The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. Otter).

**DESIGNATION OF THE SPEAKER PRO TEMPORE**
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC, November 5, 2001.
> I hereby appoint the Honorable C.L. “Butch” Otter to act as Speaker pro tempore on this day.

J. Dennis Hastert, Speaker of the House of Representatives.

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

> God, our refuge and our strength.

> Lord, in past weeks many people here have worked diligently to create safe space for workers and sacrifice themselves and precious time to care for others, but few have worked longer hours or spent themselves more tirelessly than the Capitol Police. They have been our watch, day and night, awaiting the dawn of a new and peaceful future.

> Listen to their prayers and the prayers of their families. Reward them for their daily exercise of responsibility to watch, guide, investigate, and protect.

> May grateful hearts bring joy to the Capitol Police and all in public service.

> Amen.

**PLEDGE OF ALLEGIANCE**
The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

> 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.

**COMMUNICATION FROM THE CLERK OF THE HOUSE**
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:


> Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 2, 2001 at 12:01 p.m.

> That the Senate agreed to conference report H.R. 2311.

> That the Senate agreed to conference report H.R. 2590.

> That the Senate agreed to conference report H.R. 2647.

> Appointment: National Historical Publication and Records Commission.

> With best wishes, I am

> Sincerely,

> Jeff Trandahl, Clerk of the House.

**ENROLLED BILLS SIGNED**
Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

> H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

> 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.

> H.R. 2647. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

**BILLS PRESENTED TO THE PRESIDENT**
Jeff Trandahl, Clerk of the House, reported that on November 2, 2001 he presented to the President of the United States, for his approval, the following bills:

> H.R. 2311. Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.
year ending September 30, 2002, and for other purposes.

H.R. 2590. Making appropriations for the Treasury Department, the United States Postal Service, and the Postal Regulatory Commission for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

Mr. HYDE. Committee on International Relations. H.R. 3268. A bill to amend the Air Transportation Safety and System Stabilization Act to provide compensation to victims of terrorist-related anthrax infections following the terrorist-related aircraft crashes of September 11, 2001; to the Committee on the Judiciary.

Mr. TRAFICANT. H. Con. Res. 261. Concurrent resolution expressing the sense of the Congress that the
United States should support the establishment of a Palestinian state in the Middle East; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 792: Mr. TOWNS, Mr. TURNER, and Ms. ESHOO.
H.R. 961: Mr. OTTER.
H.R. 1256: Mr. SIMMONS.
H.R. 1307: Mr. FILNER.
H.R. 1782: Mr. UPTON and Mr. HYDE.
H.R. 1786: Ms. HOOLEY of Oregon.
H.R. 2623: Mr. BURTON of Indiana, Mr. EVANS, and Mr. GUTIERREZ.
H.R. 2629: Mr. COYNE, Mr. WAXMAN, Mr. FOLEY, and Ms. DUNN.
H.R. 2690: Ms. SOLIS.
H.R. 2725: Mr. BARRETT, Mr. CAMP, and Mr. BAIRD.
H.R. 3015: Mr. BLUMENAUER.
H.R. 3041: Mr. UDALL of New Mexico, Mr. EHRLICH, Mr. BOUCHER, Mr. CALVIERI, Mr. WAMP, Mr. FILNER, Mr. PAUL, and Mr. GONZALEZ.
H.R. 3085: Mrs. JOHNSON of Connecticut.
H. Con. Res. 228: Ms. CARSON of Indiana, Mr. BACA, Mr. STARK, and Ms. KAPTUR.
H. Res. 235: Mr. WALSH and Ms. BERKLEY.
The Senate met at 3 p.m. and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

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

Almighty God, in a world of crises and change, we are grateful that You are the same, yesterday, today, and forever! Your love is constant and never changes. You have called us to belong to You, to trust You, and to serve You.

With renewed dependence on You we accept our Nation's role as a defender of freedom in the world. We need Your guidance and strength for the present war against terrorism. We have been attacked by a terrorist movement with religious fanaticism. They call us infidels and harbor historic hatred against us. Our deep commitment is to free Afghanistan from the tyranny of the Taliban and the terrorism of al Qaeda. When our enemy claims to have divine approbation for its destructive cause, we reaffirm our historic conviction that our Nation's calling is to seek to be on Your side, rather than glibly presume that You are always on our side.

Bless our President and all who work with him in sorting out the strategy of this just war. Lead on, O Sovereign Lord; we are one Nation under You, indivisible and invincible for which it stands, one nation under God, United States of America, and to the Republic only with Your power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD, PRESIDENT PRO TEMPORE.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transacting of morning business for not to extend beyond the hour of 5:45 p.m., and the time is to be equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. REID. As the Chair announced, there will be a period of morning business until 5:45. At that time, the Senate will begin consideration of the nomination of Executive Calendar No. 515, Larry Hicks, to be a United States district judge. There will be 15 minutes of debate equally divided between the chair and ranking member of the Judiciary Committee or their designees, and we will vote at 6 p.m.

I ask my friend from Wyoming if he wishes to speak. I will give a few remarks that will take a little bit of time. I do not want to have the Senator wait.

Mr. THOMAS. Go right ahead. I am not in any hurry and I am desperate to hear the remarks of the Senator.

GRATITUDE TO SENATE EMPLOYEES

Mr. REID. Mr. President, we in the Senate take a number of things for granted that we should not. There have been a number of speeches and remarks made on the floor and other public venues regarding how we depend on our Capitol Police. They do such a remarkably good job. Since September 11 they have worked endless hours, night and day, literally, 7 days a week, making not only Members feel secure, but the thousands of people who visit this Capitol complex and the thousands of employees we have. We have 26,000 employees working in the 3 Senate office buildings and 3 House office buildings. Again, I underscore and emphasize how indebted we are to the Capitol Police.

Within the Senate we have a lot of people who render invaluable service to the Senate. One of the most important features of the Senate is that we are always in line on parliamentary issues. The Chair rules, but at the present time we have just two Parliamentarians who are experts on the rules of the Senate. They do a remarkably good job. They are bipartisan in nature. Their rulings are grounded in precedent. We never hear the Parliamentarians say a word yet their duties are essential to the operation of the U.S. Senate. The Chair rules, and always rules correctly. The reason for that is they have the backup of these two fine Parliamentarians, Alan Frumin and Elizabeth MacDonald. I am speaking for the entire Senate when I say what an outstanding job they do day in and day out.

Perhaps we take these two people, this fine young woman Elizabeth MacDonald and this fine man,
Alan Frumkin, for granted. We should not do that. They do outstanding work. If the Senate is in session, Elizabeth and Alan are on duty. These past couple of months have been trying times for many. These two outstanding individuals have risen to the occasion. Their tireless service to the Senate deserves our recognition and expressions of appreciation. Their job is not easy and often involves making the toughest of the calls. They are fair, balanced and wise and their invaluable contribution to the U.S. Senate merits our praise.

WOMEN IN AFGHANISTAN

Mr. REID. Mr. President, in America, for all the advances that have been made, women still have a little ways to go. They still earn only 74 cents for every $1 a man makes doing the exact same work. Women pay 68 percent more in out-of-pocket costs for health care than men. Over half of this difference in health plans do not cover any form of contraception. Although women make up over half of our population, Federal funding for specific line items that relate to women has not kept pace with health needs. That is an understatement.

While I cannot overstate the importance of achieving gender equality in the United States, these issues pale in comparison to the gender apartheid the Afghan women face under the Taliban. The difference between the problems of American and Afghan women is the difference in height of Mount Everest and Death Valley. The separation is as large as it can be on this Earth, the difference between night and day.

Gender apartheid is not unlike racial apartheid in South Africa where the black majority suffered appalling human rights violations. In South Africa, people of color were deprived of legal and economic rights, mixed marriages were forbidden by law, residential areas were segregated, and many were forced to live in slums. One of the most far-reaching consequences of apartheid in South Africa was its impact on education. Children of color were educated at a very low level, if at all. Children were taught things such as dishwashing and weeding flower beds.

It is difficult to imagine a system worse than apartheid in South Africa. Sadly, this is the case for Afghan women suffering unthinkable violations of their most basic human rights. While I don’t in any way diminish what went on in South Africa, what is going on in Afghanistan is every bit as bad as, if not worse than, what went on in South Africa.

Why do I say that? By virtue of decrees by the Government in power, the Taliban, every aspect of a woman’s right in Afghanistan is from their behavior to their dress, is under edict, under rule. For example, women cannot work outside the home. Women are not allowed to receive any education. They cannot even be home schooled; that is a violation of law. Women in Afghanistan today cannot leave their homes unless they are accompanied by a close male relative such as a father, a brother, or an older husband. When they leave their homes, women must be covered from head to toe in a burqa. When I say head to toe, I mean they cannot have a strand of hair showing. Their eyes do not show.

Every Senator will get in the next day or so a little package that shows this piece of cloth with holes in it. This is what the women wear over their eyes so that people cannot see their eyes. Think of how humiliating, how humiliating it is to have every inch of their skin covered. But that is the way it is in Afghanistan. Every woman must have every part of her skin covered.

So when they do leave their homes, they are covered from head to toe. Women who disobey this rule will be subject to verbal abuse, beatings, whippings. There was a film put out by the Feminist Majority, and I watched Friday night a videotape of the treatment of women. It is hard to comprehend in this modern world that women are beaten with sticks; they are stoned, stoned to death on occasion, for doing things that are not within the rules.

Women cannot deal with male shopkeepers. If they go out, even with their husband or brother or father, they still cannot buy anything unless the transaction is made by a man who is with them. They cannot be treated by male doctors. Women who let their ankles show for some reason—they stumble, they fall, they sit, and an ankle shows for some reason—they are whipped. They are not whipped privately; they are whipped in public. Women accused of having sex outside of marriage—accused of having sex outside of marriage—by their husband or someone else will be stoned. I saw this on the videotape. They are killed by being stoned.

No cosmetics. This includes deodorant, and certainly nothing on their face. Women who have their nails painted have had their fingers cut off. Women are banned from talking or shaking hands with men. Women are prohibited from laughing. No stranger should hear a woman’s voice.

I wish I were making this up, but I am not. Women cannot wear high heels. But even this further extreme, you cannot hear a woman when they walk. A man must not hear a woman’s footsteps. They cannot ride in a taxi without a close male relative. A woman’s presence in the vehicle is a violation of any kind is forbidden. Women certainly can’t play in sports, enter a sports club. Women are banned from riding bicycles or motorcycles, even with a close relative. And remember, that is the only mode of transportation in some places.

