' in the Senate between defense and nondefense 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 ondefense 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 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. I yield back our time.

The PRESIDING OFFICER. Does the Senator from Arizona yield back time?

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. 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 PRESIDING OFFICER. 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 PRESIDING OFFICER. 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.

AMENDMENT NO. 2075

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. MCCAIN, Mr. DOMENICI, and Mrs. HUTCHISON, proposes an amendment numbered 2075.

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

The PRESIDING OFFICER. 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 and local schools shall remain available beyond the current fiscal year unless assistance under such program is provided to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such assistance available to other schools: Provided further, notwithstanding any other provision of this Act, the Secretary of Education is not authorized to expend or transfer unexpended balances of prior appropriations appropriated for the purposes of school repair or renovation of state and local schools to accounts corresponding to current appropriations provided in this Act: Provided, however, that such balances may be expended and so transferred if the unexpended balances are used for the purpose of providing assistance to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such repair or renovation assistance available to other schools.''.

Mr. KYL. Mr. President, I note that this amendment is cosponsored by the distinguished Senator from New Mexico, my colleague from Arizona, Mr. MCCAIN, and the Senator from Texas, Mrs. HUTCHISON. It is an amendment which we have debated before but which I now present as the appropriate time for getting this done.

This amendment would make it very clear that the Federal Government from now on must give absolute priority to Indian military and impact aid schools when it allocates funds for school renovation or repair. The amendment establishes this priority by directing the Secretary of Education to direct any school construction funds not expended in a given fiscal year only to those categories of schools that fall within the exclusive responsibility of the Federal Government; namely, the impact aid schools, Department of Defense schools, and Bureau of Indian Affairs schools.

This priority would apply to unexpended funds from fiscal years 2001 and 2002.

As I said, this debate is not a new one. The question before us is, should the Federal Government concentrate on meeting its fundamental existing obligations or should we define our mission as finding new things for the Federal Government to do first?

Most aspects of primary and secondary education have traditionally been, and remain, the responsibility of States and local school districts. But there are certain facets of elementary and secondary education in this country that are the clear and only responsibility of the Federal Government. Those are the education of our Indian children, the children on reservations, and the so-called impact aid schools.

Yet proponents of finding new things to do with Federal education dollars propose branching out into new areas and ignoring this fundamental Federal obligation to, first of all, take care of these kids' educational needs.

So under this bill, the way it is written right now, without my amendment, for the first time the Federal Government begins building schools, which is a State responsibility, while ignoring the obligation to the Indian children and the children on American military bases.

The Federal Government has a huge unmet obligation to address the infrastructure 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.

Yet by extending this unauthorized school construction program—and I note ''unauthorized''—the money in this Labor-HHS bill has never been endorsed by the Senate on a recorded vote. The language in the bill would entangle the Federal Government in the business of building and repairing local schools, while leaving the existing needs on the Federal reservations unmet.

Impact aid provides funds for school facility repair and renovation, especially on, as I said, the schools that are largely on Indian lands. All told, impact 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 much of their business in portable 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 schools their kids''—that is, the children of war-torn Bosnia—''are in.''

The Military Impacted Schools Association has estimated it would take $310 million to meet facilities needs in their members' districts.

The situation for Indian impacted schools is even more dire. According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than $7 million in facilities needs.

It is important to reiterate that these federally impacted districts cannot rely on the local property tax base to fund repairs and construction, unlike nearly all of the districts that would receive the funds appropriated under this bill.

The superintendent of one district in my State, for example, reports that his jurisdiction contains exactly four taxpayers. I know in one of the counties in my State, where I had to help because of the large amounts of Federal land, only 1 percent of the land—and most of the taxing comes from property taxes—was non-Federal land in this community; in fact, only 3 percent in the entire county. Most States do not have that problem.

But since the Federal Government has the obligation of educating these kids, then it is important for us to ensure that the priority for construction be given to these districts. The facilities, as I said, are in dire straits on our Indian reservations, which educate about 50,000 Indian students. The education of Indian children, which includes the provision of safe and adequate facilities, is a specific trust responsibility of the United States and is codified in numerous treaties and acts of Congress.

Nobody who believes in keeping our treaty obligations to Native Americans can vote against this amendment because its purpose is to ensure that we meet the obligations of these treaties.

According to testimony from the Director of the Office of Indian Education Programs, half of the schools within the jurisdiction of the Bureau of Indian Affairs have exceeded their useful lives of 50 years and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced. Many students lack access to computer and science labs, gym facilities, and other basic resources.

At least one school in my State lacks even a library and basic dining facilities.

The Committee on Indian Affairs estimates it would take $2.1 billion to address these schools' current repair and renovation needs.

I am pleased that President Bush has made it a priority to address the construction needs of Indian and impact aid schools. But that will only occur if we can adopt the amendment that I have proposed.

The President's fiscal year 2002 budget proposal provided for a significant increase in impact aid construction. This is the first step toward keeping the promise that we made to our Native Americans.

By passing my amendment, the Senate will make it clear that Congress

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 if there is 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 renovation 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 millionaires, 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 seems 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 Senator 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.

This year, with the leadership of my good friend from Pennsylvania, Senator SPECTER, and I and others on our committee, we raised that from $12.8 million to $68 million. Last year, impact aid construction was $12.8 million. We raised it to $68 million 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 do that again in 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 $68 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 money has not gone out yet. 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 earlier today 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 in opposing the amendment by the Senator from Arizona. I believe that impact aid is very important, beyond any question.

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, recognizing all of the priorities which are present.

Senator HARKIN pointed out that we raised impact aid from $12.5 million last year to $68 million. It is difficult to follow all the matters. Another Senator approached us and has raised a concern. I made a statement that there would be an effort made in conference—that is always uncertain—to put back some of the money which was transferred by the amendment by the Senator from Oklahoma, Mr. INHOFE.

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 is speaking, 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 didn't oppose 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 an attempt to undo 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.

The 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, and so on—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 us do is to say 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 State 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 obligation first, the Federal 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?

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 our places where we have military bases, that kind of thing, for impact aid. There is no doubt about that.

Obviously, under the wording of his amendment, there would be no money left for any other States that don't get any impact aid whatsoever. Again, we are trying to be fair about this and to answer the needs of construction all over America.

Let's face it, the American Society of Civil Engineers estimated that the repair needs of our schools in America are about $187 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 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 area aid 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.'' 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. HARKIN. Also, the amendment of the Senator from Oklahoma reduced impact aid construction. I don't care what you say. It puts it into the basic impact aid.

Mr. INHOFE. That is correct.

Mr. HARKIN. That is correct. So this Senator from Arizona wants to boost up 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. KYL. 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 Inhofe amendment. Like the Senator from Iowa, I was willing to have it approved on a unanimous vote. The Senator from Oklahoma has explained that it deals with a different section of the bill. That is irrelevant.

There is one central question before us. 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 and distribute it all around 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 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. 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 military and for the Indian reservations, 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.]

YEAS—57

Akaka	Dodd	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Ensign	Murray
Boxer	Feingold	Nelson (FL)
Breaux	Feinstein	Nelson (NE)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Shelby
Clinton	Kennedy	Smith (OR)
Collins	Kerry	Snowe
Corzine	Kohl	Specter
Craig	Landrieu	Stabenow
Crapo	Leahy	Torricelli
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden

NAYS—41

Allard	Enzi	McCain
Allen	Fitzgerald	McConnell
Baucus	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hatch	Smith (NH)
Burns	Helms	Stevens
Campbell	Hutchinson	Thomas
Cochran	Hutchison	Thompson
Conrad	Inhofe	Thurmond
DeWine	Kyl	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	

NOT VOTING—2

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 on 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 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 96, nays 2, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—96

Akaka	Brownback	Clinton
Allard	Bunning	Cochran
Allen	Burns	Collins
Baucus	Byrd	Conrad
Bennett	Campbell	Corzine
Biden	Cantwell	Craig
Bingaman	Carnahan	Crapo
Bond	Carper	Daschle
Boxer	Chafee	Dayton
Breaux	Cleland	DeWine
Dodd	Inouye	Reed (RI)
Domenici	Jeffords	Reid (NV)
Dorgan	Johnson	Roberts
Durbin	Kennedy	Rockefeller
Edwards	Kerry	Santorum
Ensign	Kohl	Sarbanes
Enzi	Kyl	Schumer
Feingold	Landrieu	Shelby
Feinstein	Leahy	Smith (NH)
Fitzgerald	Levin	Smith (OR)
Frist	Lieberman	Snowe
Graham (FL)	Lincoln	Specter
Gramm (TX)	Lott	Stabenow
Grassley	Lugar	Stevens
Gregg	McConnell	Thomas
Harkin	Mikulski	Thompson
Hatch	Miller	Thurmond
Helms	Murkowski	Torricelli
Hollings	Murray	Voinovich
Hutchinson (AR)	Nelson (FL)	Warner
Hutchison (TX)	Nelson (NE)	Wellstone
Inhofe	Nickles	Wyden

NAYS—2

Bayh	McCain

NOT VOTING—2

Hagel	Sessions

The conference report was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. For the information of all Senators, the next vote will be the final vote for the evening. We will have more to say about the schedule for the balance of the week after the vote.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the conference report to accompany H.R. 2590, the Treasury-Postal 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.]

YEAS—83

Akaka	Cochran	Gramm
Allen	Conrad	Grassley
Bennett	Corzine	Gregg
Biden	Craig	Harkin
Bingaman	Crapo	Hatch
Bond	Daschle	Hollings
Boxer	Dayton	Hutchison
Breaux	DeWine	Inhofe
Burns	Dodd	Inouye
Byrd	Domenici	Jeffords
Campbell	Dorgan	Johnson
Cantwell	Durbin	Kennedy
Carnahan	Enzi	Kerry
Carper	Feinstein	Kohl
Chafee	Fitzgerald	Kyl
Cleland	Frist	Landrieu
Clinton	Graham	Leahy

Levin	Nelson (FL)	Stabenow
Lieberman	Nelson (NE)	Stevens
Lincoln	Nickles	Thomas
Lott	Reed	Thompson
Lugar	Reid	Thurmond
McCain	Rockefeller	Torricelli
McConnell	Santorum	Voinovich
Mikulski	Sarbanes	Warner
Miller	Schumer	Wellstone
Murkowski	Shelby	Wyden
Murray	Specter	

NAYS—15

Allard	Collins	Hutchinson
Baucus	Edwards	Roberts
Bayh	Ensign	Smith (NH)
Brownback	Feingold	Smith (OR)
Bunning	Helms	Snowe

NOT VOTING—2

Hagel	Sessions

The conference report was agreed to.

Mr. HARKIN. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

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

AMENDMENT NO. 2072, AS MODIFIED

Mr. HARKIN. Madam President, I ask unanimous consent that amendment No. 2072, previously agreed to, be modified with the technical corrections I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2072), as modified, is as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined.

(1) For each 2-year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

SAFE MOTHERHOOD

Mr. KENNEDY. Madam President, I thank the Chairman for his ongoing leadership on women's health and would like him to join me in congratulating the Centers for Disease Control and Prevention for its ground-breaking National Summit on Safe Motherhood. The summit succeeded in expanding our understanding of safe motherhood as a critical woman's health issue and identified the troubling lack of research and data on pregnancy-related issues that impact the short and long-term health of women.

Mr. HARKIN. I am pleased to join the Senator in recognizing the summit. I, 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 during pregnancy, such as severe bleeding, ectopic pregnancy, postpartum depression or infection. Some groups, including African American, Hispanic, and older women, have a significantly increased risk of illness or death. For example, African-American women are four more times likely to die from pregnancy-related complications as white women; Hispanic, Asian and American Indian women are twice as likely to die from pregnancy-related complications as their non-Hispanic, non-Asian, and non-American Indian counterparts; and women aged 35–39 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 getting prenatal care now than ever before, the number of maternal deaths and preterm deliveries has not declined in the past 25 years.

Mr. HARKIN. 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 expectant mothers. 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. VOA in Whitley 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 $102 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 with respect to fiscal year 2002 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. 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 have such a large and growing segment of our population go 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 seen first hand how much of an impact HSI grants can 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 crafting a bill that makes the difficult choices we must make each year, while managing to maintain 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 it is the chairman's intent 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 in order to further expand 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 to the nation, as well as the effective use to which they put these funds, I believe the funding increase is necessary and appropriate.

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.

TRIO PROGRAMS

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 the specifics of 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 Members of both parties 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 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 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 leading a campaign in the Senate 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 to increase 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 fought to raise the aspirations of 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 substantial investments in Reading 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 increase of $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 1,200 colleges, universities and agencies offer almost 2,500 TRIO Programs, serving over 740,000 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 the eighth grade. Father Jim's participation in Upward Bound changed his life and opened up a world of opportunity to him.

Beginning in 1977, Father Jim spent three summers 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 remains a terrific example of the success of the TRIO programs. There are many similar stories of TRIO graduates in all professions and walks of life. These are stories of successful, educated individuals who were introduced by a TRIO program to the endless possibilities that become attainable through education.

Nationally, the current funding level for TRIO only allows approximately 6 percent of the eligible population to be served. Many students in my own state would not go to college without these important federal programs. In Maine, 15 TRIO programs serve 5,509 young people and adults and I have been very impressed by the impact these programs have on aspirations. Many Maine students have told me that the TRIO programs gave them the confidence and encouragement they needed to succeed in higher education.

As we complete the appropriations process, I would ask that we place a continued emphasis on the important federal responsibility to expand access to postsecondary education. It is critical that we reach our target of serving at least 10 percent of the eligible population over the next 5 years. I urge the chairman and ranking member to continue their support of TRIO by protecting the proposed appropriation in conference committee. I also ask that TRIO receive an increased appropriation, should discretionary funds become available. For example, if IDEA is funded with mandatory funds during the ESEA reauthorization process, I hope that TRIO will be one of the programs that benefits. On a related note, I should point out that Chairman HARKIN has been a leader in the effort to secure mandatory funding for IDEA and I commend his commitment to that crucial issue.

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 bipartisan 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.

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 adopted. 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 chairman's wishes that SAMHSA earmarks not be made specifically in bill language, and, accordingly, we will not offer my amendment on the floor. We would ask, however, whether the chairman and ranking member will advocate for the $16 million set-aside in the conference report to this bill.

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 need to return to secure and 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 admire the Senators' 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.

Mr. INOUYE. 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 told 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 has within 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-departmental 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 been disproportionately affected by the unilateral actions recently taken by HHS in releasing NEW and TANF funds outside the established Public Law 102–477 process. Alaska Native groups have made important strides in improving and streamlining their employment and related services through the Public Law 102–477 demonstration. These organizations face the suspension of services to thousands of Alaska Native people because of the actions taken by HHS, placing NEW and TANF money outside the standard 477 process. To avoid any further damage to the services to Native people, particularly those most vulnerable who are in the public assistance system, HHS must immediately comply with the requirements in Public Law 102–477 and inform the tribes that these requirements, including the single reporting requirement, will be honored by the Department.

Mr. HARKIN. On behalf of myself and Senator SPECTER, I 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

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 Senators 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 funding for Bilingual education programs by $100 million, provide an additional $3 million for the High School Equivalency Program, $5 million for the College Assistance Migrant Program, $58 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. Unfortunately, Hispanic students as a group lag far behind their peers on many academic indictors. 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 Black (14 percent) 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—2000 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 10 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 overall. Due to his efforts 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 for helping us to provide additional funds for these programs.

Mr. HARKIN. I appreciate the Senator's efforts on this amendment. I strongly support these programs and agree we must make sure Hispanic students have the opportunity to succeed. That's why Senator SPECTER and I were pleased to include substantial increases for these programs. Unfortunately, because we chose to honor our commitment to stay on track to double the funding for NIH, and because we preserved funding for renovation which is also important to schools serving Hispanic students, we had less to spend on education than our House counterparts.

I am pleased that, by adopting this amendment, we will be able to increase HEP by $3 million—a 15 percent increase, CAMP by $5 million—a 50 percent increase, the HSI program by million for HSIs, $405 million for Migrant Education, and $600 million for Bilingual Education. Our amendment also includes $285 million for GEARUP and $805 million for TRIO; both programs prepare disadvantaged students to pursue and attend postsecondary education.

Mr. SPECTER. I join my colleagues in supporting this amendment. Senator HARKIN and I have always tried to work together to make sure federal resources are directed toward helping children who otherwise might not have access to a high quality education. This amendment clearly furthers that objective and I am pleased to accept it as part of the managers' package.

Mr. DASCHLE. I would like to join the Senator from New Mexico in thanking the chairman and ranking member for their help on this amendment, and for their hard work on this bill. I know they do their best to accommodate the myriad requests they have received to fund many very worthwhile programs, and to try to address the many crucial challenges facing our public education system. I do agree with my colleagues that we must make sure that our schools do a much better job in serving our growing population of Hispanic children. As the Senator from New Mexico has pointed out, too many have not had access to the strong schools and well-trained teachers who can help them succeed academically for the sake of their own futures and for the benefit of our nation as a whole. I would strongly urge the chairman and ranking member to do their best to provide further increases for these important programs, particularly for bilingual education, migrant education, and GEARUP, during the conference on this bill.