Women cannot wear brightly colored clothes, even though the burqa covers every part of their body, because in Taliban terms these are considered sexually attracting clothes—bright colors. Women are prohibited from gathering for festive occasions or for any recreational purpose. Women cannot wash clothes in rivers or in public places. They are banned from sitting on chairs even on balconies of their apartments or houses. And to carry it even further, in homes where the women live, you have to paint the windows so that people cannot see in, for fear you could see what is happening inside. Men also are not allowed to take women’s measurements or sew women’s clothes.

One of the few things women could participate in was to take baths. They don’t have private baths but they have public baths. No more. Since 1995 that is all through. No more public baths. Males and females cannot travel on the same bus. Public buses are designated “males only” or “females only.” Flared or wide-legged pant legs even in their burqas are not allowed. Women cannot be photographed or filmed. Women’s pictures cannot appear in newspapers or books or even be hung on walls in houses or shops.

The only thing worse than these restrictions is that the Government has placed against women is the punishments of those who dare to disobey. Penalties include public beatings, torture, stoning, as I have already talked about, and of course executions. The death penalty is very widely used. This is not a question of cultural differences. The Taliban’s inhuman treatment of women has nothing to do with religion and everything to do with power. Nowhere does the Islamic religion say women cannot be educated or employed. In fact, the President of the world’s largest Islamic nation, Indonesia, is a woman.

The toll the Taliban’s rule has taken on Afghan women is profound. The rate of pregnancy among women is over 90 percent. Women have no access to health care. As a result, an estimated 45 women die every day from pregnancy-related causes.

Afghanistan—there may be other countries—is the only country I know where the life expectancy for a woman is shorter than for a man. To show what that country has gone through and is going through, the average life expectancy for a man is 48 years. For a woman it is lower. The percentage of Afghan women suffer from severe depression, and the suicide rate among the Afghan women is too large to count. Sadly, many women resort to killing themselves, and what they have found is, they use caustic soda that burns away the throat; it takes 3 torturous days for a woman to die. The only surgeon who can do anything about this in Afghanistan is in a hospital that is closed to women.

In Kabul there are over 80,000 widows as a result of the war. Because the Taliban forbids women from working, they are forced into begging, and under penalty of death some of these women
By an Afghan woman who was seen nor located.

The Taliban's harsh edicts, some Afghan women are risking their lives and some have lost their lives trying to run home schools and health clinics.

Let me read a few accounts of Afghan women. This is a woman who escaped a Taliban death decree. She said:

"As we continue life after the terrible day of September 11 and try to bring our life to some degree of normalcy, we cannot forget that the women of Afghanistan are the first victims of the Taliban. Every day, we are doing things to free that country and to restore its government. Our Government has no desire to have any degree of governmental control over Afghanistan. Our war is not against the people of Afghanistan. It is against the Taliban. They are cruel and unusual in their dealings with women. Every day that we do something to bring about the restoration of the Afghan Government which doesn't involve the Taliban, we are doing society a favor. The women are the first victims of the Taliban.

We must demonstrate our support through humanitarian relief for the women of Afghanistan and the scores of Afghan refugees in the surrounding regions. As we look toward the future of Afghanistan, we have to recognize that women must play a role in rebuilding the post-Taliban Afghanistan. There are people who were educated, and they are still educated. They are not being educated, but they are educated. They are women who were teachers, doctors, nurses, and scientists. They should play a part in that new government. And there will be a new government.

We simply can't forget that women are being brutalized by the Taliban, and we must redouble our efforts to help restore human rights to the people of Afghanistan, and especially the women of Afghanistan."

This is by an Afghan woman who was beaten by the Taliban.

"During the first week of the Taliban's capture of Kabul, friends and neighbors helped my family with shopping because I only had sisters and no brothers and my father was dead. One day I decided to go for shopping alone because my neighbors could no longer help out with shopping. I wore a long dress and covered my face and head with the chadori. I went shopping for food at a market near my home. When I arrived at the market I was approached by a man with a long turban, a gun on his shoulder, and a long stick in his hand. This man was Taliban. He asked me why I was out alone and who else was with me. When he saw that there was no man with me, I immediately tried to explain that I had no man in my house and that my family was without food to eat. The Taliban would not listen to my explanations. He began to beat me with his stick as he shouted at me to go home and leave here. My entire body ached from the bruises and slashes of the stick."

In Afghanistan, women have been stripped of their most basic human rights. The Taliban has prohibited women and girls from working, attending school and leaving their home without a close male relative. Women's punishment for violation of Taliban decrees include brutal beatings, imprisonment and even death.

As we look toward the future of Afghanistan, we have to recognize that women must play a role in rebuilding the post-Taliban Afghanistán. There are people who were educated, and they are still educated. They are not being educated, but they are educated. They are women who were teachers, doctors, nurses, and scientists. They should play a part in that new government. And there will be a new government.

We simply can't forget that women are being brutalized by the Taliban, and we must redouble our efforts to help restore human rights to the people of Afghanistan, and especially the women of Afghanistan."

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

Mr. THOMAS. Mr. President, I certainly appreciate the comments of my friend from Nevada. I agree with what he has to say. He certainly describes one of the reasons that we are involved in seeking to find out where those terrorists are, and those countries that harbor them, and doing something about terrorism around this world.

THE SENATE AGENDA

Mr. THOMAS. Mr. President, I would like to comment on where I think we are today and where I think we need to go.

Certainly I am very proud of Americans since September 11. I think it has been amazing how everyone in this country has come together with a commitment. I am proud of their work and their dedication to find where we are with these terrorists and to do something to get rid of terrorism around the world.

As I go home to Wyoming, I am very pleased that even though Wyoming is quite a ways from here, those folks are just as committed, just as involved, as interested as the rest of us. I am very pleased about that.

When we are challenged and attacked by terrorists, this country demonstrates its commitment to freedom and its commitment to doing away with the things around the world that cause terrorism.

I am very proud of this Congress after September 11. Everyone in both parties in the House and the Senate came together to do the things that were necessary, to do the things that the President asked of us regardless of party lines, to do the things for defense, and to do the things for New York and Virginia in terms of the need because of what happened, and then to continue to do that. I am very pleased about that.

Obviously, in the Senate and the Congress, everyone has different ideas about how we should go forward. Once we get past the emergency kinds of things, we, of course, go back to not having universal agreement on everything that we talked about doing. That is the way it is. That is the way it should be. We are here to represent different views as we have different views on things that should be undertaken.

I believe we have a number of things that we ought to accomplish before we leave, and indeed it seems to me that we should. One of the reasons we have done the things we have done is so that we can continue to live a relatively normal life as well as meet our emergencies. I think one of the things that calls for normalcy is for us to leave and go home after Thanksgiving and during Christmas. I suspect that rather than sine die, we will be leaving at the call of the Chair. I will support that. If it is necessary for us to return, we could do that.

But we have a number of things we must do. One of them is certainly appropriations, on which the Presiding Officers has given generously. Appropriations are a very important and vital part of what we do in Government. I think we completed 5 of the 13 appropriations bills. We are moving forward. We need to continue to do things.

We need to have an economic stimulus package. Our economy, of course, about a year ago began to weaken. Then, of course, with the September 11 tragedy, it took a rather sharp decline. We have to do something about that decline, and we can.

I think it is necessary for us to complete the airport safety bill that we
have passed in the Senate and now has been passed in the House. We have to come together on some differences that exist.

So these are the issues I think we need to complete. Quite frankly, most of the other issues we have before us are not necessarily issues that have to be done prior to the beginning of next year’s session, in my opinion. Obviously, not everyone agrees with that opinion.

Also, at the end of a session—any session; and I think particularly this one where there are things that have to be passed—we are going to find ourselves with items that anyone has ever wanted to be passed hoping to be attached to a vehicle for passage. Frankly, that is wrong. We ought not to legislate that way.

I hope that in the appropriations process we stay within budget. Obviously, we are going to have special spending that is outside the budget. We recognize that. We have authorized that. I think we have spent $55 billion in one of the first shots, and we will probably spend another $75 billion, or more, in this stimulus package. Those are obviously special things that need to be addressed.

We have said we will stay within the budget except in times of emergency, and this is a time of emergency. But I hope we do not use this as a reason for expanding our normal spending for building permanent programs that might only be needed right now. I believe it is quite important to be careful.

I believe the economic stimulus package should be defined as to what its purpose is, what we want to have accomplished with it, and that is basically to have some sort of immediate impact. I have to admit—and I am a member of the committee that deals with this—even though we have talked to some of the most knowledgeable economists in the whole country, not everyone is quite sure what has the greatest impact immediately. But we need to do it this way. We need to make sure the things we do will have an immediate impact.

I hope we do not end up with a Christmas tree. There will be lots of interest in tacking on everything that anyone has ever thought of passing, whether it be long-term taxes or health care programs that will go on for whatever. I hope we will limit that spending basically to the package for which the President has asked. We should do that. It is not a time to put in a program that is attractive but will go on forever after the economic crisis is over.

We are going to have to put some dollars in the package. The tax proposals will not do it entirely. We have to put some dollars in there to help extend unemployment insurance for those who need it when that expires, although relatively few have had and will have theirs expire in the next several months.

We certainly have to do something about health insurance for those who are unemployed and have lost their health insurance. But I hope we do not develop a whole new Government health insurance program that goes on forever. We need a unique to help people in this fairly short term of what we should do in an emergency.

Also, we are dealing, of course, with energy. I do not know whether it will happen—or there is considerable difference of view about an energy bill—but I happen to think, in this instance, energy is one of the most important issues we have to deal with; it has been for some time. We have needed an energy policy. Now we have gotten involved in the Middle East; knowing that nearly 60 percent of our oil comes from overseas, we find ourselves more at risk. So energy has become part of this matter of economic development and security.

Here again, there seems to be a good deal of resistance over a couple of issues, such as ANWR and so on, which are not the biggest issues in the world but they seem to hold up something that might well move right along as part of this package.

Interestingly enough, there is a good deal of discussion about agriculture and an Agriculture bill. The Agriculture bill that is presently in place does not expire until September of next year. Nevertheless, the House has passed a bill that would last for 10 years, as a matter of fact. I am hopeful we can do something that does not last quite that long so we can have another opportunity in 5 years to look at the issue; it has been our history to re-evaluate bills to see how they have worked.