Mr. BINGAMAN. If my colleagues will allow me to discuss this a little further, Senator KENNEDY and I would like to ask a few more questions. It is my understanding that, at the request of Senator HUTCHISON, the Senators have agreed to work with their colleagues in the House during conference negotiations to further increase funding for Hispanic Serving Institutions to $81.5 million?

Mr. HARKIN. Yes, the House bill allocates $81.5 million for that program and we hope to recede to the House during conference negotiations.

Mr. BINGAMAN. I greatly appreciate this commitment. These are almost 20 HSIs in my home state and these schools desperately need additional funds to assist in the provision of a high quality education to the fastest-growing minority population. I yield to my colleague Senator KENNEDY who has shown tremendous leadership on issues related to education generally and has led the fight for improved services for disadvantaged students in our country. I thank him for his support.

Mr. KENNEDY. I commend Senator BINGAMAN and Senator DASCHLE for their leadership on this amendment. I also commend Senator Harkin and Senator Specter for their assistance on the amendment and for their impressive work on the entire bill.

All of the programs supported by this amendment deserve significant increases. The Senate bill will include an impressive 34 percent increase for Bilingual Education programs, which leverage state and local funds for instructional program improvement, and

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 adjusting for inflation declined by 39 percent from fiscal year 1980 to fiscal year 1998.

I understand that our Chair, Senate HARKIN, has agreed to work with Senate 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 funds would be allocated 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, placing Title III on a path toward full funding over 7 years by authorizing $2.8 billion to adequately serve all students. We should work to increase funding for bilingual education to at least $700 million 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, and 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 intend 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. We would support distributing the funds 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 support services 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 national average is 7.8 percent and only California has a larger percentage of LEP students—24 percent. I should note that this program also is essential to our Native American population. For many Native Americans, English is a second language. These students need educational programs that help preserve their native language while helping them to gain greater proficiency in English and to achieve in core academic subjects.

I also am pleased 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 again express my thanks to Senators HARKIN and SPECTER for their 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 supporting 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 GREGG'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 child poverty rates and 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.

You may have heard me tell 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 aptly, phrased it in this debate in 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 the most urgent repairs to our school 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 we can 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 chairman's mark.

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 potential State and 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 reserve funds that 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 at a time 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 all students in grades 3 through 8? How can we expect our schools to hire only certified teachers when they are laying off teachers left and right and raising class sizes because they don't have resources to support new teachers?

This appropriations bill begins to make a difference. It invests in emergency school repairs and renovations for our schools that are most urgently in need of repair; it significantly increase funding for teacher quality and teacher recruitment; and it invests an additional $1 billion in special education. But it is just not enough.

I believe that there are three things that we need to do.

We need to fully fund IDEA. This body passed the Harkin-Hagel amendment on ESEA, which would move special education funding to the mandatory side and would increase special education funding by $2.5 billion each year for the next 10 years. 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 in the first year. This increase would begin to make good on the Federal Government's commitment to fully fund IDEA and, most importantly, it would help our communities by freeing up local funds for other necessary education investments.

I will fight my heart out to ensure that this amendment is part of the final education bill that Congress will consider in the weeks ahead.

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 that 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.

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 the order for the quorum call 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 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 ''of which $3,500,000 is available for obligation 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''.

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 $98,500,000: *Provided*, That 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 the accounts subject to the pro rata reductions and the amount to be reduced in each account.

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 of the amount provided for Rural Health Outreach Grants, $12,500,000 shall be available to improve access to automatic external defibrillators in rural communities''.

AMENDMENT NO. 2079

(Purpose: To provide additional funding to carry out the Ecstasy 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 subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)''.

AMENDMENT NO. 2080

(Purpose: To increase the appropriation for the Promoting Safe and Stable Families program)

On page 43, line 23, after the period, add the following:

''In addition, for such purposes, $70,000,000 to carry out such section.''

AMENDMENT NO. 2081

(Purpose: To increase the appropriation for the Close Up Fellowship Program)

On page 57, line 24, before the period, add the following: '': *Provided further*, That $2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part.''

AMENDMENT NO. 2082

(Purpose: 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)

On page 34, line 13, before the period insert: '': *Provided further*, That $5,000,000 shall be available for mental health providers serving public safety workers affected by disasters of national significance''.

AMENDMENT NO. 2083

(Purpose: To provide funding for cancer prevention and screening programs under the Radiation Exposure Compensation Act Amendments of 2000)

On page 54, between lines 15 and 16, insert the following:

SEC. 225. 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 $1,000,000 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 illnesses, geographic areas, or 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).

AMENDMENT NO. 2084

(Purpose: To provide funding for Hispanic education programs)

On page 40, line 16, strike ''5.9'' and insert ''5.7''.

On page 54, between lines 15 and 16, insert the following:

SEC. 522. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

On page 54, line 25, strike ''$11,879,900,000, of which $4,104,200,000'' and insert ''$11,912,900,000, of which $4,129,200,000''.

On page 56, line 25, strike ''$8,717,014,000'' and insert ''$8,723,014,000''.

On page 57, line 18, strike ''$10,000,000'' and insert ''$15,000,000''.

On page 58, 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''.

AMENDMENT NO. 2085

(Purpose: To express the sense of the Senate concerning research on, and services for individuals with, post-abortion depression and psychosis)

At the appropriate place, insert the following:

SEC. 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'');

(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 responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research 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 a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of 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, and periodically thereafter 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.

AMENDMENT NO. 2086

(Purpose: To amend the Public Health Service Act to provide a short title for a children's traumatic stress program)

At the appropriate place, insert the following:

SEC. 227. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–(f) 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'.''.

Amendment No. 2087

(Purpose: To modify the calculation of State expenditures for eligible States under title IV of the Higher Education Act of 1965)

On page 73, between lines 4 and 5, insert the following:

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(8)) shall not apply to a State program during fiscal year 2001 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—

(1) 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 subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did 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.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to.

The amendments (Nos. 2076 through 2087) were agreed to en bloc.

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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now go into a period for morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. DURBIN. Mr. President, yesterday and the day before, there were some statements made in Washington that I would like to reflect on for a moment.

Yesterday, the President of the United States came before a group—I am not sure of the name of the group—and said to them at one point, in reflection on the economic stimulus package, that it was time for ''Congress to get to work.

I understand the President is prodding us to do our best and to work hard, and we should. But I would say to the President and to any who follow this that Congress has been working, and working hard, with this President since September 11, and before. Since September 11, we have been diligent every time the President has asked us for important legislation, whether it was the money he needed to execute

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 the President needed so that our law enforcement can ferret out the sources of terrorism in the United States. We moved to that quickly and sent it to the his desk. The Senate and the House 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 out an 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.

What did the Secretary of the Treasury, a member of President Bush's Cabinet, say about the House economic stimulus bill? In the words of Treasury Secretary Paul O'Neill, he called it ''show business.''

Across the United States, in publications as conservative as the Wall Street Journal and others of a more moderate and liberal bent, the House effort at an economic stimulus has been roundly criticized.

All of us understand that the American economy is in a sorry state. The report back just recently suggests that in the third quarter of this year the U.S. economy contracted by .4 percent. After we have enjoyed in the last several years 2 and 3-percent growth, it is troubling to see that we are moving backward. Many believe that the actual contraction of the economy and movement toward recession will continue in the fourth quarter. It is almost inevitable when you consider all of the layoffs, the overcapacity of our economy, and the current state of our economic indicators.

That is why it was equally troubling when the same Treasury Secretary, Paul O'Neill, came before the cameras yesterday here in Washington and made a pronouncement. He said if Congress could pass an economic stimulus package, we might be able to avoid a recession.

I think Harry Truman made it very clear when he was President. He put the sign on his desk that said in many respects the buck stops at the White House; the buck stops with the administration. If this is an effort by a Cabinet member of this administration suggesting the recession is a product of congressional inactivity, I think that simplifies and perhaps overstates their position.

So I hope we can reflect for a moment on what this economy needs and what has been proposed. We ought to put it in this perspective: Since September 11, the money we have been spending to execute the war against terrorism, to rebuild the damage caused by terrorists on that day, and the money that we are proposing to spend on an economic stimulus to get America's economy moving forward is money that is being taken out of the Social Security trust fund and the Medicare trust fund.

Those of us who voted for it understood full well that in time of war we need to give the men and women in uniform the resources they need in order to protect themselves and defend America. I voted for it, understanding that money was coming out of the Social Security trust fund. It is to be repaid, but the money is coming out of that trust fund as we spend it on this war and on rebuilding the damage caused by terrorism. Similarly, the money being spent on the economic stimulus is also coming from that Social Security trust fund.

The reason I raise that point is this: How does 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 building up 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 twofold. First, as every economist worth his salt has told us, to get this economy moving again, 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 there is an overcapacity of production, and people are not buying enough. They are holding back.

The reasons are many. They are uncertain about the economy. They are uncertain about their jobs. They are uncertain about America's security. They are holding back. And this reticence on the part of Americans has led to the slowdown in the economy.

The same economists say, if you want to turn this economy around, you have to give the resources back to the people who will spend it: the consumers who need the money in hand to make the purchases to get the economy fired up and moving forward. I have not heard a credible economist yet not reach that conclusion.

I pulled a group of business leaders together in Chicago several weeks ago. We had representatives of labor and business, small and large, and we sat down. I said, open ended, what do we need to do to get America moving again? They all came to that conclusion: Give the consumer more spending power.

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. Forty percent of the economic stimulus coming out of the Republican-controlled House of Representatives goes to the top 1 percent of wage earners.

Think about ''Reverse Robin Hood.'' Here we have the average person working hard, paying 7.5 or 8 percent in payroll 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 people 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 fact, literally 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 consumers spending power to get 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 this 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 bill costs $70 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. Almost half of 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 $91 billion in this next fiscal year and $175 billion over 10 years—$175 billion 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? Forty-four percent of the Republican tax cuts would go to the wealthiest 1 percent of taxpayers. 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 to us, it is time for Congress to get to work, it is also time for this administration to stand up behind sound economic principles that really will 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 should 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 and expansion 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, his son, now 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 insurance. Imagine that you have lost a job you have held for a number of 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 private marketplace, it costs you $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, which, of course, causes a 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 coverage for health care benefits 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 any 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.

This 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 $20 billion in spending. Some will say: There they go again. At a time of 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.

Senators BYRD and REID, in this spending proposal for homeland defense, would provide resources for that opportunity. The FEMA firefighters grant program is another program that has provided for an update in the equipment and resources and materials at fire stations all across America. It has been an extremely popular program. They have called for $600 million on that. I am certain that could 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

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.

There is 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.

Today, we had 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 certainly 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 against the idea of putting 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: all of these are easily defensible 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 reject the show business, 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 history 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 proposal on the Republican side to provide most 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'Neil 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 in today's economy.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Illinois.

APPRECIATION 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 is heartfelt.

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 bargain on trade. Without assurances that America has the laws to protect itself against unfair foreign 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 trade 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 not 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

consistent with the principles and the rulings of WTO. We are not trying to do anything unfair. We are just trying to be fair and make sure we are protected.

Realizing that many of our trading partners want to weaken our trade laws, I was quite surprised to read that the draft declaration indicated a willingness to renegotiate these rules. This is the draft declaration looking toward Doha.

Why should we do this? What do we gain? Where is the affirmative agenda?

At a minimum, the United States should be seeking to address the underlying market distortions that cause dumping and that cause other countries to subsidize. We should be trying to correct the erroneous WTO decisions that have been handed down for the last several years. Yet all the draft declaration indicates is that we will engage in a wholesale renegotiation of these rules.

I find that very disturbing. I hope our trading partners realize that when it comes to weakening our trade laws through further negotiation they will face stiff, unyielding, and bipartisan opposition in the Congress.

I am also concerned about the declaration's environment and labor provisions.

I was happy to see the reaffirmation of our commitment to the sustainable development, and that the WTO will increase its focus on the relationship between multilateral environmental agreements and trade rules. Both these issues deserve even more attention.

I am concerned, however, about the comments from our negotiators that these are ''Europe's issues.''

Sustainable development is not a concern of Europe alone. I hope the lessons of Seattle have not somehow been lost on us. These are American concerns—more so now than ever.

So too is the issue of labor and trade. The declaration makes the mistake of suggesting that labor standards are—and I quote—''social issues,'' appropriately handled by the ILO.

I want to be clear on this point. We have now turned the corner on these issues. As the overwhelming support for the recent United States-Jordan Free Trade Agreement makes clear, environment and labor standards are now a part of the trade dialog. They are here. We passed it; that is, we passed legislation which affirms it.

Finally, I want to express my strong support for Taiwan's accession into the WTO—as a full member of the WTO. This includes the right to challenge the trade practices of China—or any other country—just as other members have the right to challenge Taiwan.

I am concerned about some of the recent reports that China is advocating some kind of lesser status for Taiwan. As an independent member of the WTO, Taiwan should have, and will have, the same rights as every other member. I hope the administration will take a strong stand in this regard.

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 deal 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 wants, the bill 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 we are 56.6 percent dependent upon foreign countries for our oil supply. That means we are 56 percent dependent upon 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 ludicrous 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. We have no-fly zones. We have our troops who should be better trained when they arrive in the Persian Gulf. Yet we are dependent upon 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 absolute disaster.

I will cite 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 Iraqi 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 focus on 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 along came George ''the first.'' 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 that would be 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 a 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 now, in anticipation of a 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 Boston High School student on the subway because she was holding hands with another young girl, a common custom from her native African country. Thinking the victim was a lesbian, the group began groping the girl, ripping her clothes, and pointing at their own genitals. Officials said a teenage boy who was with the group allegedly pulled a knife on the girl, held it to her throat and threatened to slash her. The girl later passed out from being beaten. Three high school students were arrested in the attack and charged with civil rights violations, assault with a dangerous weapon, assault and battery, and indecent assault and battery.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ASKING SAVES KIDS

Mr. LEVIN. Mr. President, PAX is an organization that promotes practical, non-political solutions to the problem of gun violence. Asking Saves Kids or ASK is a national advertising campaign, developed by PAX in collaboration with the American Academy of Pediatrics. The ASK campaign urges parents to ask their neighbors if they have a gun in the home before sending their child over to play. To help parents with what is a difficult question, the ASK campaign has developed a ''Parent's Help Kit''. The kit contains tips on how to ask the question about guns in the home, a sample letter to mail to other parents, and non-confrontational ways to respond to friends and relatives who may take exception to the question. The Help Kit is an invaluable tool in the fight to protect children from gun violence and I encourage parents to visit the PAX web site and download a copy of the Help Kit. The web site address is http://www.gunviolence.org/pdf/ASK_Kit.pdf.

IN MEMORY OF KATHY T. NGUYEN

Mrs. CLINTON. Mr. President, yesterday, we received tragic news: Kathy Nguyen, a 61-year old Bronx woman who worked at the Manhattan Eye, Ear and Throat Hospital on East 64th Street, passed away from inhalation anthrax. Her death, she is the fourth person in our country to die from anthrax, has saddened New York, and our entire country. Ms. Nguyen, who worked at the hospital since 1991, was a clerk in the stockroom in the basement of the hospital.

Ms. Nguyen came to America from Vietnam in 1977 with the help of a New York City police officer. Like many refugees from Vietnam, she left without any money, and started a new life for herself in America. She settled in the Bronx' Crotona Park East area near the Bronx River. She married an American, but later divorced. They had a son, who tragically died in a car accident years ago.

Ms. Nguyen's friends and neighbors have spoken kindly about the tiny, generous woman who had no family of her own, but always inquired about their families. She enjoyed cooking meals for her neighbors and their families, even sharing Thanksgiving dinner, and was known for her fondness for offering coworkers food.

Working afternoons and evenings at the Manhattan Eye, Ear and Throat Hospital, Ms. Nguyen was responsible for stocking the emergency room and operating rooms with medicine and instruments. She sometimes returned home as late as 11pm. Her neighbors noted her late working hours and said that she was planning on retiring. Although she did not handle mail, it has been reported that the supply room where she worked was adjacent to the hospital's mailroom.

Last Thursday night, Ms. Nguyen complained to her neighbors that she was feeling ill, but she brushed it off as a cold. She went to work as usual on Friday, but by Sunday night, she felt worse and the superintendent of her building brought her to the emergency room at the Lennox Hill Hospital. She was in critical condition in the intensive care unit with pneumonia and was placed on a respirator. Initial tests showed anthrax and additional tests confirmed the diagnosis on Tuesday afternoon. Although she fought hard to battle this terrible infection, she passed away.

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 a special part 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 about 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

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 in Washington.

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.

Amid all the sadness and anger, I have been tremendously heartened by the way Americans of all races, religions and backgrounds rallied together to help each other. It should not be surprising that we would respond this way, but it is enormously uplifting and reassuring.

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 solving the world's 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 calmly ask constructive questions, 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 these 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 civilian casualties caused by our bombs in Afghanistan despite the efforts made to prevent them are not only tragic but also exacerbate the hatred of America by Muslims in many parts of the world, a hatred which has been building over many years.

We are seeing this among Muslims in Pakistan, in Indonesia, in the West Bank, even in Africa. Despite President Bush's, Secretary Powell's, and Secretary Rumsfeld's clear statements to the contrary, they see our actions as attacks on their religion.

We also know what happened to the Soviet army, and to the British before them, in Afghanistan. Two of the world's most powerful militaries suffered terrible losses and were forced to withdraw in humiliation. And we should remember our own disastrous experience in Somalia.

We need to recognize that there are parts of the world, dominated by fierce warlords and clans, that we do not understand and probably cannot understand. We should be very, very careful not to repeat past mistakes.

Our campaign against terrorism has no direct precedent, and we are still feeling our way forward. At this stage of the military dimensions of this effort, neither the President nor the Pentagon have yet explained, except in the most general way, what they expect to accomplish militarily in Afghanistan within the next month, 6 months, or year, and how they expect to accomplish it. Nor have they yet explained the risks to our Armed Forces, except to say that there will be casualties.

Meanwhile, the American people have been asked to be patient, and they have been. Members of Congress have been asked to give the President and the Pentagon great latitude, and they have done so. But we are all in this together, and the time for clearer goals and more direct answers about our strategy is approaching.

The fact that 2 weeks ago the Pentagon told us that they had eviscerated the Taliban's military capabilities, and a week later expressed surprise that the Taliban has proved to be a determined foe, already has raised troubling questions.

No one wants to see an end to the Taliban more than I, and I have no doubt that we can force them from power. But there is no evidence it can be done by bombing alone, at least not without many civilian casualties. How many ground troops would it take, over what period of time? And then what? Surely the Taliban would regroup and fight from somewhere else.

The American people will deserve and need answers to these and other questions.

There is no doubt that we will need help from others to fight terrorism, which exists in every corner of the globe. To his credit, the President showed admirable patience in building a coalition to track down terrorists and their sources of income. The President must also continue to show an understanding of the particular situation of each country in the coalition, and of how much we can reasonably demand of them given their circumstances, their capabilities, their history.

The situation we are in is unlike any that we have seen before. It is difficult always to know who the enemy is or where they may be hiding. They may be right among us, or they may be in the mountains of Central Asia. Secretary Powell and others have been clear that we are preparing for a long, sustained, comprehensive campaign, using all the means at our disposal—diplomacy, intelligence, law enforcement, financial, economic, and military.

We must confront the entire superstructure of terrorism—the states that knowingly provide terrorists with support and safe haven, the system of financial support, and sources of recruits, and the hatreds that spawn them.

In doing this, we must heed the lessons from other so-called wars that we have fought against other deeply rooted, complex problems—the war on poverty and the war on drugs. These ''wars'' have been fought with many weapons. They also depend on foreign cooperation. Yet we are nowhere near to winning either of those wars, despite the fact that we have spent tens of billions of dollars, and even, in the war on drugs, imprisoned thousands of people and deployed our forces in foreign countries.

We must be resolute but realistic. We can no more completely eliminate terrorism from the face of the Earth than we can eliminate poverty. But there is a great deal we can do to protect ourselves.

The President has waived sanctions against Pakistan so we can assist them in this effort. I have heard proposals that we should set aside other laws which affirm our commitment to the protection of human rights in our international relations. Others speak of waiving limitations on our support

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 lessons of history. We supported 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 been turned into a virtual prison, 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 which the terrorists hate—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 highjacker, 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 produces their funding, 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 noteworthy 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 those 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 the Middle East, 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 is too many places to count, and at most of those flash points poverty, and the injustice that perpetuates 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 and the Agency 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 each year.

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 poverty, 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-White, and 70 percent 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 the world's wealthiest nation 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 somehow 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 forge common approaches 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 to 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 keep faith with Israel and its 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

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 it is, 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-minded zeal to secure a steady 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 get our domestic house in order.

Over the last decade this country has put an enormous effort into counterterrorism. It has been a top priority of the FBI, the CIA and other agencies. Yet, all those resources and all that concentrated work 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 prior 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. There is an Executive 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 exercise of our 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 dangers 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 leaders appeal to these 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 other 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 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 their nation when 62 members 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 got the job done.

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 one alive and the grief they felt as 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 character 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 only physically dangerous but 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 experience.

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 brave; and they are resilient. 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, Stroud, Roger, D., 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, Richards, 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, Ulibarri, Mike, Salt Lake County Fire Department; Captain, Dixon, David H., Salt Lake City Fire Department; Firefighter, Russell, Wade, Salt Lake County Fire Department; Instructor, Shields, Jon, Utah Valley State College; Paramedic, Clark, Jeffrey A., Salt Lake City Fire Department; Paramedic, Tallon, Tevor J., Salt Lake City Fire Department; Paramedic, Silverthorne, Robert R., Salt Lake City Fire Department; Captain, Darger, Brent, Salt

Lake County Fire Department; Paramedic, Schaugaard, Steven, Salt Lake County Fire Department; Paramedic, Halligan, Steven Salt, Lake County Fire Department; Engineer, Russell, Ron, Salt Lake County Fire Department; Firefighter, Fox, Michael S., Salt Lake City Fire Department; Paramedic, Outzen, Craig, Salt Lake County Fire Department; Captain, De Journett, Charles, Salt Lake County Fire Department; Engineer, Cage, Chris, Salt Lake County Fire Department; Paramedic, Harmer, Jacob, Salt Lake County Fire Department; Paramedic, Bone, Merrill L., Salt Lake City Fire Department; Paramedic, Morell, Brad J, Salt Lake City Fire Department; Firefighter, Glagola, Nicholas P., Salt Lake City Fire Department; Paramedic, Vialpando, David T., Salt Lake City Fire Department; Paramedic, Black, Rick G., Salt Lake City Fire Department; Paramedic, Taylor, Matthew A., Salt Lake City Fire Department; Paramedic, Hambleton, Matt, Salt Lake City Fire Department; Captain, Pilcher, Robin, Salt Lake County Fire Department; Firefighter, Widdison, Anthony, Salt Lake County Fire Department; Doctor, Joyce, Stephen, University of Utah Medical Center; Doctor, Dixon, Lester, St. Marks Hospital; Captain, Cooper, Catherine, Salt Lake City Fire Department; Paramedic, Homen, Jack, Salt Lake County Fire Department; Paramedic, DeGering, James, Salt Lake County Fire Department; Paramedic, Tuttle, Dick L., Salt Lake City Fire Department; Battalion Chief, Bogle, Tom, Salt Lake County Fire Department; Paramedic, Jensen, Michael L., Salt Lake County Fire Department; HazMat, Robinson, Zachary, Salt Lake County Fire Department; Paramedic, Greensides, Michael, Salt Lake County Fire Department; HazMat, Mecham, Clint, Salt Lake County Fire Department; HazMat, Wall, Ron, Salt Lake County Fire Department; Communications Technician, Garcia, Ted, Private Citizen; Communications Technician, Neal, Joel, Private Citizen; HazMat, Bevan, Keith, Salt Lake County Fire Department; Captain, Rice, Doug, Salt Lake County Fire Department; Firefighter, Gish, Daniel, Salt Lake City Fire Department; Firefighter, Endemano III, Edward W., Salt Lake City Fire Department; Captain, Haakenson, Roy Salt, Lake County Fire Department; Captain, Gaulke, Brian, Salt Lake City Fire Department; Contractor, McQuarry, Mel; and Contractor, Hansen, Ross.

STACEY CALDWELL'S POEM

Mr. KENNEDY. Mr. President, in a meeting today with America's Ambassador to Ireland, Richard Egan, the Ambassador gave me a poem written by an 11-year-old from Northern Ireland.

The poem addresses the horrendous attack on our Nation on September 11 and the shared fears of the American and Irish people. It is moving and eloquent tribute to the innocent victims of these atrocities, and I commend it to my colleagues.

I ask unanimous consent that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

A DAY TO REMEMBER

(By Stacey Caldwell)

Tuesday 11th September 2001
Another day in New York has just begun
Everyone's getting ready for work, no time to slow down
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 filled his niche and accomplished his task; who has left the world better than he found it, whether an improved poppy, a perfect poem, or a rescued soul; who has always looked for the best in others and given them the best he had; whose life was an inspiration; whose memory a benediction.

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' 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' 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 Carraway. Also in the race was Arkansas' sitting Governor, Homer Atkins. Fulbright won the race, bringing national attention to both the new Senator and to the skills of John Erickson.

He served Senator Fulbright well 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 1960 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 in the sands of time.

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,

Seeing, shall take heart again.●

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. Shel has provided exceptional service to the institute, and in the process helped to improve our region's economic development and environmental quality. Shel 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 Shel Parker 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 messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON 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—MESSAGE FROM THE PRESIDENT—PM 53

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:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 2, 2000 (65 Fed. Reg. 66163).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan, including continuing concern about its record on terrorism and the prevalence of human rights violations, including slavery, restrictions on religious freedom, and restrictions on political freedom, that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 31, 2001.*

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.

THE WHITE HOUSE, *October 31, 2001.*

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. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the report of the committee on conference of 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.

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–4508. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration 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–4509. A communication from the Director of the Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Occupational Injury and Illness Recording and Reporting Requirements'' (RIN1218–AC00) received on October 24, 2001; to the Committee on Health, Education, Labor, and Pensions.

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 ''Mining Claims Under the General Mining Law; Surface Management'' (RIN1004–AB44) received on October 29, 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. 1428: 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:

Edith 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.

Karon 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 E. Moss, 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 Middle District of Alabama for the term of four years.

Paul K. Charlton, of Arizona, 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 Carlos 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 it 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. 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.

By Mr. HELMS (for himself and Mr. CRAIG):

S. 1610. A bill to protect United States military personnel and other elected and appointed officials of the Untied States Government against criminal prosecution by an international criminal court to which the United States is not party; to the Committee on Foreign Relations.

By Mr. LEAHY:

S. 1611. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON:

S. 1612. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMPSON:

S. 1613. A bill to provide for expedited congressional consideration of ''Freedom to Manage'' legislative proposals transmitted by the President to Congress to eliminate or reduce barriers to efficient government operations that are posed by laws that apply to one or more agencies, including government-wide laws; to the Committee on Governmental Affairs.

By Mr. SESSIONS (for himself, Mrs. HUTCHISON, Mr. EDWARDS, Mr. SHELBY, Mr. HOLLINGS, 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.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LEAHY, and Mr. HATCH):

S. 1615. A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

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.

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.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. HAGEL, Mr. REID, and Mr. ENSIGN):

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. 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.

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 carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area; 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 medicaid program under title XIX of such Act; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. DASCHLE, Mrs. LINCOLN, Ms. COLLINS, 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.

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. 38

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 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 Massachusetts (Mr . KERRY) 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 Mr. HUTCHINSON, 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 quality 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 Congress that public schools may display the words ''God Bless America'' as an expression of support for the Nation.

AMENDMENT NO. 2021

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2021 intended to be 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. 2050

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. 2050 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, cross-country skiing, day hiking, jogging, camping, and long-distance backpacking. In addition, National Scenic Trails promote tourism and foster economic development. National trails

can only be authorized and designated by Acts of Congress.

The Metacomet-Monadnock-Mattabesett Trail plays an important role in land protection and wildlife habitat preservation. It is a system of trails and potential trails extending southward approximately 180 miles from the Metacomet-Monadnock Trail in western Massachusetts, across central Connecticut on the Metacomet Trail and the Mattabesett Trail, and ending at Long Island Sound. Dozens of waterfalls, natural areas, and wildlife viewing spots can be found along the route. There are dramatic traprock ledges and summits that provide tremendous views of the Connecticut River Valley. At a time when the Northeast corridor is faced with overdevelopment, designating the Metacomet-Monadnock-Mattabesett as a national trail would help protect it, facilitate better planning for power lines, pipelines, and roads, and help maintain natural habitats through the financial and technological assistance of the National Park Service, nonprofit organizations, and local volunteers.

I would like to share a few of the comments from organizations in Massachusetts and Connecticut that support this legislation. Peter Westover, the conservation director for the town of Amherst, wrote to express strong support for the trail. He is confident that there will be widespread support among trail managers and trail users throughout the region. Both Durand, the Massachusetts Secretary of Environmental Affairs, wrote that the Metacomet-Monadnock portion of the trail is an important recreational, scenic, and historic resource that could be significantly enhanced by this project. The Massachusetts director of the Nature Conservancy, Wayne Klockner, expressed his strong support for the trail, writing that he supports the benefits that designation can bring to a fragile area and that he looks forward to increased land protection, funding and technical expertise. From Connecticut, Leslie Kane, chairman of the Guilford Land Acquisition Committee, supports the trail because it will preserve Connecticut's natural heritage for all people to enjoy. These comments represent only a handful of the letters of support that my colleagues and I have received.

Establishing a new national scenic trail is typically a four-step process, which, on average, can take 10 years to complete. In 10 years, given the rapid development in the Northeast, entire landscapes and habitats can change and become endangered. The first step in the process to establish a new national trail is amending the National Trails System Act to allow for a feasibility study. Senator KENNEDY and I are asking today that we take that first step and get started protecting the natural heritage of this small part of New England.

By Mr. LEAHY:

S. 1611. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in June 1999, the U.S. Supreme Court 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 held 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 rights by 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 that opened such a troubling loophole in our Federal intellectual property laws. We should delay no further.

Today, I am introducing the Intellectual 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 Tepp, 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 improves the limited 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 biotechnologies, 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 of a tribute to the successive Congresses and administrations of both parties who have striven to provide real 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 protection 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 free to join intellectual 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 and Plant Variety Protection Remedy Clarification Act, the Copyright Remedy Clarification Act, and the 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 liability for money damages. Each of the three Clarification Acts passed unanimously.

In 1996, however, by a five-to-four-vote, the Supreme Court in Seminole Tribe of Florida 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 told us that it did not really mean what it said in Atascadero and invalidated the Patent and Plant Variety Protection Remedy Clarification Act. In the companion case decided on the same day, College Savings Bank versus Florida Prepaid Postsecondary Education Expense Board, the same five Justices held that the Trademark Remedy Clarification Act also failed to abrogate State sovereign immunity.

The Florida Prepaid decisions have been the subject of bipartisan criticism. In a floor statement on July 1, 1999, I highlighted the anti-democratic implications of the approach of the activist majority of the Supreme Court, who have left constitutional text behind, ripped up precedent, and treated Congress with less respect than that due to an administrative agency in their haste to impose their natural law notions of sovereignty as a barrier to democratic regulation. I also noted that ''the Court's decisions will have far-reaching consequences about how * * * intellectual property rights may be protected against even egregious infringements and violations by the states.''

One of my Republican colleagues on the Judiciary Committee, Senator SPECTER, expressed similar concerns in a floor statement on August 5, 1999. He noted that the Court decisions ''leave us with an absurd and untenable state of affairs,'' where ''states will enjoy an enormous advantage over their private sector competitors.''

Charles Fried, a professor at Harvard Law School and former Solicitor General during the Reagan administration, has called the Florida Prepaid decisions ''truly bizarre.'' He observed in an op-ed piece in the New York Times:

> [The Court's decisions] did not question that states are subject to the patent and trademark laws of the United States. It's just that when a state violates those laws—as when it uses a patented invention without permission and without paying for it—the patent holder cannot sue the state for infringement. So a state hospital can manufacture medicines patented by others and sell or use them, and state schools and universities can pirate textbooks and software, and the victims cannot sue for infringement.
>
> It is hard to see what sense this makes, and the claim that ''the Constitution made me do it'' is particularly unconvincing. The 11th Amendment does protect states from suits in Federal courts by residents of other states—a provision almost certainly not intended to protect states from suits based on Federal law.

Not surprisingly, alarm has also been expressed in the business community about the potential of the Court's recent decisions to harm intellectual property owners in a wide variety of ways. A commentary in Business Week offered these cautions:

> Watch out if you publish software that someone at a state university wants to copy for free . . . Watch out if you own a patent on a medical procedure that some doctor in a state medical school wants to use. Watch out if you've invested heavily in a great trademark, like Nike's Swoosh, and a bureaucrat decides his state program would be wildly promoted if it used the same mark.

I believe that these concerns are real. As Congress acknowledged when it waived Federal sovereign immunity in this area, it would be naive to imagine that reliance on the commercial decency of the government and its myriad agencies and officials would provide the security needed to promote investment in research and development and to facilitate negotiation in the exclusive licensing arrangements that are often necessary to bring valuable products and creations to market. Indeed, the good intentions of government may be beside the point, if businesses are unwilling to enter into agreements because one side cannot be bound by the law.

Since the Court issued its decisions in June 1999, intellectual property scholars and practitioners across the country have come together to explore ways for Congress to restore protection for federal intellectual property rights as against the States. The Patent and Trademark Office hosted a particularly enlightening conference in March 2000, in cooperation with the American Intellectual Property Law Association and the Intellectual Property Section of the American Bar Association. I commend the PTO for taking the initiative on this important issue.