There are lots of ideas and very little agreement on the Agriculture bill. I am hopeful, quite frankly, that we do not do it this year. I think we have to have more time to take a look at it. We have eight or nine different titles. We have only dealt with one title in terms of a markup. It is the greatest situation to now try to deal with all these different programs.

Most of all—and this is not something that is new nor unique to our situation now—I hope, as we look at these issues and we look at the problems, we will try to see if we can get a little forward vision into what we want to have happen over a period of time.

Over the last 6 or 8 months, I have had a chance to tour Wyoming, and we have called Vision 20/20. We began to try to talk to people in communities about what they would like to see in terms of their families, in terms of their communities, in terms of their State 10 or 20 years. Then, as they begin to get a vision of what they would like to see, where they would like to be, then it makes it much easier to make the decisions now and to measure whether those decisions, in fact, lead to where they want to go over time.

One of the real obvious issues this applies to is agriculture. What do we want agriculture to be? Obviously, all of us who have farmers and ranchers—and I come from an agricultural background—want to make it economically suitable for them to exist, to be a very important part of our economy in Wyoming and other places as well.

We hope agriculture is part of a conservation movement where we have trees and fields and where we have planned growth in open spaces. Agriculture can contribute to that greatly. These are the things we want to see over time.

I think we want to see an economic safety net for agriculture. On the other hand, certainly we would like to see agriculture responding to the marketplace. That is where all businesses ought to be. We ought to be building more and more markets as we can overseas. We are going to have to have agriculture that fits with today’s trade issues.

WTO is meeting right now. It is fairly easy to sit down and say: Hey, we have some real problems; we need to do this right now. But then you ask yourself, where will that lead.

It is the same thing with energy. Where do we want to be with energy? Obviously, we want to make energy available for us. It should be available, to a large extent, domestically so we are not totally dependent on imports. We ought to have energy that is created in an environmentally sound manner. We have the many public lands, for example, having energy produced there as well as preserving the lands.

Those are the kinds of things that I think all of us want to see over time. We would like to have conservation so that we find ways to do the things we want to do in our lives with less energy, if we can. And I suspect we will find new ways over time.

I remember being in a meeting in Congress, NY, years ago everybody made a point which I have always remembered: We have never run out of a fuel. Before we run out, we always find something else that moves us forward. We started with wood, then coal, then gas. We have nuclear. We have had all these sources of fuel. We will continue to have sources of fuel, I am sure, over time.

I know it is difficult—and I certainly am not critical—but I do think it is necessary that we address ourselves to those issues that should have a priority for us before we leave this session of Congress somewhere near our normal time. I think it is up to the leadership and up to the rest of us to do that, and to get those issues on the floor and to come to some agreement which is not easy. I understand—to deal with them. After that, we can then move on to do other things.

Mr. President, thank you for the time.

The Acting President pro tempore. The Senator from Minnesota.

(The remarks of Mr. Dayton pertaining to the introduction of S. 1629)
Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. I ask unanimous consent that Senator KYL be recognized following my comments.

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

IMPORTANT ISSUES FACING CONGRESS

Mr. DORGAN. Mr. President, we will begin this week with a vote at 6 o’clock this evening, and we will turn to other issues. I want to make some comments about the most important issues we face and what I think we ought to be doing to address them.

I just flew in from Chicago a few moments ago and noticed in the Chicago papers this morning that yesterday a man got through the screening process at Chicago O’Hare Airport with nine knives and a stun gun. He was selected for advance screening at the gate in addition to going through the metal detectors.

When they opened the baggage of this particular person, they found nine knives and a stun gun that had been missed at the screening as the individual entered the concourses.

That ought to demonstrate, as so many other studies have demonstrated, that the current system for screening passenger baggage and passengers is not working. That is quite clear.

The largest company that employs workers to screen baggage at airports has been found guilty of violating all kinds of FAA rules and regulations. They have violated training. They have hired ex-criminals. They have not adequately supervised them. They have falsified records. They were fined by the Federal Government for their behavior and 2 years later, after being put on probation, were discovered to have violated their probation with the same problems. This is the largest company in this country that hires these workers. In fact, it is a foreign company, but it is the largest employer of screeners in America.

One wonders why this company is still working at airports screening passengers when it has already been fined, when it falsified reports and then violated the probation that was established.

My point is that we have just had a significant debate in the U.S. House of Representatives on the issue of airport security and baggage screening. We in the Senate passed legislation 100–0—all Republicans and all Democrats supported it. Then we had a couple of our friends from a southern State, Texas, whom I shall not name, who decided that the legislation was not good and needed to be altered. God forbid somebody was going to get the Federal workers out of the screeners. So they ramped up a huge effort in the House of Representatives to defeat the proposal we passed 100–0 in the Senate.

My hope is that in the next week or so—in fact—we will convene a conference and work aggressively and to immediately pass an aviation security bill. It is unforgivable we have taken this long. After September 11, everyone understood we had a new requirement, a new duty, and a new responsibility to pass an aviation security bill, and that legislation has not yet passed despite the fact we passed it through this body with every Republican and Democrat supporting 100–0 only to have it languish week after week in the other body.

I regret the House did that, but now that they have passed legislation that will get us to conference, it is very important that we take this seriously and find a way to develop the compromise necessary so the American people will feel confident that when they walk through airports about to board an airplane, there is not some goofball someplace carrying nine knives and a stun gun.

This person explained he had forgotten. How do you forget that you have nine knives and a stun gun, for God’s sake? How do you forget you have that in your luggage? How do you qualify to fly if you have a mind like that—that you take nine knives and a stun gun to the airport?

In any event, having said that, that is just the latest information in this week’s paper. Last week, it was the audit that was done at Dulles Airport and the screeners who missed what they should have known.

Why does all this happen? Because people leave screening jobs to fry hamburgers so they can make more money. These are low-paying jobs. The people are ill trained by companies that want to put the least cost employees in those positions and make good money doing it.

I am not interested in that. I am interested in accountability and security for the American traveling public. That is all I am interested in. I am not interested in the debate about for whom they work. All I am interested in is accountability.

We have had a circumstance where these employees have been working for very large firms, one of which I already described that has been fined by the Federal Government and is guilty of falsifying records. They have already had that work. We know that does not work. So perhaps we ought to try what the Senate has suggested in the legislation it passed 100–0.

That is what is in front of us in the next few days, and I hope, as a member of the committee that generated the bill that passed the Senate unanimously, with the help of Senator HOLINGS and Senator MCCAIN leading the effort, we can find a way to solve this very important problem.

Let me turn to the next challenge we have in addition to aviation security. The other challenge we have is to pass a stimulus package. What does “stimulus” mean? Stimulus means pass legislation that will provide incentives to help boost this economy of ours.

Last Friday, we received word that another $15,000 people lost their jobs in the last month. Mostly, these are people at the lower end of the economic ladder. These are not people making a lot of money, in most instances. These people and their families know about second jobs, secondhand, second mortgages, and second shifts. They are the same people who sometimes find they have lost their jobs. Then they find out, at least with some people in the U.S. Congress, they are also second choice. There are some people in Congress who do not want to help those very much because they would not provide the incentive for those families to look for work again.

In my judgment, these people who are laid off during a very difficult and soft economy require our help. We have an opportunity during a severe economic downturn, extended our hand and said: We will extend unemployment benefits to help those who have lost their jobs and are down and out.

That is stimulative. That money is spent immediately by the families who have lost their incomes and are struggling. That is a way to stimulate this country’s economy. We must do that when we construct a package of incentives to provide lift to this economy.

What are the other incentives we could provide that would help this economy? We can do traditional things, such as tax credits that would incentivize investment. We can do things that will incentivize consumption. We can do things that will incentivize production. There are all kinds of menus with which to do that: Expensing, bonus depreciation, and targeted investment tax credits, for example.

In addition to tax credits and other incentives in the Tax Code, we can stimulate economic activity by building roads and bridges, by repairing schools, and by making other public investments that put people back to work so that at the end of the time when we have enacted a stimulus package and made those investments, we can look back and say: We not only stimulated the economy, we have something to show for it.

My colleague, Senator BYRD, the chairman of the Appropriations Committee, is working with a number of us in the Senate. He has taken the leadership position on the infrastructure
needs and the investment in infrastructure as part of a stimulus package. That is important as well.

We have the issues of extending unemployment benefits, health care issues for the unemployed, the issue of what kind of tax cuts might be employed to stimulate and lift this economy, and then the issue of what kind of infrastructure investment we can make that puts people back to work building, repairing, and making things. All of these together in a package designed to stimulate this economy.

This economy is in much more trouble than most people understand. It was a very soft economy prior to September 11, and September 11 cut a hole right through the belly of this economy. We are beginning to see the evidence of that now each day with each additional number that describes the condition of this economy.

It is going to have an impact in every part of this country. It will touch virtually every family. So the question is, What can we do and how can we do it? How can we lift this drowning economy?

President Bush has said he wants Congress to act and act quickly. He is right about that. We should. We must. But just acting, if it is not the right thing, will not be the right approach. If we do not do the right thing, taking action is pretty irrelevant. What we need to do is take action now to do the right thing to give help to this country’s economy. The House of Representatives passed what they called a stimulus package. I describe it as leftovers.

My mother used to talk about leftovers when she was talking about the supper table. What is for supper? We overs when she was talking about the stimulus package. I describe it as leftovers.

Well, I view the stimulus package that the House passed almost the same way, as leftovers. It is all the things they tabled from previous tax bills that they did not get, but they always wanted to do. It did not have very much at all to do with whether it is going to help this economy, whether it is going to stimulate this economy, whether it is going to lift this economy. It was just leftovers.

In fact, I will mention one. I will not go into great depth. One of them, at a cost of $21 billion, was stuck in the House-passed stimulus package to incentivize investments overseas. Now, tell me how that stimulates the economy in this country. It is a big give-away to companies that move and keep needed investment capital overseas and earn income overseas and do not want to repatriate money. Now talk about the nth degree of goofy. At a time when our economy is on its knees, we have the U.S. House passing a tax provision that incentivizes additional investments overseas. Our investments ought to be to incentivize creating jobs in the United States, not elsewhere.

So we have a big job ahead of us to try to pass legislation that provides a real lift to this economy. The President is right, we need to do it. It would be unforgivable, in my judgment, if Congress left town sometime between now and Christmas, whenever we finish our work, and had not passed a stimulus package to try to provide some lift to this country’s economy.