More recently, in September 2001, the General Accounting Office released a report requested by Senator ORRIN HATCH on State Immunity in Infringement Actions. The GAO's research confirmed that, after Florida Prepaid, owners of intellectual property have few alternatives or remedies available against State infringements. A State cannot be sued in Federal court for damages except in the unlikely event that it waives its sovereign immunity. As for the State courts, there is little chance of success with infringement-type a actions for patents and copyrights because of Federal judicial preemption and an absence of State-recognized causes of action. Furthermore, even if infringement suits can be brought in State court, it may not be possible to bring them against States that have governmental immunity shielding them from suit in their own courts.

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 Copyrights 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 as State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies.

This 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. intellectual property enforcement 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 substantial protection for patents, copyrights and trademarks. The Supreme Court's hypertechnical 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 Invest Co., a 1944 case, that ''The grant of a patent is the grant of 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 laws. All 50 States own 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 the 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, nonwaiving States that sue private parties for infringement could not recover any money damages that would otherwise be available under Federal law. That 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 on the receipt of exclusive intellectual property rights. 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.

My proposal is also consistent with the spirit of federalism, as interpreted by the Supreme Court, because it gives State entities a free, informed and meaningful choice to waive or not to waive immunity at any time. 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 the service of Federal policy. It simply levels the intellectual property playing field.

Congress may attach conditions on a State's receipt of Federal intellectual property protection under its Article I intellectual property power just as Congress may attach conditions on a State's receipt of Federal funds under its Article I 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, or to take 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, Seventh, 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 validly condition a state commission's 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 forging 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 give 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 actions for injunctions 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 in 1996, such relief 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 rights 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 the Supreme Court's recent decisions, this remedy is necessarily limited to the redress of constitutional violations, not violations of

the Federal intellectual property laws themselves. However, the Supreme Court has reaffirmed on may occasions that the intellectual property owner's right of exclusion is a property right fully protected from governmental violation under the Fifth 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 for deprivations of Federal rights 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 Federal Government 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 benefits we sought 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:

S. 1611

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Intellectual Property Protection Restoration Act of 2001''.

(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 registration and 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 that States and their instrumentalities now hold in the Federal intellectual property system because of their ability to obtain protection under the United States patent, copyright, and trademark laws while remaining exempt from liability for infringing the rights of others;

(2) promote technological innovation and artistic creation in furtherance of the policies underlying Federal laws and international treaties relating to intellectual property;

(3) reaffirm the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws; and

(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the United States Constitution by infringing Federal intellectual property.

SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION.

(a) AMENDMENT TO PATENT LAW.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d)(1) No remedies under section 284 or 289 shall be awarded in any civil action brought under this title for infringement of a patent issued on or 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, 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 if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

''(B) the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent.

''(3) 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).''.

(b) AMENDMENT TO COPYRIGHT LAW.—Section 504 of title 17, United States Code, is amended by adding at the end the following:

''(e) 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, 2002, if a State or State instrumentality 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 an exclusive right if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

''(B) 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 instrumentality 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 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).''.

(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:

''(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, 2002, or any right of the owner of a mark first used in commerce on or after January 1, 2002, if a State or State instrumentality 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 violation 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 right of the registrant or owner of a mark if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; 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 instrumentality 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

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).''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO PATENT LAW.—

(A) IN GENERAL.—Section 296 of title 35, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 296.

(2) AMENDMENTS TO COPYRIGHT LAW.—

(A) IN GENERAL.—Section 511 of title 17, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 511.

(3) AMENDMENTS TO TRADEMARK LAW.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(A) by striking subsection (b);

(B) in subsection (c), by striking ''or (b)'' after ''subsection (a)''; and

(C) by redesignating subsection (c) as subsection (b).

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 such remedies 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, 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 compensation for the harm caused by such violation.

(b) TAKINGS 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, 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 compensation 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.

(c) COMPENSATION.—Compensation under subsection (a) or (b)—

(1) may include actual damages, profits, statutory damages, interest, costs, 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 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117 (b)), and section 124(b) of the Plant Variety Protection Act (7 U.S.C. 2564(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 if the action were brought under such statute; and

(2) with respect to all other matters, including whether the State provides an adequate remedy for any deprivation of property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

(e) EFFECTIVE DATE.—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.

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 parties, while leaving them free to obtain money damages when their own rights are infringed. These decisions also have the potential to impair the rights of private intellectual property owners, 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 and participate 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.

Sec. 3. Intellectual property remedies equalization.—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 from any damages remedy for infringement of privately-owned intellectual property. Intellectual property that the state owned before the enactment of this Act is not affected.

Sec. 4. Clarification of remedies available for statutory violations by state officers and employees.—Affirms the availability of injunctive relief against state officials who violate the federal intellectual property laws. Such relief is authorized under the doctrine of Ex parte Young, 209 U.S. 123 (1908), which held that an individual may sue a state official for prospective relief requiring the state official to cease violating federal law, even if the state itself is immune from suit under the eleventh amendment. This section also affirms that state officials may be personally liable for violations of the intellectual property laws.

Sec. 5. Liability of states for constitutional violations involving intellectual property.—Establishes a right to compensation for state infringements of intellectual property that rise to the level of constitutional violations. Compensation shall be measured by the statutory remedies available under the federal intellectual property laws, but may not include treble damages.

Sec. 6. Rules of construction.—Establishes rules for interpreting this Act.

By Mr. THOMPSON:

S. 1612. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMPSON:

S. 1613. A bill to provide for expedited congressional consideration of ''Freedom to Manage'' legislative proposals transmitted by the President to Congress to eliminate or reduce barriers to efficient government operations that are posed by laws that apply to one or more agencies, including government-wide laws; to the Committee on Governmental Affairs.

Mr. THOMPSON. Mr. President, I am introducing legislation today that was referred to Congress by President Bush. The legislation seeks to extensively reform management of the Federal Government. I applaud the Administration's attention to the issue of government reform, and I will work with my colleagues on the Governmental Affairs Committee and in Congress to enact this important package, because it includes comprehensive reforms that will make government work better.

The Governmental Affairs Committee has documented the problems affecting Executive Branch operations for some time, and I am impressed with the President's attention to these issues at this critical time in our Nation's history. The President's package of management reform proposals will allow government managers to carry out their critical responsibilities for the American public more effectively. It's obvious the Administration understands how very important government

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 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, and allow agencies to budget for results. The Freedom to Manage Act would allow other reform proposals, submitted to the Congress by the Administration, to be considered expeditiously by the Congress.

I ask unanimous consent that a summary of this important legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FREEDOM TO MANAGE REFORM PACKAGE—A SUMMARY

Freedom to Manage Act of 2001

This legislation establishes a procedure under which heads of departments and agencies can identify statutory barriers to good management. Congress, in turn, would quickly consider those obstacles and act to remove them.

Managerial Flexibility Act of 2001

This legislation provides federal managers with increased flexibility in managing personnel; assigns agencies the responsibility for funding the full government share of the accruing cost of all retirement and retiree health care benefits for Federal employees; and gives agencies greater flexibility in managing property.

Reform Personnel Management. This proposal gives Federal agencies and managers increased discretion and flexibility in attracting, managing, and retaining a high quality workforce. It empowers Federal agencies to determine when, if, and how they might offer new employee incentives, and it enhances the agencies' authority to use recruitment, retention, and relocation bonuses to compete better with the private sector. The bill permits agencies to develop alternative personnel systems to attract and hire employees that best fit the position, and it will enable managers to offer early retirement packages. By enacting important changes to the Senior Executive Service, this proposal also permits high-level Federal managers to be treated more like their private sector counterparts, by results-based performance standards that hold them accountable.

Budgeting and Managing for Results.—Full Funding for Federal Retiree Costs: This proposal charges Federal agencies the full accruing cost of all retirement and retiree health care benefits for Federal employees. This proposal is the first government-wide step in linking the full cost of resources used 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 employee contributions.

Reform Federal Property Management.—The Federal Government owns or controls more than 24 million acres of land and facilities, but existing rules 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: improving life cycle planning and management; allowing greater flexibility to optimize asset performance; and providing incentives for better property management. Modernizing these processes enhances government-wide property management, bringing the practices federal agencies use to manage their assets into the 21st century.

By Mr. SESSIONS (for himself, Mrs. HUTCHISON, Mr. EDWARDS, Mr. SHELBY, Mr. HOLLINGS, 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 and structures 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 awarded 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 1887 and 1890, to provide Federal support for the establishment of agricultural and mechanical colleges with growing emphasis on industrial and technical education. Unfortunately, these ''land-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 Montevallo, Georgia College and State University, 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 use, many of the structures located on 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 $16 million would be available and 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 do so.

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 HMO payments were held up for sixty days or longer. That same year, 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 amendment will move 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, beneficiaries or health care providers can bring the HMO to court to make them pay their bills.

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 safely 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 certain, 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 which 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 of us 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 the increasingly 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 honors 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. 1080) 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'.

"SEC. 352. PURPOSES.

''The purposes of this subtitle are—

''(1) to expand on the firefighter assistance grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), in order to ensure adequate funding to increase the number of firefighting personnel throughout the Nation;

''(2) to substantially increase the hiring of firefighters so that communities can—

''(A) meet industry minimum standards for providing adequate protection from acts of terrorism and hazards; and

''(B) enhance the ability of firefighter units to save lives, save property, and effectively respond to all types of emergencies; and

''(3) to promote that substantial increase in hiring by establishing a program of grants, authorized for 7 years, to provide direct funding to States, units of local government, and Indian tribal organizations for firefighter salaries and benefits.

"SEC. 353. DEFINITIONS.

''In this subtitle:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State, a unit of local government, a tribal organization, or another public entity; or

''(B) a multi-jurisdictional or regional consortia of entities described in subparagraph (A).

''(2) FIREFIGHTER.—The term 'firefighter' has the meaning given the term 'employee in fire protection activities' in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

''(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Labor, acting after consultation with the Director of the Federal Emergency Management Agency.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 354. AUTHORITY TO MAKE GRANTS.

''(a) DEFINITION.—In this section, the term 'qualifying entity', used with respect to a fiscal year, means any eligible entity (including a State) that has submitted an application under section 355 for the fiscal year that meets the requirements of this subtitle and such additional requirements as the Secretary may prescribe.

''(b) GRANT AUTHORIZATION.—The Secretary may make grants to eligible entities to pay for the Federal share of the cost of carrying out projects to hire firefighters.

''(c) MINIMUM AMOUNT.—

''(1) AMOUNT.—For any fiscal year, the Secretary shall ensure that the qualifying entities in each State shall receive, through grants made under this section, a total amount that is not less than ½ of 1 percent of the amount appropriated under section 362 for the fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply for a fiscal year if the Secretary makes a grant under this section to every qualifying entity for the fiscal year.

''(d) GRANT PERIODS.—The Secretary may make grants under this section for periods of 3 years.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a project to hire firefighters under this subtitle shall be not more than 75 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share shall be provided—

''(A) in cash;

''(B) in the case of a State or unit of local government, from assets received through an asset forfeiture program; or

''(C) in the case of a tribal organization or the Bureau of Indian Affairs, from any Federal funds made available for firefighting functions to assist an Indian tribe.

''(3) WAIVER.—The Secretary may waive the requirements of paragraphs (1) and (2) for an eligible entity.

''SEC. 355. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may prescribe.

''(b) CONTENTS.—Each such application shall—

''(1) include a long-term strategy and detailed implementation plan, for the hiring to be conducted under the grant, that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of a statewide strategy for such hiring;

''(2) specify the reasons why the entity is unable to hire sufficient firefighters to address the entity's needs, without Federal assistance;

''(3)(A) specify the average number of firefighters employed by the entity during the fiscal year prior to the fiscal year for which the application is submitted; and

''(B) outline the initial and planned level of community support for implementing the strategy and plan, including the level of financial and in-kind contributions or other tangible commitments;

''(4)(A) specify plans for obtaining necessary support and continuing the employment of a greater number of firefighters than the number specified under paragraph (3)(A), following the conclusion of Federal assistance under this subtitle; and

''(B) include an assurance that the entity will continue the employment of firefighters hired with funds made available through the grant for at least 1 year after the end of the grant period; and

''(5) include assurances that the entity will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase the ranks of minorities and women within the entity's firefighter units.

''(c) SMALL JURISDICTIONS.—Notwithstanding any other provision of this subtitle, the Secretary may waive 1 or more of the requirements of subsection (b), and may make special provisions to facilitate the expedited submission, processing, and approval of an application under this section, for an eligible 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.

''(d) PREFERENCE.—In awarding grants under this subtitle, the Secretary—

''(1) shall give preference to a unit of local government; and

''(2) may give preference, where feasible, to an eligible entity that submits an application containing a plan that—

''(A) provides for hiring (including rehiring) career firefighters; and

''(B) requires the entity to contribute a non-Federal share of more than 25 percent of the cost of carrying out a project to hire the firefighters.

''(e) STATE AND LOCAL APPLICATIONS.—If a unit of local government for a community, and the State in which the community is located, submit applications under this section for a fiscal year to carry out a project in a community, and the unit of local government and State are qualifying entities under section 354(a), the Secretary—

''(1) shall make a grant under this subtitle to the unit of local government for that year; and

''(2) shall not make a grant under this subtitle to the State 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 firefighters employed by the agency 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 YEARS.—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 as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by September of the preceding fiscal year from such Index for September 2001.

''(3) WAIVERS.—The Secretary may waive the requirements of paragraph (1) or (2) for an eligible entity.

''(c) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this subtitle shall be used to supplement and not supplant other Federal, State, and local public funds expended to hire firefighters.

''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 a grant made under this subtitle shall contain a monitoring component, developed pursuant to regulations established by the Secretary. The monitoring required by this subsection shall include systematic identification and collection of data about the project throughout the period of the project and presentation of such data in a usable form.

''(b) EVALUATION COMPONENTS.—The Secretary may require that selected grant recipients under this subtitle conduct local evaluations or participate in a national evaluation, pursuant to regulations established by the Secretary. Such local or national evaluations may include assessments of the implementation of different projects. The Secretary may require selected grant recipients under this subtitle to conduct local outcome evaluations to determine the effectiveness of projects under this subtitle.

''(c) PERIODIC REPORTS.—The Secretary may require a grant recipient under this subtitle to submit to the Secretary the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Secretary determines to be reasonably necessary.

''(d) REVOCATION OR SUSPENSION OF FUNDING.—If the Secretary determines, as a result of the monitoring or evaluations required by this section, or otherwise, that a grant recipient under this subtitle is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 355, the Secretary may revoke the grant or suspend part or all of the funding provided under the grant.

''SEC. 359. ACCESS TO DOCUMENTS.

''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, person, business, or other entity, that is involved in the project.

''SEC. 360. REPORT TO CONGRESS.

''Not later than September 30, 2008, the Secretary shall submit a report to 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) $1,126,000,000 for fiscal year 2006;

''(6) $1,159,000,000 for fiscal year 2007; and

''(7) $1,194,000,000 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

''Sec. 351. Short title.
''Sec. 352. Purposes.
''Sec. 353. Definitions.
''Sec. 354. Authority to make grants.
''Sec. 355. Applications.
''Sec. 356. Use of funds.
''Sec. 357. Technical assistance.
''Sec. 358. Monitoring and evaluations.
''Sec. 359. Access to documents.
''Sec. 360. Report to Congress.
''Sec. 361. Regulations.
''Sec. 362. Authorization of appropriations.''.

Mr. WARNER. Mr. President, I am pleased to join my colleague from Connecticut, Senator DODD, in introducing legislation that will address a pressing issue for many States and localities which do not have the necessary funding to hire additional firefighters. The SAFER Act establishes a new grant program that will provide direct funding to fire and rescue departments to cover some of the costs associated with hiring and training new firefighters.

The brave women and men serving in our nation's fire service are on the front lines in America's new war on terrorism. They have a critical role in our homeland defense initiatives.

The SAFER Act would help ensure adequate staffing for fire and emergency response. Earlier this year the National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and standards, adopted

a standard on response operational and deployment issues pertaining to fire and rescue departments. Based upon that standard, almost two thirds of fire companies across the country operate with inadequate staffing. The cost for many municipalities to meet these new safety standards, however, would be significant.

Many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which our fire rescue personnel deal with on a daily basis.

Well over 300 firefighters lost their lives in the line of duty in responding to the World Trade Center terrorist attacks. We need to recognize our firefighters and emergency personnel around the country who continue to make sacrifices in their service to the public. We must provide our fire and rescue departments with sufficient funding to hire the necessary personnel in order to ensure that our nation's communities are adequately protect.