I know some will argue we have economic stabilizers that we did not use to have in this economy and that recessions are not quite as deep as they used to be. We do not know that. We do not know what the consequences of September 11 will be on this economy. We knew many years ago, September 11, we were in the business cycle and we were on the contraction side of a business cycle. It is inevitable that there is expansion and contraction, and we were on the contraction side of that business cycle.

Then September 11 occurred. We shut down the airline industry. The entire travel industry in this country is in a huge amount of trouble. Some of us have proposed some loan guarantees to try to provide assistance in those areas.

It is a huge body blow, and I think most do not understand how deep this likely recession could be or how long it could last if all of us do not now do the right thing.

This is not about Democrats or Republicans. It is about good ideas, having the capacity to employ opportunities for investment in this economy to try to rev this economic engine once again.

We went through unprecedented growth in our country for a good many years. We were blessed with that. In fact, some looked at those numbers and they looked at NASDAQ and the stock market and they thought this economy only goes one way.

It is true of the President. It is true of the Congress. Everybody said: You know something, we are going to have surpluses for 10 years in a row. The good news is we are going to have surpluses for 10 years in a row. The bad news is we are going to have surpluses every year. So let us put in a very large tax cut anticipating surpluses for the next 10 years.

That was just months ago. Those surpluses are very quickly vanishing, regrettably, and this economy has changed in a very significant way. I hope we can get out of the position where we have economic strength and opportunity, hope for American families who have lost their jobs and a growing economy that provides new opportunities for others in this country who are struggling to enter the job market.

At this point, this Congress has no choice but to be with this President and, between the two parties, construct a stimulus package that really does give a lift and some hope to the American economy. If we do not do that, the4 blow will blow, and it will blow, in my judgment. Between now and when we leave this year, we have a responsibility to do that.

CONGRESSIONAL RECORD — SENATE November 5, 2001

AMERICA’S FARMERS NEED A FARM BILL NOW

Mr. DORGAN. My colleague from Arizona is coming back to speak, but before he does I will mention the issue of the farm bill. We have had a substantial amount of discussion in recent days about the farm bill.

I mentioned aviation security, which we need to get done quickly. I mentioned the stimulus package, which we have a requirement to enact, and now a farm bill. We have the Secretary of Agriculture who has left, I believe, for Qatar. It is a country whose name most people do not know. They are having the WTO meeting in Qatar because they cannot have them anywhere else. It is a country with very few hotel rooms, and so they will therefore accommodate very few demonstrators. These demonstrators tend to show up wherever they are discussing trade anywhere in the world, so they are having this meeting in Qatar. But we had hoped to meet with the Secretary of Agriculture last week.

I think it is very important to pass a farm bill in the next 3 or 4 weeks. The House of Representatives did so. It is better than current law. It is not good enough yet for wheat and feed grains and some of the things we need to do to improve it, but we have a responsibility to pass a farm bill, one that works for family farmers.

There are some who are counseling, as the Secretary of Agriculture, the head of the Office of Management and Budget and others have, that, oh, do not worry, do not do it now, do it next spring; the money will still be there. Nonsense. That money is in the budget this year, and it reserves a place this year and in future years, but it will not be there next year. Next year, we face a very differently different economy when we begin constructing a new budget. So we have a responsibility to do a farm bill in the next 2, 3 to 4 weeks as well, and some of us are going to fight like the devil to make that happen.

I prefer it be a farm bill that comes out of the Agricultural Committee. Senator HARKIN is leading the way, and I want to work with him. If it does not come out of the committee, then there is a farm bill sitting at the desk we could bring before the Senate and amend it from the House of Representatives. One way or another we owe it to the American farmers to write a farm bill that works.

I see my colleague from Arizona is in the Chamber, and I yield the floor.

Mr. LEAHY. Mr. President, the PRESIDING OFFICER (Mr. LEAHY). The Senator from Arizona.

ARIZONA DIAMONDBACKS, THE WORLD SERIES CHAMPS

Mr. KYL. Mr. President, I thank my colleague from North Dakota for ar}

To speak about two things: First is the victory last night in the bottom of the ninth inning of the Arizona Diamondbacks in

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I am proud of the New York Yankees, and I am proud of the people of the city of New York. Ever since I was a little kid, I answered to the New York Yankees because my grandfather used to listen to the games on the radio back in the Midwest. I became familiar with the history of the New York Yankees throughout the years. But through the good and the bad, they have been the most successful franchise in baseball history. Of course, and when the events of September 11 occurred in New York City, all of America, in a sense, became New York Yankees fans. When they won the American league pennant and went to the World Series for the first time in their history, Americans were all in for the New York Yankees rather than the other team which, of course, had always been underdog, and mostly Americans pulled for the underdog. But this time, they were pulling for the New York Yankees, except that is, the Arizona Diamondbacks fans.

Four years ago, Arizona got a baseball team. At that point, I became, at least in the National League, an Arizona Diamondbacks fan. My fantasy was to build a World Series that involved the American League champion, the New York Yankees, and the National League champion, the Arizona Diamondbacks, in which both teams would do very well and which would be won by the Arizona Diamondbacks in the bottom of the ninth inning of the seventh game.

No and behold, that is exactly what happened, a dream come true for a baseball fan all of my life and somebody who likes both those teams very well.

Obviously, I rooted for the Diamondbacks. I understand the disappointment of the New Yorkers who lost and the feelings all New Yorkers have more often than not been on the other side and have tasted the fruits of victory.

All Americans appreciate the valiant battle both teams put up and certainly what the New York Yankees were trying to achieve for not only themselves as a team but the people of New York. In a larger sense, all Americans participated in this series fully aware of what it meant to the people of New York and, frankly, it meant that same thing for all of the people of America because we could not go to the series with the Yankees playing without thinking of the events of September 11.

Yet again, the series the Arizona Diamondbacks won by a new, fresh team, the Arizona Diamondbacks. I think also is a great thing for America. As a Diamondbacks fan, it is especially gratifying that after just 4 short years, the Arizona Diamondbacks won the baseball World Series, the shortest period of time ever in the history of baseball.

It was not by accident. The Arizona Diamondbacks wanted to play the very best in the World Series. They wanted to play the New York Yankees; they got that chance. They wanted to beat the very best, and in Mariano Rivera, the New York Yankees’ relief pitcher, that is what they had to beat in the bottom of the ninth. And they did. It takes nothing away from Rivera or the rest of the Yankees who are truly a class act, but what it shows is that there has now begun a new dynasty in the heart of the baseball world. They won 100 games in their second season, did not win the National League pennant but did very well.

I note that I talked to Jerry Colangelo this morning. He had received a congratulatory call from President Bush, himself a great baseball fan. And hopefully some of the Diamondbacks will be able to get to Washington in the not too distant future to meet with the President. He is also in the way of thinking about the baseball owners meetings, and there are some big decisions the owners have to make about this great American pastime.

I just wanted to share with my colleagues my joy, and I am sure I speak for all the people in Arizona, the way they feel about the Arizona Diamondbacks this year, the way they have kept together as a team. They have had to play a very tough National League to Western Division and the Los Angeles Dodgers and the San Francisco Giants, who were challenging them every step of the way. San Diego was a tough team for them, as were the Colorado Rockies.

All of those teams deserve a lot of credit. But in the end it was the Arizona Diamondbacks who marched through the other teams and ended up beating Atlanta to take the pennant and I think, in facing the New York Yankees, faced the best the American League had to offer. It was obviously a victory in which all of Arizona can take a great deal of pride. And I hope fans across the United States who may have been pulling for the Yankees for other sentimental reasons this year will take a good hard look at the upstart Arizona Diamondbacks who deserve a lot of credit, having beaten the best, and will be around for a long time to come as a great baseball team playing our great national pastime.

I was talking to somebody this morning who said: You know, during this series, which has to go down as one of the greatest series in the history of baseball, the way the games were won in Yankee Stadium and in the bottom of the ninth in the seventh game in Phoenix, a lot of America was focused on having fun with our national pastime and not thinking about some of the more serious and difficult issues we have had to face. One of the ways we can show the terrorists that they can have absolutely no chance of beating the American spirit is to continue to do what we enjoy, and that includes enjoying our great national pastime, baseball.

Colangelo deserves the very best, as does his management team, his son Bryan, and all the others who worked to make that a great family and a great team in the State of Arizona.

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the nomination of the last of the President's Cabinet officers, who is John Walters to be the Director of the Office of National Drug Control Policy, often known as the drug czar.

John Walters has a great history of service in the area of drug control policy. He is a superb nomination of President Bush. His nomination has been around now for over 5 months. The President nominated him on June 5. We are now 5 months later and he has not yet been confirmed by the Senate. His confirmation hearing was scheduled for October 14, a month after it had originally been scheduled on September 11, and this hearing lasted I think over 3 hours. He was asked a lot of questions by a lot of the members. I think anything that had been on anybody's mind was adequately covered. I think subsequent to that time he has answered over 60 questions with a lot of subparts that have gone into further detail, including questions submitted by members not even on the Judiciary Committee chaired by the Presiding Officer.

I am hopeful that at our business meeting this week John Walters will be passed out of the Judiciary Committee so that he can be considered by the full Senate. I hope I have him confirmed and he can be in place before Thanksgiving. It seems to be not too much to ask of the Senate to confirm Cabinet officers before Thanksgiving of the year in which they are nominated, particularly when nominations have been pending for so long.

Let me say a couple words about John Walters. And I have to say I am biased because I know this fine man. I recently met his family. My daughter and his wife are friends. I know the Walters to be a very fine family. His service to this country has exemplified the values I know he cherishes. They have been pending for so long.

All of the aspects of the war on drugs—and that is an unfortunate term—require focus and attention by the Office of Drug Control Policy. When John Walters served in that office under President George Bush—the first President George Bush—later acting deputy director for 4 years in the Bush administration of the Office of Drug Policy, he became intimately familiar with all aspects of our war on drugs.

He participated significantly in the issues relating to drug treatment. I know one of the questions was whether he was as strongly committed to drug treatment as he was to some of the other aspects of drug control policy.

I note that there are certain parts of drug policy that are the responsibility of the U.S. Government because as a nation we deal with drug interdiction and as a foreign policy matter we deal with eradication of drugs in foreign lands and their interdiction before they come into the United States. That is a federal responsibility; it is not performed by, for example, the city of Phoenix.

But when we get to drug education, prevention, treatment, and rehabilitation, those are shared responsibilities starting with communities that have a great deal to say about how those programs get carried out in each individual community, supported by the States and ultimately also by the U.S. Government.