I am honored to be an original cosponsor of the important legislation. I encourage my colleagues to support this measure and address this critical need of our fire and rescue services throughout the country.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. HAGEL, Mr. REID, and Mr. ENSIGN):

S. 1618. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators BROWNBACK, CANTWELL, COLLINS, EDWARDS, HAGEL, REID, and ENSIGN in introducing legislation to strengthen the security of our borders and enhance our ability to deter potential terrorists. There is an urgent need to improve intelligence and technology capabilities, enhance the ability to screen individuals before they arrive at our borders, and improve the monitoring of foreign nationals already within the United States.

In strengthening the security of our borders, we must also safeguard the unobstructed entry of the more than 31 million persons who enter the U.S. legally each year as visitors, students, and temporary workers. Many of them cross the Canadian and Mexican borders to conduct daily business or visit close family members.

We must also live up to our history and heritage as a Nation of immigrants. Immigration is essential to who we are as Americans. Continued immigration is part of our national well-being, our identity as a Nation, and our strength in today's world. In defending the Nation, we are also defending the fundamental constitutional principles that have made America strong in the past and will make us even stronger in the future.

Our action must strike a careful balance between protecting civil liberties and providing the means for law enforcement to identify, apprehend and detain potential terrorist. It makes no sense to enact reforms that severely limit immigration into the United States. ''Fortress America,'' even if it could be achieved, is an inadequate and ineffective response to the terrorist threat.

A major goal of this legislation is to improve coordination and information-sharing by the Department of State, the Immigration and Naturalization Service, and law enforcement and intelligence agencies. It will require the Department of State and the INS to work with the Office of Homeland Security and the recently formed Foreign Terrorist Tracking Task Force to submit and implement a plan to improve their access to critical security information. It will give those responsible for screening visa applicants and persons entering the U.S. the tools they need to make informed decisions.

We must provide enforcement personnel at our ports of entry with greater resources and technology. These men and women are a primary defense in the battle against terrorism. This legislation will see that they receive adequate pay, can hire necessary support staff, and are well-trained to identify individuals who pose a security threat.

The anti-terrorism bill recently passed by the Senate addressed the need for machine-readable passports, but it did not focus on machine-readable visas, a necessary part of our efforts to improve border security. This legislation allows the Department of State to raise fees through the use of machine-readable visas and use the funds collected from those fees to improve technology at our ports of entry.

We must do more to improve our ability to screen individuals along our entire North American perimeter. This legislation directs the Department of State and the INS to work with the Office of Homeland Security and the Foreign Terrorist Tracking Task Force to strengthen our ability to screen individuals at the Perimeter before they reach our continent. We can work with Canada and Mexico to coordinate these efforts.

We must also strengthen our ability to monitor foreign nationals in the United States. In 1996, Congress enacted legislation mandating the development of an automated entry/exit control system to record the entry of every non-citizen arriving in the U.S., and to match it with the record of departure. Although technology is currently available for such a system, it has not been implemented because of the high costs involved. Our legislation builds on the anti-terrorism bill and provides greater direction to the INS for implementing the entry/exit system.

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 focused on interviewing 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.

In 1996, 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 passed 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 port 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.

INS 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

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 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, but further action is needed. 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 street, immigration is in many ways the front line of our defense.

The immigration provisions in the anti-terrorist 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 tour our sites, to study and learn. Most of these people enter lawfully and mean well; they are good for our economy and are potential ambassadors of good will to their home countries. However, there is a small minority who intend us harm, and we must take intelligent measures to keep these people out.

For that reason, I am pleased to introduce today, along with my colleagues Senator KENNEDY, Senator COLLINS, Senator CANTWELL, Senator HAGEL, Senator EDWARDS, Senator ENSIGN, and Senator REID, legislation that looks specifically toward strengthening our borders and better 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 a reality.

In complement to last week's anti-terrorist act, this legislation provides for necessary improvements in the technologies used by the State Department and the Service. It provides funding for the State Department 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 biometric technology by 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 requires international air carriers 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 compromises 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 benefit 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 require the educational institution 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.

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 provisions 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

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 number 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 at 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. In hearings in recent weeks before the Immigration Subcommittee and the Technology and, Terrorism Subcommittee, we heard repeated calls for better sharing of law enforcement and intelligence information as it relates to admitting aliens into the United States. The bill addresses this problem by mandating INS and Department of State access to relevant FBI information within one year. I am pleased that the authors of this bill have included provisions to protect the privacy and security of this information, and require limitations on the use and repeated dissemination of the information.

Sharing U.S. law enforcement and intelligence information with the State Department and INS is important, but it is also critical to build upon our relationships with Canada and Mexico. We share a mutual interest in protecting our respective borders. The U.S., Canada and Mexico must also improve the sharing of information by our law enforcement and intelligence communities. We need to develop a perimeter national security program with our partners to our north and south, and the Enhanced Border Security Act does just that.

The Enhanced Border Security Act requires airlines to provide passenger manifests to the INS and Customs in advance of a flight's arrival. This will be one more source of data, that will help INS screen for those who should not be allowed to enter. It also tightens controls on student visas, and restricts the issuance of visas to aliens who are citizens of countries that sponsor terrorism. This is a thoughtful bill and I urge my colleagues' support.

Last week with the enactment of the USA Patriot Act of 2001, the Federal Government committed to developing a visa technology standard that would facilitate the sharing of information related to the admissibility of aliens into the United States. I proposed this language recognizing that for many years, the U.S. law enforcement and intelligence communities have maintained numerous, but separate, non-interoperable databases. These databases are not easily or readily accessible to front-line Federal agents responsible for making the critical decisions of whether to issue a visa or to admit an alien into the United States.

To build on and fulfill the goals of establishing this standard, my bill will do three things. First, it will require technology be implemented to track the initial entry and exit of aliens traveling on a U.S. visa. We know now that several of the terrorists who attacked America on September 11 were traveling on expired visas. We have had the law in place for several years now, but due to concerns about maintaining the flow of trade and tourism across our borders, concerns I share, the provisions of Section 110 have not been fully implemented. Technology will address those concerns, allowing electronic recordation and verification of entry and exit data in an instant.

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. My legislation will require interoperable real-time sharing of law enforcement and intelligence information relevant to the issuance of a visa or an alien's admissibility to the U.S. The provision will require that information is made available, although with the appropriate safeguards for privacy and the protection of intelligence sources, to the front line government agents making the decisions to issue visas or to admit visa holding aliens to the United States. I am pleased that Senators KENNEDY and BROWNBACK have adopted these provisions into their legislation.

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 that may be relevant to determining whether to issue a U.S. visa. Our borders are only as secure as the borders of those countries with whom we have agreements that visas are not required. We need to build on our relationships with these international partners to secure our respective borders through better information sharing.

Keeping terrorists out of the U.S. in the first place will reduce the risks of terrorism within the U.S. in the future. Aliens known to be affiliated with terrorists have been admitted to the U.S. on valid visas simply because one agency in government did not share important information with another department in a timely fashion. We must make sure that this does not happen again.

Until now, we had hoped that agencies would voluntarily share this information on a real-time and regular basis. This has not happened, and although I know that the events of September 11 have led to serious rethinking of our information-sharing processes and procedures, I think it is time to mandate the sharing of fundamental information.

Advancements in technology have provided us with additional tools to verify the identify of individuals entering our country without impairing the flow of legitimate trade, tourism, workers and students. It is time we put these tools to use.

Improving our national security is vitally important, but I will not support measures that compromise America's civil liberties. Both the bill being introduced today and the bill I will be introducing include several safeguards to protect individuals' rights to privacy. The bills provide that where databases are created or shared, there must be protection of privacy and adequate security measures in place, limitations on the use and re-dissemination of information, and mechanisms for removing obsolete or erroneous 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 sooner rather than later challenges of financing long-term care services for our growing aging population. The Congressional Budget Office has projected that national expenditures for long-term care services for the elderly will increase each year through 2040. But it is in just over a decade when we will see these challenges become even more pronounced

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 the fact that today 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 senior 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 some or all of their Medicare 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 paid for. 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- or part-time job and caring for 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 loss of income to these caregivers is more than $600,000 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 it does not 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 their interests.

I hope our colleagues will join us in this cause. I again thank Senators ROCKEFELLER, 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, rehabilitation therapies, dignified assistance with activities of daily living, social interaction, and stimulating activities, to seniors who are frail, physically challenged, or cognitively impaired;

(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, providing close to 80 percent of the care to individuals requiring long-term care;

(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 $659,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from $11,000,000,000 to $29,000,000,000 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 baby boomer 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 BENEFIT.—

(1) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''or (8)'' after ''paragraph (7)'';

(B) in paragraph (6), by striking ''and'' at the end;

(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 (ww));''.

(2) SUBSTITUTE ADULT DAY CARE SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Substitute Adult Day Care Services; Adult Day Care Facility

''(ww)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection (m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

''(B) The items and services described in this subparagraph are the following items and services:

''(i) Items and services described in paragraphs (1) through (7) of subsection (m).

''(ii) Meals.

''(iii) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

''(iv) A medication management program (as defined in subparagraph (C)).

''(C) For purposes of subparagraph (B)(iv), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

''(i) unnecessary or inappropriate use of prescription drugs; and

''(ii) adverse events due to unintended prescription drug-to-drug interactions.

''(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day care facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

''(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

''(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

''(iii) provides the items and services described in paragraph (1)(B); and

''(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

''(B) Notwithstanding subparagraph (A), the term 'adult day care facility' shall include a home health agency in which the items and services described in clauses (ii) through (iv) of paragraph (1)(B) are provided—

''(i) by an adult day-care program that is licensed or certified by a State, or accredited, to furnish such items and services in the State; and

''(ii) under arrangements with that program made by such agency.

''(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

''(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility.''.

(b) PAYMENT FOR SUBSTITUTE ADULT DAY CARE SERVICES.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

''(f) PAYMENT RATE FOR SUBSTITUTE ADULT DAY CARE SERVICES.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(ww)), the following rules apply:

''(1) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a period specified by the Secretary.

''(2) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (1) furnished under the plan by a home health agency.''.

(c) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY CARE SERVICES.—

(1) MONITORING EXPENDITURES.—Beginning with fiscal year 2003, the Secretary of Health and Human Services shall monitor the expenditures made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) REQUIRED REDUCTION IN PAYMENT RATE.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the medicare program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

Mr. ROCKEFELLER. Mr. President, I am delighted to join my good friend from Pennsylvania as an original cosponsor of the ''Medicare Adult Day Services Alternative Act.''

Adult day health care is a vital component of good long-term care, for patients and for their caregivers. I am hopeful that as a result of this bill, adult day health care will play an increasingly larger role in how we care for the elderly in this country.

To be clear, this bill would simply give beneficiaries of the Medicare home health benefit the option of choosing to receive their care partially in an adult day care setting. This bill would not expand the list of who is eligible for home care, it simply changes the location where services may be provided. The benefits of this legislation, are that beneficiaries gain increased social interaction with peers, while simultaneously giving caregivers a measure of respite.

I am a strong supporter of adult day health care, because I've seen the tremendous 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 demand, 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 Health 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 private-public partnership between mortgage providers and insurers and 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 investors.

By permitting GNMA to enter the secondary market for privately insured mortgages, the legislation would increase competition. Mortgage lenders would have a new entity to 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 competition would be consumers who wish to purchase a home.

Mr. President, the current rate of home ownership in the United States is 67 percent of households. This rate has risen steadily in recent decades and is great achievement for our nation. However, the rate of home ownership among minority families, entry level workers, and younger Americans remains much lower. This legislation is designed to further increase the home ownership rate by increasing the availability of affordable mortgages.

The Home Ownership Expansion Act of 2001 would strengthen the Government National Mortgage Association. It would protect taxpayers by increasing private sector risk sharing on GNMA products. It would increase competition in the secondary mortgage market, helping to lower costs to consumers. And by increasing the use of varying 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:

S. 1620

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 ''Home Ownership Expansion Act of 2001''.

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 (12 U.S.C. 1721) is amended by adding at the end the following:

''(h) GNMA GUARANTEE OF SECURITIES BACKED BY CONVENTIONAL MORTGAGES.—

''(1) IN GENERAL.—The Association may guarantee the timely payment of principal and interest on conventional 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 by the Association under this subsection that are backed by qualifying privately insured mortgages shall—

''(A) for primary mortgage insurance, collect from the mortgagor, and remit to the qualified mortgage insurer, the premium or premiums as may be established by the qualified mortgage insurer in accordance with applicable Federal or State law; and

''(B) for extended mortgage insurance and supplemental mortgage insurance, pay and remit the premium or premiums to the qualified mortgage insurer from the sums attributable to the difference between the interest rates applicable to the mortgages in the particular pool and the interest rate set forth on the trust certificate or security guaranteed by the Association based on and backed by such mortgages, and without additional premium charge therefore to the mortgagor.

''(3) DISPOSITION OF PROPERTY UPON DEFAULT.—Upon default by a mortgagor of a mortgage guaranteed under this subsection, the property covered by the mortgage shall be disposed of by the issuer of the securities guaranteed under this subsection 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 subsection for fiscal year 2002, the Association may, during fiscal year 2002, issue guarantees of the timely payment of principal and interest on trust certificates or other securities based on and backed by qualifying privately insured mortgages 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 approve participation 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.

''(i) DEFINITIONS.—As used in this section:

''(1) CONVENTIONAL MORTGAGE LIMIT.—The term 'conventional mortgage limit' means the greater of the applicable maximum original principal obligation of conventional mortgages established by—

''(A) the Federal National Mortgage Association, pursuant to section 302(b)(2); or

''(B) the Federal Home Loan Mortgage Corporation, pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

''(2) COVERAGE PERCENTAGE.—The term 'coverage percentage' means the percentage of the total of the outstanding principal balance on a mortgage, and accrued interest, advances, and reasonable expenses related to property preservation and foreclosure, that is subject to payment in the event of a claim under a policy of primary mortgage insurance on a qualifying privately insured mortgage.

''(3) EXTENDED MORTGAGE INSURANCE.—The term 'extended mortgage insurance' means insurance that—

''(A) is issued by a qualified mortgage insurer;

''(B) guarantees and insures against losses on the mortgage;

''(C) has the same coverage percentage and other substantially similar terms and conditions as the primary mortgage insurance for the mortgage;

''(D) becomes effective upon mandatory cancellation or termination of the primary mortgage insurance, and remains in effect until the mortgage is paid in full; and

''(E) is not subject to mandatory cancellation or termination.

''(4) MANDATORY CANCELLATION OR TERMINATION.—The term 'mandatory cancellation or termination' means cancellation or termination of mortgage insurance, as provided in section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) or by a protected State law, as defined in section 9 of that Act.

''(5) PRIMARY MORTGAGE INSURANCE.—The term 'primary mortgage insurance' means insurance 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 12 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; and

''(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.

''(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. 4901), that—

''(A) is authorized and licensed by a State or an instrumentality of a State to transact private mortgage insurance business in the State in which the provider is transacting that business, excluding any entity that is exempt from State licensing requirements;

''(B) is rated in 1 of the 2 highest rating categories by not less than 1 nationally recognized statistical rating organization; and

''(C) meets such additional qualifications as may be determined by the Association.

''(8) QUALIFYING PRIVATELY INSURED MORTGAGE.—The term 'qualifying privately insured mortgage' means a first mortgage—

''(A) that is not—

''(i) insured under title II of this Act, except as specifically provided in this section;

''(ii) insured under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

''(iii) insured or guaranteed under chapter 37 of title 38, United States Code; or

''(iv) made or guaranteed under part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.);

''(B) that—

''(i) is secured by property comprising 1-to-4 family dwelling units;

''(ii) has a term of not longer than 30 years;

''(iii) has a principal-to-value ratio of more than 80 percent; and

''(iv) has an original principal obligation that does not exceed the conventional mortgage limit;

''(C) not more than 1 payment of which has been delinquent by more than 30 days, and no payment of which has been delinquent by more than 60 days, during the 12-month period immediately preceding the time of guarantee; and

''(D) that is covered by primary mortgage insurance, extended mortgage insurance, and supplemental mortgage insurance.

''(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 under such terms and conditions as are reasonably acceptable to the Association;

''(C) becomes effective on the date on which the guaranty becomes effective; and

''(D) terminates as if subject to automatic termination under section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)), subject to the conditions stated in that section, or when the mortgage is paid in full, whichever occurs first.

''(10) TRUST OR POOL.—A trust or pool referred to in this section means a trust or pool composed only of—

''(A) qualifying privately insured mortgages; or

''(B) mortgages insured under title II.''.

(c) GUARANTY FEE.—Section 306(g)(3)(A) of the National Housing Act (12 U.S.C. 1721(g)(3)(A)) is amended—

(1) by inserting ''(i)'' after ''(A)''; and

(2) by adding at the end the following:

''(ii) The Association shall assess and collect a fee in an amount equal to not more than 8 basis points, as determined by the Secretary, in order to generate revenues to the Federal Government in excess of the cost to the Federal Government, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of the guaranty of the timely payment of principal and interest on trust certificates or other securities based on or backed by qualifying privately insured mortgages under subsection (h).''.