When one examines the role of the Federal Government and the people who have worked on this issue in Washington, it is important to separate those functions which are purely and strictly of the Federal Government as opposed to those which are shared by other jurisdictions. Our focus needs to be primarily on the former. We share a responsibility with all of the other States and local communities with respect to the latter. That doesn't mean we are going to commit to antidrug education, treatment, and rehabilitation.

I think there was a sense that what was perhaps John Walters' philosophy. Absolutely nothing could be further from the truth. As a matter of fact, he was one of the architects of the new drug strategy and the Federal spending plan that targeted drug treatment and treatment research when he was in the Bush administration. He was certainly behind the move to expand the budget and programs for drug prevention.

I think all of that became clarified during the hearing. There was a great deal of support in the Judiciary hearing for the commitment of additional resources. I believe the number is $1.6 billion for these programs.

I specifically asked him whether or not he would be a strong advocate for administering this program as the President had outlined it. He said absolutely he would. I think there is no doubt about the fact that he is committed to treatment and prevention and will support the President's plan in that regard.

His work, by the way, first began in the mid-1980s when he worked on drug policy matters at the U.S. Department of Education and was actually responsible serving as chief of staff from 1989 through 1991, and then deputy director for supply reduction from 1991 through 1992.

I hope somebody with the long experience he has had in this area can quickly be confirmed by the Senate to assist the President in this war on drugs and to fill out the last Cabinet position in the Bush administration. And I hope some other one can get to the floor today. To make the point that has to do with our war on terrorism.

As we know—and as we can discuss in a lot more detail than we are permitted here in public—terrorists in several places in the world are significantly supported financially through the drug trade. It is therefore important for us, while we are fighting this war on terrorism, to not forget that a key component of terrorism financing in many places in the world is the drug trade. That is the responsibility of the Office of Drug Control Policy, primarily coordinating the different agencies of the U.S. Government in fighting the war on terrorism. It is yet another tool we need to fight a top of that organization. It is true we have a lot of good people fighting that battle around the world today, but the direction that can only come from the director—a Cabinet officer of the President—think is critical.

Therefore, if we are going to do everything we can in fighting the war on terrorism, which all of us like to say around here, one of the things we must do is to quickly confirm John Walters as drug czar.

One of the key components of fighting drugs is also fighting the war on terrorism. That is why I conclude by urging my colleagues on the Judiciary Committee to confirm John Walters when we vote on him, presumably this week, and to quickly get his nomination before the Senate so that all 100 Senators can have a vote on the confirmation of John Walters as drug czar.

I would love to have that vote before the end of this week. I am sure the President would like to have it done within the next few days, in any event. If there is any concern or objection to John Walters, I hope Members will bring those concerns to me so I can do whatever I can to ensure that he can satisfy those concerns.

The bottom line is that we need this position filled since he is the right man for the job. He has the President's confidence, and it is about time we confirmed him as drug czar. I hope my colleagues will act on that quickly.

Those are two bits of good news: The victory of the Arizona Diamondbacks and my hope that we will quickly confirm John Walters and conclude the confirmation process of the President's Cabinet officer of the President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.
Mr. DeWINE. Mr. President, yesterday our neighbors to the south in Nicaragua went to the polls to elect a new President. The liberal party candidate, Enrique Bolanos, appears to be the winner. With part of the vote counted this afternoon, he has 33 percent of the vote, while Sandinista leader, Daniel Ortega, trails with 45 percent. Although votes still remain to be counted, Ortega has conceded defeat.

But right up to yesterday, when people actually went to the polls in Nicaragua, the candidates were running neck and neck, we are told, in a very heated and very tight race. It is disconcerting that the race was even close at all. The very fact that Ortega, a Marxist Sandinist sympathizer, could come close to regaining power tells us that it is time for the United States to wake up and start paying attention to our neighbor to the south. If we do not, we will see Daniel Ortega or another leftist radical regained power sometime in the future.

The fact is that unless we pay attention, unless we take notice, history may well repeat itself. Sometimes we in the United States have a tendency to go from crisis to crisis. We try to deal with the crisis and then once the crisis is over, we forget about that region or that part of the world or that country. That is what I think we have done in Central America.

In the 1980s, when I was a member of the House Foreign Affairs Committee, the world’s spotlight, and this Congress’ spotlight, the country’s spotlight was on Nicaragua; it was on El Salvador; it was on many of our neighbors in South and Central America. The 1990s brought a very significant increase in democracy in this hemisphere. Many of us have come to the Chamber and talked about that. We have talked about the fact that this hemisphere is so much more democratic today than it has ever been in the past. Today, all but one of our region’s 33 countries have democratically elected heads of state. But we have seen a retrenching of that in the last few years.

While we are justifiably are worried about many other parts of the world, we should not forget about our neighbors to the south. In fact, a recent poll indicates a steep decline in support for democracy among Latin American and Central American countries. If we look at Nicaragua, that same poll shows that only 43 percent of Nicaraguans support democracy. That figure was at 72 percent just 3 years before, nearly a 30-percent drop.

In that same poll, Nicaragua registered the largest increase in support for authoritarian government, a 16-percent increase over the previous year’s figure.

May these startling figures should come as no surprise. History does offer us a sober reminder that oppressive regimes often spring from misery, despair, and joblessness. Nicaragua has never recovered from the war of the 1980s. The earthquake of the early 1970s, the chronic poverty, the political corruption, the economic collapse. If we look at the per capita income today, what we find is per capita income in Nicaragua in real terms is still less than 25 percent of the level reached in the 1970s—an absolutely unbelievable figure.

Nicaragua today is still the second poorest country in the hemisphere behind Haiti.

There is something wrong with this picture. Yes, democracy won out in Nicaragua in the 1980s, but the economic environment and political leadership were not stable enough to allow democracy to fully take hold and thrive. In the recent election, the apparent winner was clearly handicapped by the fact that he had been Vice President for President Alaman, who has certainly been a disappointment to his country and a disappointment to the United States and other people who care about democracy.

We should think about this. Just yesterday that nation, Nicaragua, came all too close to sending Daniel Ortega back to the Presidency, the very leader under whose direction inflation rose as high as 33,000 percent.

Regrettably, the United States has not done as much as we should have over the last decade. We have done some things. We have been involved. We tried to help but, candidly, not as much as we should have. We tried to implement judicial reforms and change in the rule of law, but democracy is not a hobby; it is a lifetime commitment. It is not enough to believe in it; it has to be practiced every day, day in and day out.

Yesterday’s elections represent a close call but also a new opportunity for democracy in Nicaragua. I believe the United States must do what we can to help our friends in Nicaragua.

With the election of Enrique Bolanos, we have a unique opportunity to bring about lasting change for the people of Nicaragua. We need to support and work closely with USAID in that effort to create economic and social conditions that create a greater margin of safety for the poor. Hurricane Mitch demonstrated how vulnerable the country is to natural disasters. Overall economic losses were estimated at $1.5 billion.

While growth rebounded to about 7 percent in 1999, low world coffee prices and an internal financial sector crisis caused Nicaragua more than 10-percent drop in GDP in the year 2000. There is an urgent need for Nicaragua to pay systematic and immediate attention to environmental issues and problems, including watershed management, natural resource management, reforestation, and land use. We also need to expand our food-for-work programs, strengthen our education and training initiatives, and encourage alternative crop development.

Furthermore, we need to foster economic growth by strengthening our microfinance enterprise programs and increasing the number of rural credit unions.

I know my colleague in the Chair has been a great supporter of microenterprise programs. They work in Nicaragua as they work around the world. I think we have to do more to promote them.

These are efforts that we have supported in the past, and we need to support in the future. We need to provide individual Nicaraguans the tools to permanently free themselves from poverty. We should also support soon-to-be-President Bolanos in any attempt to scale back some of the electoral and judicial reforms brought about in the late 1980s pact between the Aleman government and the Sandinistas. Specifically, we need to work towards: No. 1, restoring the autonomy of the judicial branch; No. 2, restoring the autonomy of the comptroller; No. 3, reducing barriers for third party participation and independent accounting; and No. 4, providing our support to the new Supreme Electoral Council; and finally, we need to also develop increased accountability of government officials and make aid contingent on a transparent government that proactively works to root out corruption.

Finally, we should take advantage of opportunities for bilateral and multilateral counterdrug operations with the Nicaraguan military. Operations such as these, closely monitored, not only can produce tangible results in the form of interdictions and deterrence but also could help increase the skills and professionalism of the indigenous forces in Nicaragua.

Ultimately, we need to keep a very close watch on the entire hemisphere to see what we can do to help the democratic forces. They need our help. It is in the best interests of the United States to see these countries remain democratic.

We also need to understand how very closely economic progress for the poor is tied to democracy. If we expect democracy to flourish and to grow in our neighbors to the south, it is essential that we do what we can to help their economies grow so everyone in those countries, whether it be Nicaragua, El Salvador, Honduras, or any of our neighbors to the south, anyone who lives in these countries will see they do have opportunity under democracy.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

The distinguished Senator from Michigan.
Mr. LEVIN. Mr. President, until recently, the Bush administration appeared to be engaged in a headlong rush to unilaterally withdraw from the Anti-Ballistic Missile Treaty—the ABM Treaty—and deploy a national missile defense system. That headlong rush was based on the Bush administration's serious negative consequences for the security of the United States and for our relations with other nations.

If the United States decided to unilaterally withdraw from the ABM Treaty, it would:

First, lead Russia to stop dismantling nuclear weapons, and to retain or eventually increase its multiple warheads on long-range missiles;

Second, lead other nations, such as China, to speed the deployment, or increase the number, of their long-range nuclear weapons; and

Third, strain our relations with allies and friends in Europe and Asia who recognize that the ABM Treaty has lowered nuclear arms reductions and has promoted stability for many decades.

Those reactions to a unilateral withdrawal from the treaty on our part would be serious because they could result in the loss of much of the security that the ABM Treaty has afforded us for many years. It would also contribute to the proliferation of nuclear weapons around the world, and could result in more nuclear warheads on the territory of other nations and could lead to an increased risk of the theft or proliferation of such warheads or their materials to rogue states or terrorists.

In addition, Russia and China could respond by developing United States withdrawal from the ABM Treaty by producing, deploying, and possibly even selling missile defense countermeasures and decoys to our potential adversaries. A spiraling competition of countermeasures and counter-countermeasures could then ensue.