(d) VOLUNTARY PROGRAM PARTICIPATION; NO FEDERAL CONTRACTOR STATUS.—Section 306(g) of the National Housing Act (12 U.S.C. 1721(g)) is amended by adding at the end the following:

''(4) Nothing in this subsection shall be construed to require any issuer to issue any trust certificate or security that is based on and backed by a trust or pool composed of qualifying privately insured mortgages.

''(5) Notwithstanding any other provision of law, a qualified mortgage insurer that participates in the guarantee program under subsection (h) shall not be considered, by virtue of such participation, as entering into a contract with any Federal department or agency, or participating in any program or activity receiving Federal financial assistance, or participating in any program or activity conducted by any Federal department or agency. Nothing in this paragraph is intended to deny or otherwise affect the rights of the Association as the assignee, holder, or beneficiary of a mortgage insurance contract.''.

(e) REINSURER RATINGS REQUIREMENTS.—Section 306(g) of the National Housing Act (12 U.S.C. 1721(g)), as amended by this Act, is amended by adding at the end the following:

''(6) A qualified mortgage insurer may not reinsure any portion of its obligations under subsection (h) with any reinsurance that—

''(A) is not rated in 1 of the 2 highest rating categories by not less than 1 nationally recognized statistical rating organization; or

''(B) fails to meet such other requirements as the Secretary may deem appropriate.''.

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 ''(1)'';

(3) by striking ''The Association shall collect'' and inserting the following:

''(B) The Association shall collect'';

(4) by striking ''In the event'' and inserting the following:

''(C) In the event'';

(5) by striking ''In any case'' and inserting the following:

''(D) In any case'';

(6) 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 ''(iii)'';

(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 any guaranty under this subsection or subsection (h), whether before or after any default by the issuer or any default by the qualified mortgage insurer (in the case of securities based on and backed by qualifying privately insured mortgages)—

''(I) 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

''(II) 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) With respect to any issue of guaranteed securities—

''(I) in the event of default by the issuer, and pursuant otherwise to the terms of the contract, the mortgages that constitute the trust or pool referred to in clause (i) shall become the absolute property of the Association, subject only to the unsatisfied rights of the holders of the securities based on and backed by that trust or pool; and

''(II) in the event of default by the qualified mortgage insurer, and pursuant otherwise to the terms of the contract, any right of the qualified mortgage insurer with respect to the mortgages that constitute such trust or pool and any related primary mortgage insurance, extended mortgage insurance, or supplemental mortgage insurance coverage and any future premiums and proceeds related thereto shall become the absolute property of the Association, subject only to the unsatisfied rights of the holders of the securities based on and backed by such trust or pool and to the unsatisfied rights of any insured issuer with respect to any mortgage insurance coverage.

''(F) No State, local, or Federal law (other than a Federal statute enacted expressly in limitation of this subsection after the date of enactment of the Home Ownership Expansion Act of 2001), shall preclude or limit the exercise by the Association of—

''(i) its power to contract with the issuer, or the qualified mortgage insurer on the terms stated in subparagraph (E);

''(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), with respect 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.'';

(8) by striking ''The full faith'' and inserting the following:

''(G) The full faith''; and

(9) by striking ''There shall be'' and inserting the following:

''(H) There shall be''.

(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.—All''; and

(2) by adding 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 (a) of this section or other amounts as become available after such allowances and as are attributable to the fees and charges assessed or collected in connection with the guaranty of trust certificates or securities based on or backed by such qualifying privately insured mortgages shall inure to the benefit of and may be retained by 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.

(c) REPORT.—The report submitted in accordance with subsection (a) shall include an economic analysis of the adequacy of the guarantee fee provided for in section 306(g)(3)(A)(ii) of the National Housing Act, as added by this Act.

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 Medicaid Program under title XIX of such Act; to the Committee on Finance.

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 coverage of 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 for all children through age 18 through the Medicaid program up to 185 percent of poverty. After CHIP was passed, New Mexico further expanded its coverage up to 235 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 not ''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 129,000 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, consequently, eligible for Medicaid but 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, ''The Governors believe that it is critical that innovative States not be penalized for having expanded coverage to children before the enactment of S-CHIP, 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 today corrects this inequity. The bill reflects a carefully-crated 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 State 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 Government 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.—With respect to 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. 1397jj(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. 1397ee(b)).

(4) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term ''Federal medical assistance percentage'' has the meaning given that term in section 1905(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. 1397jj(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. 1397jj(c)(7)).

(b) APPROVAL OF CERTAIN WAIVERS.—The Secretary shall approve not more than 4 waiver applications under which the Secretary shall pay to a State that the Secretary determines satisfies the requirements described in subsection (c) the payment authorized under subsection (d).

(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, waiting list, or similar limitation on the eligibility 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 that Act (42 U.S.C. 1396a(a)(10)(A)), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than 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 for eligibility under section 1902(l) or title XXI of the Social Security Act (42 U.S.C. 1396a(l), 1397aa et seq.) with respect to children.

(C) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under title XXI of such Act or for children described in section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)).

(D) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT 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 provides for initial 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 such purposes under title XXI of that Act, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under titles XIX and XXI.

(E) OUTSTATIONING 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. 1396r–4(a)(1)(A)) and Federally-qualified health centers described in section 1905(l)(2)(B) of that Act (42 U.S.C. 1396d(l)(2)(B)) consistent with section 1902(a)(55) of that Act (42 U.S.C. 1396a(a)(55)).

(d) PAYMENT AUTHORIZED.—

(1) 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 from its allotment under section 2104 of the Social Security Act (42 U.S.C. 1397dd) 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 such Act in the State for children described in paragraph (2) for the fiscal year involved.

(C) INCREASED EXPENDITURES.—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).

(D) 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 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(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 this section, payments to the State under section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) 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 2105(a) 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 2105(a) 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. LINCOLN, Ms. COLLINS, 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 and delivery of dental health 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.

The oral health problems facing children are highlighted in a landmark report issued by the Surgeon General and the Department of Health and Human Services, HHS, last year entitled Oral Health in America: A Report of the Surgeon General in which he observed that our Nation is facing what amounts to ''a 'silent epidemic' of dental and oral diseases.''

In fact, dental caries, which refers to both decayed teeth or filled cavities, is the most common childhood disease. According to the Surgeon General, ''Among 5- to 17-year olds, dental caries is more than 5 times as common as a reported history of asthma and 7 times as common as hay fever.'' In short, dental care is, as the Surgeon General adds, ''the most prevalent unmet health need among American children.''

The severity of this problem is even greater among children is poverty. Poor children aged 2 to 9 have twice the levels of untreated decayed teeth as nonpoor children. Moreover, the Surgeon General has found that poor Mexican American children have rates of untreated decayed teeth that exceed 70 percent, a rate of true epidemic proportions.

For these children, their personal suffering is real. Many of the oral diseases and disorders can cause severe pain, undermine self-esteem and self-image, discourage normal social interaction, cause other health problems, compromise nutritional status, and lead to chronic stress and depression as well as incur great financial cost. Lack of treatment is estimated to result in a loss of 1.6 million school days annually, according to the National Center for Health Statistics.

The General Accounting Office, GAO, in its April 2000 report, entitled ''Oral Health: Dental Disease is a Chronic Problem Among Low-Income Populations,'' adds, ''Poor children suffer nearly 12 times more restricted-activity days, such as missed school, than higher-income children as a result of dental problems.''

Incredibly, this could all be prevented. As the Surgeon General's report notes, prevention programs in oral health that have been designed and evaluated for children using a variety of fluoride and dental sealant strategies has the ''potential of virtually eliminating dental caries in all children.''

Unfortunately, children do not get the dental services they need. According to the Surgeon General,'' Although over 14 percent of children under 18 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 without dental insurance for each child without medical insurance.''

One important provision in the bill would grant States flexibility to provide dental coverage to low-income children through the State Children's Health Insurance Program, just as States currently are able to do through Medicaid.

Unfortunately, SCHIP law prohibits coverage of children for services unless they are completely uninsured. As authors Ruth Almeida, Ian Hill, and Genevieve Kenney of an Urban Institute report entitled Does SCHIP Spell Better Dental Care for Children? An Early Look at New Initiatives write, ''. . . many low-income children are covered by employer-based or other private health insurance for their medical care, but do not have a comprehensive dental benefit. Because these children are privately insured, they are not eligible for SCHIP and cannot avail themselves of dental coverage under SCHIP. Expanding SCHIP to furnish dental services on a wraparound basis to privately covered low-income children without dental coverage could help achieve broader improvements in children's oral health.''

For low-income children with medical coverage but no dental insurance through the private sector, their only option would be to completely dump their private coverage for their children in order to access SCHIP coverage.

Instead, the ''Children's Dental Health Improvement Act of 2001'' would create an option for states to provide low-income families with the ability to receive wrap-around dental coverage through SCHIP without having to completely drop their private insurance. This reduces the crowd-out of private insurance, which was a priority of the Congress during passage of SCHIP, and it provides low-income children with dental services that other children in the same economic circumstance are already receiving through SCHIP.

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 current levels of SCHIP funding. 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.

With those additional funds, I strongly believe that SCHIP, just as Medicaid, should provide services to low-income children who are both uninsured and underinsured. Children need a comprehensive set of child health services, including dental services, to ensure their appropriate health and development.

However, coverage for these services is often not enough. Even when children do have dental coverage, the access to care is often sorely lacking. Medicaid is the largest insurer of dental coverage to children. Yet, despite the design of the Medicaid program to ensure access to comprehensive services for children, including dental care, the Inspector General of the Department of Health and Human Services reported in 1996 that only 18 percent of children eligible for Medicaid received even a single preventive dental service. The same report shows that no State provides preventive services to more than 50 percent of eligible children. The factors are complex but the primary one is due to limited dentist participation in Medicaid.

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, 23 reported that fewer than half of the states' 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 nationwide.

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 of all child 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 in the Medicaid program 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 to 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 ''HHS 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 nearly 700 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 1998, 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 unmet need, 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 IHS' dentist positions at 269 HIS 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 shortages have also 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 amendments 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 unlike other programs 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 dispanding.

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 and delivery of dental health 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 Academy 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 Children's Dental Health Project 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 Sealander of the American Dental Hygienists' Association, and Heather Mizeur of the National Association of Community Health Centers, Inc., for their valuable insight, 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

Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians of the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists, USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

I request unanimous consent that a Fact Sheet and 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. 1626

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Dental Health Improvement Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

Sec. 101. Grants to improve the provision of dental services under medicaid and SCHIP.

Sec. 102. Authority to provide dental coverage under SCHIP as a supplement to other health coverage.

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 health services through community health centers and public health departments.

Sec. 202. Dental officer multiyear retention bonus for the Indian Health Service.

Sec. 203. Streamline process for designating dental health professional shortage areas.

Sec. 204. Demonstration projects to increase access to pediatric dental services in underserved areas.

TITLE III—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

Sec. 301. Oral health initiative.

Sec. 302. CDC reports.

Sec. 303. Early childhood caries.

Sec. 304. School-based dental sealant program.

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID 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 MEDICAID AND SCHIP.

''(a) AUTHORITY TO MAKE GRANTS.—In addition to any other payments made under this title to a State, the Secretary shall award grants to States that satisfy the requirements of subsection (b) to improve the provision of dental services to children who are enrolled in a State plan under title XIX or a State child health plan under title XXI (in this section, collectively referred to as the 'State plans').

''(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall provide the Secretary with the following assurances:

''(1) IMPROVED SERVICE DELIVERY.—The State shall have a plan to improve the delivery of dental services to children who are enrolled in the State plans, including providing outreach and administrative case management, improving collection and reporting of claims data, and providing incentives, in addition to raising reimbursement rates, to increase provider participation.

''(2) ADEQUATE PAYMENT RATES.—The State has provided for payment under the State plans for dental services for children at levels consistent with the market-based rates and sufficient enough to enlist providers to treat children in need of dental services.

''(3) ENSURED ACCESS.—The State shall ensure it will make dental services available to children enrolled in the State plans to the same extent as such services are available to the general population of the State.

''(c) APPLICATION.—A State shall submit an application to the Secretary for a grant under this section in such form and manner and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $50,000,000 for fiscal year 2002 and each fiscal year thereafter.

''(e) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

''(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under subsection (a) to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

''(C) Section 504(d) (relating to a limitation on administrative expenditures).

''(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

''(E) Section 507 (relating to penalties for false statements).

''(F) Section 508 (relating to nondiscrimination).

''(G) Section 509 (relating to the administration of the grant program).''.

SEC. 102. AUTHORITY TO PROVIDE DENTAL COVERAGE UNDER SCHIP AS A SUPPLEMENT TO OTHER HEALTH COVERAGE.

(a) AUTHORITY TO PROVIDE COVERAGE.—

(1) SCHIP.—

(A) IN GENERAL.—Section 2105(a)(1)(C) of the Social Security Act (42 U.S.C. 1397ee(a)(1)(C)) is amended—

(i) by inserting ''(i)'' after ''(C)''; and

(ii) by adding at the end the following:

''(ii) notwithstanding clause (i), in the case of a State that satisfies the conditions described in subsection (c)(8), for child health assistance that consists only of coverage of dental services for a child who would be considered a targeted low-income child if that portion of subparagraph (C) of section 2110(b)(1) relating to coverage of the child under a group health plan or under health insurance coverage did not apply, and such child has such coverage that does not include dental services; and''.

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

''(8) CONDITIONS FOR PROVISION OF DENTAL SERVICES ONLY COVERAGE.—For purposes of subsection (a)(1)(C)(ii), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2001;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) 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, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.''.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iii) at State option, may not apply a waiting period in the case of child described in section 2105(a)(1)(C)(ii), if the State satisfies the requirements of section 2105(c)(8) and provides such child with child health assistance that consists only of coverage of dental services.''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or subsection (u)(3)'' and inserting ''(u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for dental services for children described in section 2105(a)(1)(C)(ii), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2001 and apply to child health assistance and medical assistance provided on or after that date.

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 HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by insert before section 330, the following:

"SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY 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) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); or

''(iv) a dental education program accredited by the Commission on Dental Accreditation; and

''(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.

''(c) USE OF FUNDS.—

''(1) ENTITIES.—An entity shall use amounts received under a grant under this section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

''(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

''(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 less 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) RESIDENCY.—The term ''residency'' means a graduate dental educational (GDE) training program of at least 12 months leading to a specialty, including general practice residency (GPR) or an 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 restrict the length of such a retention bonus contract 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.

(c) 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 8 years of creditable 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 other than officers with a dental specialty in pediatric dentistry, as well as to other dental hygienists with a minimum of a baccalaureate degree, based on demonstrated need.

(d) TERMINATION OF ENTITLEMENT TO SPECIAL PAY.—The Director may terminate, with cause, at any time a dental officer's multiyear retention bonus contract under this section. If such a contract is terminated, the unserved portion of the retention bonus contract shall be recouped on a pro rata basis. The Director shall establish regulations that specify the conditions and procedures under which termination may take place. 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 required for 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 less than 5 years after 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 under 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. 254e(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 to be used in 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) ACTIVITIES.—The Secretary of Health and Human Services shall, through the oral health initiative—

(1) carry out activities to improve intra- and inter-agency collaborations, including activities to identify, engage, and encourage existing Federal and State programs to maximize their potential to address oral health;

(2) carry out activities to encourage public-private partnerships to engage private sector communities of interest (including health professionals, educators, State policymakers, foundations, business, and the public) in partnerships that promote oral health and dental care; and

(3) carry out activities to reduce the disease burden in high risk populations through the application of best-science in oral health, including programs such as community water fluoridation and dental sealants.

(c) COORDINATION.—The Secretary of Health and Human Services shall—

(1) through the Administrator of the Centers for Medicare & Medicaid Services (formerly known as the Health Care Financing Administration) establish a Chief Dental Officer for the medicaid and State children's health insurance programs established under titles XIX and XXI, respectively, of the Social Security Act (42 U.S.C. 1396 et seq. 1397aa et seq.); and

(2) carry out this section in collaboration with such Administrator and Chief Dental Officer and the Administrator and Chief Dental Officer of the Health Resources and Services Administration.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to 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. CDC REPORTS.

(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention in collaboration with other organizations and agencies 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 certain States and tribes.

SEC. 303. EARLY CHILDHOOD CARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director 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, analyzing and disseminating data on early childhood caries; and

(3) provide for the development of public health nursing programs and public health education programs on early childhood caries prevention.

(b) APPROPRIATENESS OF ACTIVITIES.—The Secretary of Health and Human Services shall carry out programs and activities under subsection (a) in a culturally appropriate 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 PROGRAM.

Section 317M(c) of the Public Health Service Act (as added by section 1602 of Public Law 106-310)) is amended—

(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''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

''(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

''(B) be a—

''(i) public elementary or secondary school—

''(I) that is located in an urban area in which and more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

''(II) 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 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

''(ii) public or non-profit health organization, including a grantee under section 330, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.''.

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 (D–MO), Tim Hutchinson (R–AR), and Jon Corzine (D–NJ) are preparing to introduce the ''Children's Dental Health Improvement Act of 2001.'' The legislation seeks to improve the access and delivery of dental care to children across the country.