I have believed for some time that these serious negative consequences for our national security argued against our unilateral withdrawal from the ABM Treaty, and I have long been concerned by the Bush administration's unilateralist approach to this question.

As recently as August 23 of this year, for instance, President Bush declared, "We will withdraw from the ABM Treaty on our timetable, at a time convenient to America."

Then came the horrific attacks of September 11. To its credit, the administration then set out to build and sustain a broad international coalition, which, I believe, signified a genuine commitment to our principles.

And, despite its unilateralist go-it-alone approach so prevalent before those September 11 attacks, the administration appears to have recognized that in a world of terrorism and weapons of mass destruction, the United States is more secure when we work cooperatively with allies and with nations with whom we have common interests than we are if we go it alone.

We have already witnessed that welcome new approach to foreign policy in areas as diverse as the newfound support for South Korea's effort to improve relations with North Korea, and in the administration's recent reversal and decision to join the international effort to improve the worldwide Biological Weapons Convention. This new approach has already influenced the administration's approach to national missile defense, the ABM Treaty, and our relationship with Russia, with whom the President seeks a "new strategic framework."

At his October 11 press conference, the President twice avoided giving direct answers to questions about whether he would unilaterally withdraw from the ABM Treaty. In a letter between Presidents Bush and Putin in Shanghai gave some hope that the United States and Russia could reach agreement on missile defense and reductions in offensive nuclear weapons.

Then, on October 25, Secretary of Defense Donald Rumsfeld announced that the administration had "decided not to go forward" with missile defense tests in late October and early November that might have violated the ABM Treaty. The administration had also announced that the administration had said previously that we would not be constrained by the ABM Treaty but, rather, we would withdraw from it. But, in fact, prior to Secretary Rumsfeld's announcement, the Pentagon had already decided to delay three of the four missile defense activities planned for fiscal year 2002 that would be in conflict with the ABM Treaty.

The Senate Armed Services Committee's efforts to impose restraints on missile defense testing were not to be successful.

First, the administration looks more reasonable to the American people, the Russians, and the rest of the world, compared to their numerous declarations that they plan to unilaterally withdraw from the ABM Treaty. When the Secretary of Defense announced unilateral restraint on October 25—that is, announcing that we would forego missile defense testing in order to avoid violating the ABM Treaty—he made us look more reasonable and that may help pave the way to reach an agreement with Russia on missile defense issues.

Second, the administration has simultaneously made the case that the U.S. missile defense testing program is already now being constrained by the ABM Treaty. This could make it easier to justify a decision to withdraw from the treaty at a later time; in effect, to go from a prelude to withdrawal in case there is no agreement with Russia.

Third, if, as expected, the administration reaches an agreement with Russia at the Crawford Summit that will permit its missile defense testing program to proceed, the Rumsfeld announcement would allow the administration to argue that the Crawford
agreement removed the ABM obstacle to the administration’s missile defense testing plans. That would appear to be a victory, showing the critics of the treaty that the administration succeeded in clearing away the testing constraints in the ABM Treaty. That, in turn, will let us jointly pursue a new and more modern strategic framework that will in
dicate the following specific elements.

If in fact the tactic of straining to create premature conflict with the ABM Treaty and then straining to remove the conflict by deferring the tests helps the administration reach an agreement with Russia and helps assure them of political support for the agreement from the critics of the ABM Treaty, more power to them. If that is what it takes to do the right thing, so be it.

The important point is to work coop-

erationally with Russia to seek an agree-

ment that will enhance our mutual se-

curity. It looks as if that is the path we

are on. I hope so, and I hope we can

stay on it.

Also hopefully, any new arrangement that emerges from the upcoming sum-
mits will be based on more than just the handshake of a gentleman’s agreement. I hope the two leaders can agree on a new strategic framework that will in-
clude the following specific elements.

First, any agreement should include a realistic set of nuclear restric-
tions—as the President has said—“to the lowest possible number consistent with our national security.” I agree with his assessment that “the premises of Cold War nuclear targeting should no longer dictate the size of our arsenals.”

I would also hope that any agreement on nuclear reductions would be trans-
parent, predictable and difficult to re-
verse. There is no benefit in creating a situation where we worry that it would be easy to quit or for either nation to increase its nuclear forces signifi-
cantly. We would be better served with an agreement that gives each side con-

The RESIDENT OFFICER. The clerk will call the

The assistant legislative clerk pro-

ceeded to call the roll.

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

The RESIDENT OFFICER (Ms. STABENOW). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDENT OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Cal-

der No. 515, which the clerk will re-

port.

The legislative clerk read the nomi-
nation of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDENT OFFICER. Under the previous order, time will be evenly divided until 6 o’clock, and controlled between the chairman and ranking member or their designees.

The Senator from Vermont.

Mr. LEAHY. Madam President, my wife was kind enough to remind me that 27 years ago today I was first elected to this body. I am not quite sure I knew at the time I was first elected what I might be doing here today.

I say to the distinguished President Office, when I took office, the Senate was comprised of 99 men, with one seat vacant because of New Hampshire. Madam President, I must say, both on my feelings as a Vermont and as a Senator with some seniority, I am delighted to see the changing face of the Senate that the distinguished President Officer, and many others, have brought to it.

We should, of course, have a fair bet-
ter balance of both men and women in this body, just as we have those who range across the political spectrum. Today we will confirm another judicial nominee—actually our 13th since July 20. Since becoming chairman of the Judiciary Committee, after the delay in Senate reorganization and as-

ignment of Committee members, I have taken seriously the responsibility to fill these vacancies on the federal courts around the country with con-

sense nominees.

Larry Hicks is another candidate strongly supported by both of his home State Senators. One of his home State Senators is the deputy leader among Democrats, the other a well-respected, strong Republican.

We have confirmed as many court of appeals judges as we were confirmed in the first year of the Clinton administra-
tion in 1993—actually four more than the zero total confirmed by the Senate under other control in all of the 1996 session. We are moving forward.

I think we have hearings on five major judicial nominees this week. Of these nominees, the ABA peer reviews on several were only completed and re-
ceived last week.

November 5, 2001

CONGRESSIONAL RECORD—SENATE S11429
I remind the White House that we still have at least 10 or so nominees who do not have their ABA ratings here, having been nominated on September 10 or thereafter. The consequences of the unilateral changes that the Administration made in March of this year, changes that had governed the judicial confirmation process for more than 50 years are still being felt.

Others have not finished their paperwork. We are happy to help the White House with that.

In spite of the special circumstances that have arisen this year, we remain well ahead of the pace for the confirmation of judges during the first year of the first Bush administration and the first year of the Clinton administration.

I wanted to take the floor to thank both Senator REID and Senator ENSIGN for working so closely together to bring us someone with such strong bipartisan support. I also thank Larry. I think the White House is well advised in his paperwork—the only thing holding up the nomination, I hope that will be an example to others. It took about a 3-minute phone call and a fax, and I am damn glad both senators for working this out.

I yield the floor.

The PRESIDENT pro tempore of the Senate, Mr. LEAHY, is recognized.

Mr. LEAHY. I yield such time to Senator McCaskill.

Mr. LEAHY. I yield such time to Senator Tom Harkin.

Mr. LEAHY. I yield such time to Senator Kyl.

Mr. LEAHY. I yield such time to Senator Obama.

Mr. LEAHY. I yield such time to Senator Specter.

Mr. LEAHY. I yield such time to Senator Graham.

Mr. LEAHY. I yield such time to Senator Sessions.

Mr. LEAHY. I yield such time to Senator ENSIGN.

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

Mr. LEAHY. I ask for the roll call.

Mr. REID, I announce that the Senator from Utah (Mr. HATCH), the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from New Jersey (Mr. TORICELLI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. NICKLES, I announce that the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. Frist), the Senator from Arizona (Mr. McCain), the Senator from Oregon (Mr. Smith), the Senator from Ohio (Mr. Voinovich), and the Senator from Kansas (Mr. Brownback) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. Hatch), would vote "yea.

The PRESIDENT pro tempore of the Senate (Mr. Nelson of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 0, as follows:

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S11430

CONGRESSIONAL RECORD — SENATE

November 5, 2001

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November 5, 2001

CONGRESSIONAL RECORD—SENATE S11431

[Roll Call Vote No. 322 Ex.]

YEARS—83

Akaka

Domenici

Allard

Dorgan

Alien

Durbin

Allen

Edwards

Bennett

Estens

Bingaman

East

Bond

Feinstein

Boxer

Fitzgerald

Brown

Frist

Burns

Graham

Byrd

Grassley

Campbell

Gregg

Cantwell

Hagel

Carnahan

Hampton

Carper

Helms

Cantwell

Hollings

Cardin

Hollingson

Clinton

Hatch

Coehlo

Inhofe

Collins

Inouye

Conrad

Johnson

Craig

Kohl

Crapo

Kyl

Daschle

Leahy

Dayton

Levin

DeWine

Lieberman

Dodd

Lincoln

DURBIN. Mr. President, I ask unanimous consent that the order for the previous order, the Senate will reconsider the bill to the Senate floor and passed by 100–0. That is rather unprecedented in this Chamber.

It was a unanimous vote to take this workable plan to airports and to say, once and for all that we will hire them and train them as law enforcement professionals. They will be under the Federal Government’s jurisdiction just as air traffic controllers are today. They will go through background checks. They will be subjected to training that is meaningful. They will be closely supervised by law enforcement experts. They will be held to national standards. That is what the Senate bill did, 100–0.

More than 3 weeks ago, we sent that bill to the House of Representatives, asking them to respond in a timely fashion because of the terrible problems in this industry and because of the fact that some business travelers and families didn’t want to get back on airplanes.

Three weeks later, the House finally brought it to a vote at the end of last week.

In the meantime, the House majority whip, Mr. DELAY of Texas, and Mr. ARMEEY, the majority leader in the House of Representatives, said they were opposed to the Senate approach.

In the words of Mr. ARMEEY: Using the Senate approach will create 30,000 more federal government workers.

I think that clearly told the story. That vote and that debate wasn’t about the merits of the issue. It was, sadly, about politics, and it should not have been.

As a result, when it came up for a vote last week, the Senate version that passed unanimously on a bipartisan fashion was rejected by the House of Representatives by four votes. The alternative that was brought up for passage passed with a substantial margin. Now we are headed to conference.

The difference between the two bills is substantial. The Senate would take this workforce in the airports and hold them to Federal standards and Federal employment and hold them to supervision and training that is uniform across the Nation. The House makes it an option for any administration to decide what they would choose in any given airport.

I believe that was a terrible decision by the House of Representatives. It is one that doesn’t reflect the reality of what families are thinking when they go to an airport and go to get on an airplane.

As one clear illustration of why the House approach to aviation security is so bad, I want to tell you what happened at O’Hare International Airport in Chicago on a Sunday evening. A gentleman from Nepal came to the airport. His name is Subash Gurung. He bought a ticket to fly from Chicago to Omaha. He went to board a United Airlines flight and went through the screening station. When he walked through the metal detector, it went off. They searched him and found that he was carrying two knives on his person. They took the knives away, and he left the screening station—after they found him with two knives. He took his bag and went to the gate.

At the gate, United Airlines employees, on a random basis, chose him to look at his bag. When they opened the bag, let me tell you what they found. At the boarding gate, the man who had two knives on his person when he went through the screening vision had in his bag seven other knives, a stun gun, and a can of mace.

This man had gone through security and had been found to be armed with dangerous weapons. His bag had gone through the screening device of the Argenbright firm that is in charge of the security at the airport. All of this was ignored. All of this slipped through. It was only because of that last search at the gate that they found those weapons on this man.

There are those who believe that while looking at this situation we can patch up the security system at American airports. I am not one of them. I don’t believe law enforcement should go to the low bidder. I don’t think the first line of defense against terrorism should be taken on the cheek. That is
what is happening in the current system.

I might add that Argenbright and other firms have changed some of the ways they are doing business. They used to pay these screeners $6.75 an hour at O'Hare. They have now raised that to $10 an hour. That is a substantial increase. But they are still not attracting the people we need to protect us and to protect everyone in America.

I was aware of a news story in Chicago that is going to come out with additional information about the breakdown of the private screening companies in terms of the preparation of their employees since September 11. I know of the story because they came to interview me last week. They told me what they found. It is shocking and it is disgraceful.

To think Members of the House of Representatives want us to take this flawed and failing system and say this is the best we can do in America is just plain wrong. The obvious question is, if there are going to be Federal employees at the airport, who is going to pay for them? Let me suggest who is going to pay for them. The passengers on the airplanes. I don't for them. The passengers on the aircraft. I don't think it would make sense to pay someone minimum wage and ask them to act as a law enforcement officer on the front line fighting terrorism, but that was after two folding knives were discovered in Gurung's bag.

The man was eventually stopped and the weapons were found before he was able to board a plane. The weapons were recovered at O'Hare.

The suspended workers were all employees of Atlanta-based Argenbright Security Inc., the company that runs United's screening operations at O'Hare. Three veteran employees were working the checkpoint alongside the trainees, said FAAC's Elizabeb Isham Cory. The employees' supervisor was also suspended.

“We commend all our employees who acted to apprehend this man,” said United spokesman Joe Hopkins. “They did an excellent job.”

Despite heightened airport security in the aftermath of the attacks, the lapse on Saturday was the first in which a law enforcement officer on a Southwest Airlines flight accidentally brought a gun aboard a plane in his briefcase.

Lawmakers agree steps are still needed to improve baggage and passenger screening, but the House and Senate remain divided about how best to achieve that goal.

The Senate has approved a measure that would make screeners federal employees. The House version adopted Thursday increased federal oversight of the 28,000 screeners, but stopped short of federalizing them.

“If the system can't detect a knife and a stun gun in luggage, then you have to ask yourself whether the people doing their job,” said U.S. Sen. Dick Durbin (D-Ill.), who supports the Senate bill that gives the Justice Department responsibility for airport security.

“I think the technology works, but you can't pay someone minimum wage and ask them to act as a law enforcement officer on the front line fighting terrorism,” said Durbin in a news conference in which he also proposed legislation to allow federal agencies to share classified information with local police.

Gurung was charged with three misdemeanors counts of unlawful use of a weapon, attempting to board an aircraft with dangerous weapons and carrying dangerous weapons. A spokesman for the Cook County state's attorney's office said the case was still being evaluated and more serious charges could be brought.

Gurung was released early Sunday on $1,000 bail and is scheduled to appear in court Dec. 19. He was questioned by the FBI, which turned him over to Chicago police.

Gurung could not be reached for comment.

In an arrest report released Monday, the Chicago Police Department said Gurung purchased a one-way ticket for $100 on Sept. 11.

Gurung was last seen at 10:15 a.m. at O'Hare International Airport on Sept. 11, when he attempted to board a flight.

But on September 11, the men and women in law enforcement, who take the job seriously and accept the challenge of that job.

Since September 11, we have seen stories of heroes and heroines across America, and in so many times when victims have been public employees. Those firefighters who walked up the stairs in the World Trade Center, trying to rescue people, giving their lives in the process, were public employees. The men and women in law enforcement, who lost their lives as they stood at their post trying to help people evacuate, were public employees. Many of the medical rescue workers were public employees. Sadly, the post-al employees who died over the last several weeks from the anthrax bioterrorism were public employees.

It is a reminder to all of us that so many of the men and women whom we hold up in admiration and respect time and time again and have stood up and have courage since September 11 have been public employees.

I think the House approach to this problem is one that will not work. It will still not protect our airports; and it will not return people to our airlines, which we need to do so quickly.

I am going to urge Senator Hollings and all the Senate conferees to stand firm and stand fast on this issue. This is a critically important issue. We need to do this and do it right. To do it in a halfhearted fashion, as the House of Representatives has suggested, is not going to restore the confidence of America's flying public.

It is important for every Member of the Senate to consider the experience at O'Hare on Saturday night, when the current system, which the House of Representatives wants to continue with some modifications and changes here, stood and it left us vulnerable a lot of unsuspecting people who were just getting on an airplane for another flight from Chicago to Omaha. It is an important lesson to be learned.

Mr. President, I yield the floor.
Now that the House has passed its own airport-security bill, the stage is set for a showdown with the Senate over who gets the $20,000 line. The Senate wants federal employees at the baggage machines, while the House wants private contractors. President Bush also favors private contractors. He has expressed his appreciation to federal employees for “your dedication and integrity, your commitment to excellence and your love of our country.”

Bush said he wanted to prevent passage of a measure that would have set up a new federal workforce of airport screeners.

The Bush administration, facing a civil-service backlash, is slow on the hiring, weak on the firing, poor on the training and sluggish on the disciplining. It believes there is no other choice. As Bush explained, the House bill provides the “quickest, most effective way to increase aviation security,” particularly by ensuring that “security managers can more aggressively to discipline or fire employees who fail to live up to the rigorous new standards.”

Bush’s support for a contract workforce crystallizes fears facing the federal civil service. On the one hand, federal employees would almost certainly do a better job at airport security. According to recent surveys, only 6 percent of private employees by the Brookings Institution’s Center for Public Service, a federal security service would be motivated more by the job’s challenge and the public good, and less by pay. Federal employees would be more satisfied with benefits and job security, and therefore less likely to leave.

On the other hand, federal workers would be less likely than private employees to get the tools, training and technologies to do their jobs well. They would be hampered by a disciplinary process that their peers believe does little to address poor performance, and would join a workforce that is underresourced, over-reformed and generally demoralized by a half-century of pay and hiring freezes.

New employees would be joining a federal workforce that is under duress. Three out of five federal employees believe that their organizations only sometimes or rarely have the staff needed to perform well. Many believe the past few years of reinventing government made their jobs harder.

And the vast majority say the federal hiring system is slow and confusing; a quarter expect to come up with compromise legislation on airport security.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS
Mr. REID. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

VISA ENTRY REFORM ACT
Mr. THURMOND. Mr. President, I rise today to express my strong support for S. 1267, the Visa Entry Reform Act of 2001. I am pleased to be an original cosponsor and to have contributed to the drafting of this important immigration control measure.

This bill will help America get back control of our borders. Immigration long has been a serious problem in our country. Census data indicates that there are now about 7 or 8 million illegal aliens in the United States, and the problem is getting worse. This is at least double the number of illegals that were here in 1990.

The terrorist attacks of September 11 have demonstrated how dangerous it can be for us to fail to know who is coming into our country. Of the 19 men who apparently hijacked the commercial airliners on September 11, the Director of Immigration and Naturalization Service last month testified that his agency had no record of how some of them came to the United States.

The legislation would create one centralized database of all noncitizens. It would be updated as aliens entered and left the United States through a modern system of quickly swiping a card at border crossings.

The database would be integrated with law enforcement and intelligence information so that all relevant agencies could share and have access to critical data. Moreover, all airlines, cruise ships, and cross-border truckers would have access to the database at passenger manifests prior to departure so that foreigners could be pre-screened on the database before their arrival.

This bill would help address the rampant problem of document fraud, especially for immigration documents. It would require that all Federal identification and immigration papers, including visas and social security cards,
be fraud and tamper-resistant. Using modern technology, immigration documents would have to contain biometric data, such as photographs and fingerprints.

Further, the legislation would impose greater controls on foreigners who are here on student visas. It is noteworthy that, according to media reports, one of the hijackers from September 11 came into this country on a student visa and did not attend classes. This bill would help prevent this problem by requiring schools to report quarterly to the INS on the student’s classes and whether he or she had problems with law enforcement during that period. If a student or student who dropped out, or failed to register or attend classes, the school would be required to notify the INS immediately. Further, background checks would have to be conducted prior to visas being issued, and this was a World War II-era could be done when visas were renewed.

The increased government costs for the student reforms would be paid in part through increased application fees for foreign students.

Another important provision would prohibit any visas from being issued for students from terrorist countries. While this is a significant first step, I believe we need to go further in the future and prohibit any visas from being issued to terrorist nations, except for limited refugee and humanitarian reasons.

One provision of the bill that was included at my request requires a General Accounting Office study of ongoing to annual registration of aliens. Annual registration is needed to determine whether temporary aliens are actually here for the reasons they were authorized to enter, such as attend school. This was a World War II-era program that was essentially abandoned about twenty years ago, although the Attorney General maintains the authority to require any classes or groups to register. I believe this proposal would be very beneficial to our security. The terrorism threat we face today is no less serious than the more conventional wars we fought in the past.

I would also like to note a related problem. Increasing penalties for illegal immigration has little meaning if the laws are not followed. In a hearing which I chaired in the last Congress in the Criminal Justice Oversight Subcommittee, Senate Judiciary Committee, we showed that many criminals, especially illegal aliens at the Southwest Border, are routinely being sentenced far below what the law requires. To control the huge number of cases that are docketed in many border states, many defendants are being sentenced far below the ranges established in the Sentencing Guidelines in exchange for guilty pleas. Often, guilty pleas are for charges much less serious than the government could provide in court.