PROBLEMS AND SOLUTIONS

Lack of Coverage for Children

According to the Surgeon General's report, Oral Health in America: A Report of the Surgeon General, that was issued in 2000, ''Although over 14 percent of children under 18 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 without dental insurance for each child without medical insurance.''

Moreover, according to the General Accounting Office in a report entitled Factors Contributing to Low Use of Dental Services by Low-Income Populations (Sept. 2000), AHHS and health center officials report that the demand for dental services significantly exceeds the [urban and rural health] centers' capacity to delivery it. In 1998 . . ., a little more than half of the nearly 700 health center grantees funded under this program had active dental programs.''

Legislative Proposal: The legislation would improve the dental health of uninsured children by: Allowing states the flexibility to utilize the State Children's Health Insurance Program (SCHIP) to provide dental coverage to low-income children below 200 percent of poverty that may have private insurance for medical care but not dental services; and providing $40 million to community health centers and public health departments to expand dental health services through the hiring of additional dentist health professionals to serve low-income children.

Lack of Access to Care

According to the GAO, ''While several factors influence the access low-income groups have to dental care, the primary one is limited dentist participation in Medicaid . . . Of 39 states that provided information about dentists' participation in Medicaid, 23 reported that fewer than half of the states' dentists saw at least one Medicaid patient during 1999.''

The GAO concludes this is due in large part to poor reimbursement rates in Medicaid. 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 dentists charged. . ..''

Legislative Proposal: The legislation seeks to improve access to dental services for low-income children in the Medicaid program by providing $50 million as financial incentives and planning grants to states to improve their Medicaid programs in terms of adequate payment rates, access to care, and improved service delivery.

Lack of Providers in Federally Funded Programs

With respect to community health centers, the GAO notes, ''HHS and health center officials report that the demand for dental services significantly exceeds the [urban and rural health] centers' capacity to delivery it. In 1998 . . ., a little more than half of the nearly 700 health center grantees funded under this program had active dental programs.''

With respect to the Indian Health Service (IHS) the GAO adds, ''. . . about one-fourth of 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 positions 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.''

Legislative Proposal: The legislation seeks to improve access to dental services for children served by community health centers and the Indian Health Service by: Again, providing $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 children; and providing the Indian Health Service with the authority to offer multi-year retention bonuses to dental providers offering service through the IHS and tribal programs.

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, four times greater than unmet need 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 help address this ''hidden epidemic,'' the Department of Health and Human Services (HHS) enacted the Oral Health Initiative (OHI) to coordinate dental health services in both the Health Resources and Services Administration (HRSA) and the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration).

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 program control, the OHI is susceptible to future disruptions or disbanding.

Legislative Proposal: The legislation 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.

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 entitle can be a public or non-profit health organization or tribal 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

American Dental Association, American Dental Education Association, American Academy of Pediatric Dentistry, National Association of Community Health Centers, Inc., National Association of Children's Hospitals, American Dental Hygienists' Association, 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 Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians of the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

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 unfortunate 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 our help in meeting the challenge. 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. Often, 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 the 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 smiles:

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 of dental disease.

And they begin a lifetime of good dental habits.

For all of these reasons, I am proud to join with Senators BINGAMAN, COCHRAN, CORZINE, COLLINS, DASCHLE, HUTCHISON, and LINCOLN in introducing the Children's Dental Health Improvement Act. This bipartisan bill would improve dental care for low-income children. I appreciate Senator BINGAMAN'S leadership on this bill, and I am honored for the opportunity to work with him on this important 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 who may have private insurance 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 SCHIP 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 programs are doing 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 without fear of future disruptions 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 also includes 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 of this bill, 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 Judiciary, 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 has become very clear, now 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 nonimmigrants 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 in to 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 permit and license 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 KOHL, SNOWE, HATCH, THURMOND, and BOND.

I would like to now defer to my colleague from Arizona, the ranking member of our Technology and Terrorism Subcommittee.

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 one exception, really had not happened since the War of 1812 when British soldiers came into the United States and literally attacked Americans on our own soil. Except for the first attack on the World Trade Center, that 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 own country.

So this legislation would do a variety of things, as Senator FEINSTEIN has said, beginning with the creation of a data base that would enable us to know what the FBI knows, what the CIA knows, what the INS knows, what the State Department knows.

Today, these different computers do not talk to each other, so that when a 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 Department who granted these visas, but they felt horrible about it 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 offices 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, all of which 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 have 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 are very excited about the 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 when they shouldn't 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 KOHL, 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 INS inspectors at the northern border, a minimal addition, given the expected high rates of attrition 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 deputy assistant director of the 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 much-needed 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 fraud-proof ''SmartVisa'' card, 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 that 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 passenger manifests 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 passengers on flights to 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. The system is rife 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 so that they could 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 bar. Additionally, our bill would require the INS to conduct background checks before the State Department issues the visas. U.S. educational institutions would also 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 allowed into the United States on 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 visitor visa-holders 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's Terrorism Subcommittee, 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 and tragic events 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.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank my distinguished colleague from Arizona for those comments. He is very hard working, and it has been a great pleasure for me to be able to work with him. He and I hope to sit down with Senators KENNEDY and BROWNBACK next week. I think all four of us believe that if it is possible to have one bill, we would like to have one bill. We have taken on the technology aspect of our bill. But bottom line, the Senator from Arizona is correct, our Nation has essentially been laid back when it comes to matters of really scrupulously trying to set up a system that can provide a measure of protection for our national security.

It has become very clear now, post September 11, that we must take steps to do so. Otherwise, we are derelict in our duty to protect American citizens. This bill does it.

Because the student visa part of it has been somewhat controversial, this morning I was visited by the chancellor of the California State University system. This is the largest system in the United States, with about 380,000 students. He came in to indicate his support for our bill, for the acknowledgment that he knows that schools across America also have to assume more responsibility to see that there is a system where there is some regulation.

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 don't 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 not even used.

Let me give some specific examples of the testimony we heard before our subcommittee:

There are 29 countries that now participate in a ''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 nobody knows when they arrive, and nobody 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 need one of these forms, the possibility 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 visa, be granted a visa, and that there is no mechanism by which the FBI or CIA can enter a code into the system to raise a red flag on individuals known to have links to terrorist groups and pose a national threat. In the wake of September 11th, it is hard for me to fathom how a terrorist might be permitted to enter the U.S. because our government agencies aren't sharing information.

This was one, sobering hearing. It made it clear to all who were present that our borders act only as a sieve, essentially allowing easy access to all who would do us harm. Something must be done, and something must be done now.

When I arrived in the Senate in 1992, I brought with me the concerns of millions of Californians about the porous nature of the Southwest border. When I tried to address the problems there, I met with the same response over and over again—''nothing can be done.''

But something was done, and our Southwest border is now far more difficult to transit.

Here, too, I am now told that ''nothing can be done'' to keep terrorists from entering the country on student visas, or through the visa waiver program, or through some other program. I am told that commerce and trade are too important. Or that the technology simply does not 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.

Well, I did not accept those arguments then, and I do not accept them now. There are things we can do to solve some of these problems, and this issue is too important to wait.

Let me talk about how this legislation would address these problems.

First, the most important piece of this solution is the creation of one, central database containing all the information our government has about foreign nationals who cross the border into the United States. Private industry can help in this effort—in fact, I recently met with Larry Ellison, Chairman of Oracle, who wrote me a letter offering the services of his company, free of charge, in the creation of the necessary software.

Right now, our government agencies use different systems, with different information, in different formats. And they often refuse to share that information with other agencies within our own government. This is not acceptable.

When a terrorist presents himself at a consular office asking for a visa, or at a border crossing with a passport, we need to make sure that his name and identifying information is checked against an accurate, up-to-date, and comprehensive database. Period.

My legislation will require the creation of this central database, and will require the cooperation of all U.S. government agencies in providing accurate and compatible information to that system.

Incidentally, this legislation also contains strict privacy provisions, limiting access to this database to authorized federal officials. And the bill contains severe penalties for wrongful access or misuse of information contained in the database.

Second, the legislation I will introduce will include concrete steps to restore the integrity to the immigration and visa process, including the following:

First, the legislation requires all foreign nationals to be fingerprinted, and, when appropriate, submit other biometric data, to the State Department when applying for a visa. This provision should help eliminate fraud, as well as identify potential threats to the country before they gain access.

Second, we include reforms of the visa waiver program, so that any country wishing to participate in that program must quickly provide its citizens with tamper-proof, machine-readable passports, eventually with biometric data to help verify identity at ports of entry.

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, our own officials at the border and 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 prohibition, however, allowing the State Department to allow students even from these countries after review and evaluation.

We require that airlines, cruiselines, buslines, 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. But this 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 feverishly to bring this bipartisan bill to fruition and I have very much appreciated the opportunity to work with them in assembling a strong and meaningful package to help secure our homeland.

The bottom line is, at this extraordinary time, in the wake of horrific attacks from without 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 admittance into this 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 visa 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 once 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 on the House Foreign Affairs International Operations Subcommittee it's that we're only going to get to the root of the problem with a comprehensive approach.

This was clear from the aftermath of our investigation of the comings and goings of the mastermind of the 1993 World Trade Center bombing, the radical 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 then, unbelievably, 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 rejecting holding Rahman 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 acts of terrorism, the assumption 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, but 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.

And that's what this bill does, along with my measure that's included to establish ''Terrorist Lookout Committees'' at every embassy, which are required to meet on a monthly basis and report on their knowledge or lack of knowledge of anyone who should be excluded from the U.S. Ultimately, each Deputy Chief of Mission would be responsible for this information, because to paraphrase Admiral Rickover, unless you can identify the person who's responsible when something goes wrong, then you have never had anyone really responsible.

We should also know who and what is in our waters and be pro-active in preventing potential threats from reaching our shores. As I mentioned at a recent Oceans and Fisheries Subcommittee hearing, a terrorist act involving chemical, biological, radiological, or nuclear weapons at one of our seaports could result in the extensive loss of lives. In that light, I'm pleased this bill also includes a measure I developed that requires incoming vessels to submit to the Coast Guard crew and passenger manifests as background on the vessel 96 hours before arrival.

And finally, we ought to ensure that the person standing in front of the INS agent at the border is the same person who applied for that visa. It does no good to do every background check in the world overseas, only to have someone else actually show up at our doorstep. The fact is, we have the so-called ''biometric technology'' available to close this gap, and I'm pleased that my measure requiring fingerprinting for visa applicants both abroad and at the border has been included.

As the President said just the other day, ''We're going to start asking a lot of questions that heretofore have not been asked.'' By giving the Director of Homeland Security the responsibility of developing a centralized ''lookout'' database for all of this information, along with instituting tighter application and screening procedures and increased oversight for student visas, we will close the loopholes and help bring all our Nation's resources to bear in securing our nation.

This is a crucial bill in our war on terrorism and I urge my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—RELATING TO EXPENDITURES FOR OFFICIAL OFFICE EXPENSES

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 176

Resolved,

SECTION 1. AMENDMENT TO SENATE RESOLUTION 294.

Section 2(3) of Senate Resolution 294, Ninety-sixth Congress, agreed to April 29, 1980, is amended—

(1) by striking ''and'' after ''copies of the book 'We, the People','' and inserting a comma; and

(2) by inserting before the semicolon at the end the following: '', copies of the book 'A Young Person's Guide to the United States Capitol' published by the United States Capitol Historical Society, and copies of the book 'Exploring Capitol Hill: A Kid's Guide to the U.S. Capitol and Congress' published by the United States Capitol Historical Society''.

SEC. 2. COPIES DEEMED TO BE FEDERAL PUBLICATIONS.

Copies of the book 'A Young Person's Guide to the United States Capitol' published by the United States Capitol Historical Society, and copies of the book 'Exploring Capitol Hill: A Kid's Guide to the U.S.

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:

S. RES. 175

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 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 always has placed 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 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;

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;

Whereas Joe Paterno was the first college football coach to win all of the 4 major New Year's Day bowl games: the Rose, Sugar, Cotton, and Orange Bowls;

Whereas Joe Paterno led 2 teams to National Championship titles, in 1982 and 1986;

Whereas Joe Paterno's coaching efforts have yielded over 250 National Football League players;

Whereas Joe Paterno has been chosen an unprecedented 4 times as American Football Coaches Association Coach of the Year; and

Whereas Joe Paterno, on October 27, 2001, broke the longstanding record for NCAA Division I–A victories, reaching the 324-victory mark, by leading his team to a 29–27 win over Ohio State: Now, therefore, be it

Resolved,

SECTION 1. CONGRATULATION AND COMMENDATION.

The Senate 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; and

(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 Education, 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. BENNETT, Mr. HATCH, Mr. ENSIGN, Mr. DEWINE, Mr. LIEBERMAN, 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 security for United States seaports, and for other purposes; which was ordered to lie on the table.

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.

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 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) 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. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2071. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2072. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) 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. MCCAIN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. ALLARD, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 3061, supra.

SA 2076. Mr. HARKIN (for Mr. MILLER) 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. KENNEDY, Mr. KERRY, and Mrs. 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. LIEBERMAN) 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:'' 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''); the McKinney-Vento Homeless Assistance Act; and section 418A 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 $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $7,398,721,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 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 $1,364,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not 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 1124A of title I of the ESEA shall be made 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

section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335).

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $1,130,500,000, of which $954,000,000 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), $68,000,000 shall be for formula grants for construction under section 8007(a), $50,500,000 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.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles 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 (''ESEA''); 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 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 XIII 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.

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) The 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 ancestors.

(4) The negative effects of human germline manipulation would not be fully known for generations, if ever, meaning that countless people will have been exposed to harm probably often 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 GENE 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.

''§ 301. Definitions

''In this chapter:

(1) HUMAN GERMLINE GENE MODIFICATION.—The term 'human germline gene modification' means the intentional modification 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 so do) 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 synthetic DNA. The term does not include any modification of cells that are not a part of and will not be used to create human embryos. Nor does it include the change of DNA involved in the normal process of sexual reproduction.

''(2) HUMAN HAPLOID CELL.—The term 'haploid cell' means a cell that contains only a single copy of each of the human chromosomes, such as eggs, sperm, and their precursors.

''(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having two sets of the chromosomes of almost all body cells) obtained or derived from a living or deceased human body at any stage of development. Somatic cells are diploid cells that are not precursors of either eggs or sperm. A genetic modification of somatic cells is therefore not germline genetic modification.

Rule of Construction: Nothing in this Act is intended to limit somatic cell gene therapy, or to effect research involving human pluripotent stem cells.

''§ 302. Prohibition on germline gene modification

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

''(1) to perform or attempt to perform human germline gene modification;

''(2) to intentionally participate in an attempt to perform human germline gene modification; or

''(3) to ship or receive the product of human germline gene modification for any purpose.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, to import the product of human germline gene modification for any purpose.

''(c) PENALTIES.—

''(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or 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 subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

(b) CLERICAL AMENDMENT.—The table of chapters for part 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 ''$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 1124A:'' insert the following: ''*Provided further*, That $1,000,000,000 shall be available for targeted grants under section 1125: *Provided further*, That $649,979,000 shall be available for education finance incentive grants under section 1125A:''.

On page 55, strike line 15 and all that follows ''H.R. 1'' on page 55, line 22, and insert ''95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001''.

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, 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:

On page 54, between lines 15 and 16, insert the following:

SEC. ____. 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 $1,000,000 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 illnesses, geographic areas, or 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 2044 submitted by Mr. DASCHLE 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.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terrorist Response Tax Exemption Act''.

SEC. 2. EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 112 the following new section:

''SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

''(a) IN GENERAL.—Gross income does not include compensation received by a civilian uniformed employee for any month during any part of which such employee provides security, safety, fire management, or medical services in a terrorist attack zone.

''(b) DEFINITIONS.—For purposes of this section—

''(1) CIVILIAN UNIFORMED EMPLOYEE.—The term 'civilian uniformed employee' means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality 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 any 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 3401(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)''.

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

''Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.''.

(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. 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 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. 109. International port security.
Sec. 110. Security standards at foreign seaports.
Sec. 111. Counter-terrorism and incident contingency plans.
Sec. 112. Maritime security professional training.
Sec. 113. Port security 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. Prearrival 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 crime and terrorism prevention and detection technology.
Sec. 123. Extension of seaward jurisdiction.
Sec. 124. Suspension of limitation on strength of Coast Guard.
Sec. 125. Additional reports.
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) 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 could allow pilots to be integrated more effectively in a maritime domain awareness program;

On page 32, line 4, strike ''(2)'' and insert ''(3)''.

On page 32, line 11, strike ''(3)'' and insert ''(4)''.

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 116'' 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:

SEC. 110. 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; and

(B) other foreign seaports the Secretary considers appropriate.

(2) INTERNATIONAL COOPERATION AND STANDARDS.—The Secretary of Transportation 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 seaport 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 the standards and recommended practices of the International Maritime Organization in effect on the date of the assessment.

(3) 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 subsection (a) of this section of at least 25 foreign 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 the 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 foes 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 transportation between the United States and the seaport to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the seaport; 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 a United States 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) about a seaport, the President may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign seaport that is served by vessels navigating to or from the seaport with respect to which a decision is made under this section.

(3) WHEN ACTION TO BE TAKEN.—

(A) IN GENERAL.—The provisions of paragraphs (1) and (2) shall apply with respect to a foreign seaport—

(i) 90 days after the government of a foreign country is notified of the Secretary's determination under subsection (e) of this section unless the Secretary of Transportation finds that the government has brought the security 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 immediately shall notify the Secretary of State of a determination under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 908 of the International Maritime and Port Security Act (46 U.S.C. App. 1804).

(4) CONGRESSIONAL NOTIFICATION.—The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on 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 or security 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 2002 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 "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 after the date 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, false, intentionally 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 insufficient or do not exercise adequate control over safety and security concerns; or

(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 PORTS.—The Secretary shall identify United States ports for inclusion in the sea marshal program based on criteria that include the following:

(1) The presence of port facilities that handle materials that are hazardous or flammable in quantities that make them potential targets of attack.

(2) The proximity of these facilities to residential or other densely populated areas.

(3) 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.

(4) Any other criterion deemed necessary by the Secretary.

(d) SEA MARSHAL QUALIFICATIONS.—The Secretary shall establish appropriate qualifications or 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. 122.**"

On page 69, line 5, strike "**SEC. 121.**" and insert "**SEC. 123.**"

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. 126.**"

On page 73, line 19, strike "**SEC. 125.**" and insert "**SEC. 127.**"

On page 74, beginning in line 12, strike "110(e), 111(f), 112(e), 113(a), 115(c), and 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 vessel lines upon the arrival of a cruise vessel at a United States port from a foreign port. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing foreign port vulnerability assessments under section 110.

(b) AMOUNT OF FEE.—Cruise vessel lines shall remit $0.50 for each passenger embarkment on a cruise that includes at least one United States port and one foreign port.

(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs 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 179 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:

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(h) 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.

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 442,000 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 finding.

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 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 claiming to attend 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.

(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 can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) 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;

(C) examine the default rates at foreign schools that enroll American students receiving federally 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.

SA 2065. Mr. REID (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 3061, making applications 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 effect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir. 2001), or to permit gaming under the Indian Gaming Regulatory Act 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, as 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 enable 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 22, after the period on line 3, insert the following:

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including group transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

SA 2068. 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:

At the appropriate place in title I, insert the following:

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

SA 2069. Mr. REID (for Mr. TORRICELLI (for himself and Mr. CORZINE)) 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:

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 exposed to anthrax and continue to test and treat, federal 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:

SEC. 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 medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of 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:

SEC. 223. It is the sense of the Senate that States should be authorized to use funds, provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished 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:

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined:

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

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 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.

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:

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 and local schools shall remain available beyond the current fiscal year unless assistance under such program is provided to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such assistance available to other schools: Provided further, notwithstanding any other provision of this Act, the Secretary of Education is not authorized to expend or transfer unexpended balances of prior appropriations appropriated for the purposes of school repair or renovation of state and local schools to accounts corresponding to current appropriations provided in this Act: Provided, however, that such balances may be expended and so transferred if the unexpended balances are used for the purpose of providing assistance to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such repair or renovation assistance available to other schools.''.

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 obligation 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 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 $98,500,000: Provided, That 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 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 ''$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 of the moment provided for Rural Health Outreach Grants, $12,500,000 shall be available to improve access to automatic external defibrillators in rural communities''.

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 34, 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 subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)''.

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 43, 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 57, line 24, before the period, add the following: '':*Provided further,* That $2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part.''

SA 2082. Mr. HARKIN (for Mrs. CLINTON) proposed an amendment to the 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; as follows:

On page 34, line 13, before the period insert: '': *Provided further,* That $5,000,000 shall be made available for mental health providers serving public safety workers affected by disasters of national significance''.

SA 2083. Mr. HARKIN (for Mr. HATCH (for himself, Mr. REID, 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 54, between lines 15 and 16, insert the following:

SEC. 225. 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 $1,000,000 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 illnesses, geographic areas, or 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 2084. Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. KERRY, and Mrs. MURRAY)) 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 40, line 16, strike ''5.9'' and insert ''5.7''.

On page 54, between lines 15 and 16, insert the following:

SEC. 522. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

On page 54, line 25, strike ''$11,879,900,000, of which $4,104,200,000'' and insert ''$11,912,900,000, of which $4,129,200,000''.

On page 56, line 25, strike ''$8,717,014,000'' and insert ''$8,723,014,000''.

On page 57, line 18, strike ''$10,000,000'' and insert ''$15,000,000''.

On page 58, 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:

SEC. 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'');

(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 responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research 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 a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of 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, and periodically thereafter 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; and follows:

At the appropriate place, insert the following:

SEC. 227. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–1(f) 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:

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(8)) shall not apply to a State program during fiscal year 2001 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—

(1) 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 subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did 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 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 defeat terrorism.

The hearing will take place on Tuesday, November 13, 2001, at 9:30 a.m., in room 342 of the Dirksen Senate Office

Building. For further information, please contact Linda J. Gustitus of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 1 at 9:30 a.m., on S. 1530, the Railroad Advancement and Infrastructure Law of the 21st Century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, November 1, at 2:30, 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.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

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.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

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.

COMMITTEE ON FINANCE

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, to 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.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, November 1, 2001, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 1, 2001, at 10 a.m., in SD226.

Agenda

I. Nominations: Edith Brown Clement to be U.S. Circuit Court Judge for the 5th Circuit; M. Christina Armijo to be U.S. District Court Judge for the District of New Mexico; Karon O. Bowdre to be U.S. District Court Judge for the Northern District of Alabama; Stephen P. Friot to be U.S. District Court Judge for the Western District of Oklahoma; Larry R. Hicks to be U.S. District Court Judge for the District of Nevada; Terry L. Wooten to be U.S. District Court Judge for the District of South Carolina; Juan Carlos Benitez to be Special Counsel for Immigration-Related Unfair Employment Practices; Sharee Freeman to be Director of the Community Relations Service; and John P. Walters to be Director of the Office of National Drug Control Policy.

To Be United States Attorney: Leura Garrett Canary, Middle District of Alabama; Paul K. Charlton, District of Arizona; Jeffrey G. Collins, Eastern District of Michigan; William S. Duffey, Jr., Northern District of Georgia; Dunn Lampton, Southern District of Mississippi; Alice Howze Martin, Northern District of Alabama; William Walter Mercer, District of Montana; Thomas E. Moss, District of Idaho; J. Strom Thurmond, Jr., District of South Carolina; Maxwell Wood, Middle District of Georgia; and Drew H. Wrigley, District of North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters 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.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs 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.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent Matt King, a legislative detailee from the Customs Service, be permitted floor privileges during consideration of H.R. 2590.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

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 met, after full and fair 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.

For the Library of Congress 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.

Also in the Library's budget is additional funding to reduce the Law Library arrearage, funding for the newly-authorized Veterans Oral History Project, and funds to support the preservation of and access to the American Folklife Center's collection.

For the General Accounting Office, a total of $422 million is included. This level will enable GAO to hire staff in some critical areas.

A total of $126 million is included for the U.S. Capitol Police, who have been performing heroically these past several weeks and to whom we all owe a debt of gratitude. 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.

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

[Spending comparisons—Conference Report (in million of dollars)]

	General purpose	Mandatory	Total
Conference report:			
Budget Authority	2,974	99	3,073
Outlays	2,941	99	3,040
Senate 302(b) allocation:*			
Budget Authority	2,974	99	3,073
Outlays	2,941	99	3,040
President's request:			
Budget Authority	2,987	99	3,086
Outlays	2,964	99	3,063
House-passed**:			
Budget Authority	2,240	99	2,339
Outlays	2,369	99	2,468
Senate-passed**:			
Budget Authority	1,944	99	2,043
Outlays	2,063	99	2,162
CONFERENCE REPORT COMPARED TO:			
Senate 302(b) allocation:*			
Budget Authority			
Outlays			
President's request:			
Budget Authority	(13)		(13)
Outlays	(23)		(23)
House-passed**:			
Budget Authority	734		734
Outlays	572		572
Senate—passed**:			
Budget Authority	1,030	.....	1,030
Outlays	878	.....	878

*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.

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. Mr. President, I ask unanimous consent that the conference report be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

ORDERS FOR THURSDAY, NOVEMBER 2, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m., Friday, November 2; that following the prayer and the pledge, the Journal of the proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day, and there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in 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 MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC.

DEPARTMENT OF JUSTICE

FREDERICK R. HEEBE, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE EDDIE J. JORDAN, JR., RESIGNED.

DAVID PRESTON 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 STATE

JOHN D. ONG, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

RICHARD S. WILLIAMSON, OF ILLINOIS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

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.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate agreed to the conference reports on Energy and Water Development Appropriations, Treasury, Postal Service, and General Government Appropriations, and the Legislative Branch Appropriations.

The House passed H.R. 3150, Airport Security Federalization Act.

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. **Page S11362**

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) **Page S11361**

Measures Passed:

Honoring Penn State Coach Joe Paterno: Senate agreed to S. Res. 175, honoring Penn State football coach Joe Paterno. **Page S11309**

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: **Pages S11300–09, S11310–17, S11320–29, S11340–44, S11345–51**

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. **Pages S11308–09, S11310–14, S11315**

Inhofe Amendment No. 2018, to amend the funding levels for certain activities under the Impact Aid program under the Elementary and Secondary Education Act of 1965. **Page S11324**

Reid (for Bingaman/Domenici) Amendment No. 2062, to provide for an election of an annuity under section 377 of title 28, United States Code, for any qualified magistrate judge. **Pages S11324–26**

Reid (for Sessions/Helms) Amendment No. 2063, to require the Inspector General of the Department of Health and Human Services to audit all Federal amounts allocated for AIDS prevention programs and to report to Congress concerning programs offering sexually explicit workshops using any of such amounts. **Pages S11324–26**

Reid (for Sessions) Amendment No. 2064, to provide for a study and report regarding Federal student loan disbursements to students attending foreign schools. **Pages S11324–26**

Reid (for Brownback/Roberts) Amendment No. 2065, to provide clarifying language regarding Section 134 of H.R. 2217, with respect to Indian gaming industry. **Pages S11324–26**

Reid (for Clinton) Amendment No. 2066, to provide funding for services for children relating to crises. **Pages S11324–26**

Reid (for Torricelli) Amendment No. 2067, to express the sense of the Senate concerning the provisions of assistance for airport career centers to enable such centers to serve workers in the airline and related industries who have been dislocated as a result

of the September 11, 2001 attack on the World Trade Center. **Pages S11324–26**

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. **Pages S11324–26**

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. **Pages S11324–26**

Reid (for Torricelli) Amendment No. 2070, to express the sense of the Senate regarding lead poisoning screenings and treatments under the medicaid program. **Pages S11324–26**

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. **Pages S11324–26**

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. **Pages S11324–26**

Subsequently, the amendment was modified. **Pages S11324–26, S11345**

Reid (for Specter) Amendment No. 2073, to strike provisions regarding allowable use of federal funds for stem cell research. **Pages S11324–26**

Harkin (for Miller) Amendment No. 2076, to provide current year funding for the National Skills Standards Board. **Pages S11350–51**

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. **Pages S11350–51**

Harkin (for Feingold) Amendment No. 2078, to provide for increased funding for automatic external defibrillators in rural communities, offset by administrative cost reductions. **Pages S11350–51**

Harkin (for Graham) Amendment No. 2079, to provide additional funding to carry out the Ecstasy Anti-Proliferation Act of 2000. **Pages S11350–51**

Harkin (for DeWine/Rockefeller) Amendment No. 2080, to increase the appropriation for the Promoting Safe and Stable Families program. **Pages S11350–51**

Harkin (for Landrieu) Amendment No. 2081, to increase the appropriation for the Close Up Fellowship Program. **Pages S11350–51**

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. **Pages S11350–51**

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. **Pages S11350–51**

Harkin (for Bingaman) Amendment No. 2084, to provide funding for Hispanic education programs. **Pages S11350–51**

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. **Pages S11350–51**

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. **Pages S11350–51**

Harkin Amendment No. 2087, to modify the calculation of State expenditures for eligible States under title IV of the Higher Education Act of 1965. **Pages S11350–51**

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. **Pages S11300–08, S11314–15**

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. **Pages S11326–29**

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.) **Page S11341**

Pending:

Daschle Amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Page S11300**

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. **Pages S11300, S11302**

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 an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

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

(Ranking Member), Allard, Hutchinson, Crapo, and Helms.

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**

Energy and Water Appropriations Conference Report: The House agreed to the conference report on H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, by a yea-and-nay vote of 399 yeas to 29 nays, Roll No. 416.

Pages H7599–H7609, H7615–16

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**

Legislative Branch Appropriations Conference Report: The House agreed to the conference report on H.R. 2647, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, by a yea-and-nay vote of 374 yeas to 52 nays, Roll No. 417. **Pages H7609–15, H7616–17**

H. Res. 273, the rule that waived points of order against the conference report was agreed to on Oct. 31, 2001.

Airport Security Federalization Act: The House passed H.R. 3150, to improve aviation security by a yea-and-nay vote of 286 yeas to 139 nays, Roll No. 425. **See next issue.**

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.

See next issue.

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.

See next issue.

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. See next issue.

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. See next issue.

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. Pages H7617–30

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. Pages H7628–29

Legislative Program: The Majority Leader announced the Legislative program for the week of Nov. 5. See next issue.

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. See next issue.

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. See next issue.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Nov. 7. See next issue.

Honoring the New Jersey State Law Enforcement Association: The House agreed to H. Res. 224, honoring the New Jersey State Law Enforcement Officers Association. See next issue.

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. See next issue.

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 See next issue.

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. See next issue.

Amendments: Amendments ordered printed pursuant to the rule appear on pages .

Quorum Calls—Votes: Six yea-and-nay votes and five recorded votes developed during the proceedings today and appear on pages H7598–99, H7615–16, H7616–17, H7617, H7628–29, H7629–30, (continued next issue).

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. Zelicoff, 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

Committee on International Relations: Ordered reported, as amended, the following bills: H.R. 2998, Radio Free Afghanistan Act of 2001; H.R. 3167, Freedom Consolidation Act of 2001; and H.R. 3169, International Disability and Victims of Landmines, Civil Strife and Warfare Assistance Act of 2001.

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

Committee on Rules: Ordered reported, as amended, H.R. 981, Budget Responsibility and Efficiency Act of 2001.

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

Conferees 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

Committee on Government Reform, Subcommittee on the District of Columbia, hearing on ''Emergency Preparedness in the Nation's Capital,'' 10 a.m., 2154 Rayburn.

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

	Senate	*House*	*Total*
Days in session	144	116	..
Time in session	1,023 hrs.	735 hrs., 39′	..
Congressional Record:			
Pages of proceedings	11,297	7,592	..
Extensions of Remarks	..	1,978	..
Public bills enacted into law	15	42	57
Private bills enacted into law	1	..	1
Bills in conference	14	10	..
Measures passed, total	287	419	706
Senate bills	56	13	..
House bills	55	184	..
Senate joint resolutions	7	5	..
House joint resolutions	8	12	..
Senate concurrent resolutions	28	4	..
House concurrent resolutions	30	64	..
Simple resolutions	103	137	..
Measures reported, total	174	247	421
Senate bills	102	2	..
House bills	19	155	..
Senate joint resolutions	5	..	..
House joint resolutions	..	5	..
Senate concurrent resolutions	12	..	..
House concurrent resolutions	..	11	..
Simple resolutions	36	74	..
Special reports	20	8	..
Conference reports	..	9	..
Measures pending on calendar	98	46	..
Measures introduced, total	1,880	3,807	5,687
Bills	1,600	3,203	..
Joint resolutions	26	71	..
Concurrent resolutions	80	257	..
Simple resolutions	174	276	..
Quorum calls	3	4	..
Yea-and-nay votes	315	237	..
Recorded votes	..	173	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* 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

Civilian nominations, totaling 826, disposed of as follows:	
Confirmed	425
Unconfirmed	172
Withdrawn	67
Returned to White House	162
Other Civilian nominations totaling 2,099, disposed of as follows:	
Confirmed	1,188
Unconfirmed	660
Returned to White House	251
Air Force nominations, totaling 6,780, disposed of as follows:	
Confirmed	6,726
Unconfirmed	8
Returned to White House	46
Army nominations, totaling 6,138, disposed of as follows:	
Confirmed	5,939
Unconfirmed	91
Returned to White House	108
Navy nominations, totaling 5,591, disposed of as follows:	
Confirmed	5,518
Unconfirmed	44
Returned to White House	29
Marine Corps nominations, totaling 3,611, disposed of as follows:	
Confirmed	3,571
Unconfirmed	19
Returned to White House	21

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.)

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $197.00 for six months, $393.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.