To address this problem, we need to increase judicial and related resources in these areas. We should increase the number of authorized judgeships at the Southwest Border, which has already been proposed, and the Senate should quickly consider judicial nominations from the President for existing vacancies in these areas. Also, these areas have inconsistent policies, and the Justice Department needs to work with these districts to create consistency. It is critical that we strictly enforce the immigration laws that are already on the books.

We need to do more this year to address the growing threat of illegal immigration. This bill is an important part of that effort, and I encourage my colleagues to support it.

TRIBUTE TO DR. FRED SAALFELD

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision and service of Dr. Fred Saalfeld who is retiring from the Senior Executive Service, SES, where he serves as Executive Director and Technical Director of the U.S. Navy Office of Naval Research, ONR. It is a privilege for me to recognize the many outstanding achievements he has provided the Office of Naval Research, the Navy, and our great nation.

In times of adversity and challenge, America has always been blessed with men and women who have stepped forward to fight our battles and serve our country. Dr. Fred Saalfeld is such a man, much like those Founding Fathers who were patriot scientists and dedicated public servants. I wish we had more like him.

The foundation of his professional career was laid at Southwest Missouri State University where he earned a B.S. degree cum laude with majors in chemistry, physics and mathematics in 1957 and was a standout intercollegiate basketball player as well. Fred Saalfeld matriculated to Iowa State University, where he earned his M.S. in 1959 and Ph.D. in Physical Organic Chemistry, with minors in Inorganic Chemistry and Mathematics.

Dr. Saalfeld joined the Naval Research Laboratory, NRL, in 1962, where he conducted and directed research in physical chemistry. From 1963 to 1976, he headed the Mass Spectrometry Section and later, the Physical Chemistry Branch. His research led to innovations in atmospheric monitoring and life support now widely used in nuclear submarines, structural space- craft and other equipment using recirculated air. In 1976, he was selected as Superintendent of the NRL Chemistry Division, where he directed programs involving approximately 250 chemists and technicians.

In 1981, Dr. Saalfeld was selected as Chief Scientist and Scientific Director at the ONR Branch Office in London for the period 1979 to 1980. He returned to NRL from this special assignment. By 1982, he was Associate Director for Basic Sciences and Component Technology, involving over 600 scientists and a $90 million budget.

Dr. Saalfeld was appointed Director of ONR’s Research Department in 1982 and Associate Director of ONR in 1985. He was responsible for the Navy’s $220 million contract research program mostly aimed at basic research in the Department of Navy Corporation.” Including a budget of nearly $2 billion and oversight of three international offices and the renowned national laboratory, the Naval Research Laboratory.

Dr. Saalfeld became a charter member of the Senior Executive Service, SES, under President Carter. President Reagan named him to the Presidential Meritorious Executive Rank in 1986, named to the Presidential Distinguished Executive Rank by President Bush in 1989, and then to the Distinguished Executive Rank for a second time by President Clinton in 1996.

Dr. Saalfeld has been awarded Department of the Navy Meritorious, Superior and Distinguished Civilian Service Awards, and the Department of Defense Distinguished Civilian Service Award. In addition, Dr. Saalfeld has been recognized with the Captain Robert Dexter Conrad Award, the Navy’s highest award for scientific achievement. He has won the Southwest Missouri State University Alumni Merit Award in 1988, been recognized by Washington Technology as one of the area’s top technologists in 1989, and selected by the Federal Executive Institute as Federal Executive of the Year in 1991.

During his long and exemplary career, Dr. Saalfeld authored and co-authored more than 500 research papers, reports and presentations. He is active in scientific societies, including the American Society for Applied Spectroscopy, the American Society for Mass Spectrometry, and the American Chemical Society. He is a fellow of the American Association for the Advancement of Science, served as President of the American Society for Mass Spectrometry, and served as President of the Chemical Society of Washington.

I could go on and on about the contributions made by Dr. Saalfeld throughout his long and distinguished career. There are almost too many to recount. I have in mind not only his professional, technical and scientific attainments and achievements, but also the courage with which he faces personal challenges, and the easy grace with which he balaces work and life. Dr. Fred Saalfeld considers the entire community of military personnel, civilian employees and contractors who serve
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at ONR headquarters, at the NRL, and ONR offices and facilities throughout the world to be his family. He supported their research, provided opportunities to exercise initiative in diverse scientific fields, and championed their achievements. But most importantly, Dr. Saalfeld was an estimable and mentor to many hundreds of people in the Navy and scientific communities.

Dr. Saalfeld's most lasting legacy may not be his own discoveries, and may not be the one that took place under his direction and supervision, although that record would be a great legacy for any person. His most lasting legacy may be achievements in science and technology that take place in the future, realized by scientists encouraged to serve the Navy and their country by following the example of Dr. Fred Saalfeld. Dr. Saalfeld has spent four decades ensuring our nation and its naval forces have been equipped with technological supremacy to ensure victory over America's enemies. As America enters the 21st Century and faces new and unsettling changes, the scientific discoveries and technological achievements Dr. Saalfeld has nurtured will continue to ensure our strength and freedom.

There are many impressive scientists and leaders in technological innovation in America. It is a feature that keeps America a global leader and a prosperous society. There are few who have dedicated their lives to ensuring that we make necessary investments to guarantee future leadership. Fred Saalfeld is one who has exhibited this dedication. In the university and federal research community, Dr. Saalfeld is a living legend and the "soul of federal research investment."

We in the Senate wish Dr. Saalfeld all the best in his future endeavors, with fair winds and following seas as he moves on. Dr. Saalfeld is one who has exhibited this dedication. In the university and federal research community, Dr. Saalfeld is a living legend and the "soul of federal research investment."

Mr. DORGAN. Mr. President, I rise to thank the managers of this bill for including $1.25 million for the Congressional Cemetery in the fiscal year 2002 legislative branch appropriations bill. I particularly want to recognize the good work of Chairman DURBIN and Carrie Apostolou of his staff for their efforts to include funding for repairs and upgrades to the Congressional Cemetery.

I also appreciate the assistance I have received from the Architect of the Capitol and the Congressional Cemetery Association as I have worked with my colleagues to secure this funding.

Earlier this year, I spoke on the floor of the Senate about the need for some funding to make some repairs to the Congressional Cemetery east of Capitol Hill. The cemetery has fallen into some disrepair over the years and it is in some ways a rather forlorn place. When I spoke on this issue last April, I asked my colleagues to find the resources to restore dignity to our Congressional Cemetery. I am very pleased that this bill contributes to this effort.

My interest in this funding began after seeing a Library of Congress exhibit on the Congressional Cemetery.

In particular, I became interested in learning more about the Native Americans who are buried in that cemetery and through research, I came across the name of Scarlet Crow. Scarlet Crow, a member of the Wahpeton- Sisseton Sioux Tribe, died in Washington, DC, under mysterious circumstances in 1867, and was buried in the Congressional Cemetery.

So I visited the cemetery last spring to locate his tombstone. This visit prompted me to ask my colleagues on the Senate Appropriations Committee for this funding, and I am very pleased with their response.

It is my hope that this funding will honor the memory of Scarlet Crow by restoring dignity to his final resting place. This funding is a tribute to this dedicated Native American, Scarlet Crow, whose life came to such a tragic and untimely end in our Nation's Capital.

**HOLD TO H.R. 3211**

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have lodged an objection to the Senate proceeding to H.R. 3211 or any other legislation dealing with financial netting contracts inside and outside of bankruptcy. While I support these changes to financial netting, I strongly believe that these changes must be enacted as a part of the comprehensive bankruptcy reform bill. I would hate to see the opponents of bankruptcy reform reframe our financial markets at risk simply to satisfy the political ambitions of some members of Congress.

My advice to those advocates of a netting-only bill is that if they would put as much effort into getting the entire bankruptcy bill passed as they have into the separate netting bill, the netting provisions would have been law months ago.

**ADDITIONAL STATEMENTS**

**SHOLL’S CAFETERIA**

- **Mr. CLELAND.** Mr. President, I come before you today speaking not simply for myself, but on behalf of the countless thousands of people who have frequented Sholl’s Cafeteria in the seventy years since it opened. It is easy enough to use the word “served” when speaking of what almost any restaurant does, when speaking about Sholl’s, though, because it takes on a very special and unique meaning.

The history of Sholl’s here in Washington is one of community, great food, and a deep caring for all patrons. Aside from established prices that afford nearly everyone an opportunity to enjoy a hot meal, Sholl’s also has a policy of never turning away a hungry person. As Sholl’s fights against modern economics in hopes of staying open, I would like to make sure that we rally to help this great institution.

At this time I ask to have printed in the Record a letter from Jim McGrath to the Washington Post which I believe helps shed more light on what this establishment means to Washington and its citizens.

The letter follows.

As the nation mobilizes to combat the insidious foe of terrorism, another drama of a far different kind and scope is playing itself out in downtown Washington—the struggle for survival of Sholl’s Cafeteria. Despite heroic sacrifice and Herculean labors by many—most notably its beloved proprietors, George and Van Fields—abstemious financial remedy, Sholl’s will be forced to close its door as soon as Oct. 31.

Sholl’s story could easily get lost amid the tumult of our preoccupation and suffering in the wake of September 11, but that would be a profound shame, because cafeterias like Sholl’s are one of America’s special triumphs: of old-fashioned, all-American food, wonderfully prepared and wonderfully served; of human pricing, so that nearly anyone can afford to eat there; of multiculturalism, with terrific employees, many there for generations, reflecting every spectrum of the human family: of kindness, camaraderie, and warmth. And, of the most lasting legacy of all: of the human spirit, which welcomes everyone. It is a story of the triumph of charity. Sholl’s has given away enough free food to feed an army 100 times over. During the past several years, however, Sholl’s has suffered from the decline in downtown dining. Its bus-train traffic has eroded because of the weak economy. It has endured bus-unfriendly parking restrictions. It has had to deal with prolonged building renovation and reconstruction while paying a huge rent. It has been put through the economic wringer. Another mobilization is now required to save this beloved institution. I am not alone in expressing those sentiments. They have been voiced by many, from the high and the holy to the proverbial everyman. They have come from legions of senior citizens, bus loads of squealing kids and homeless people.

On August 10, 1999, for example, the World Bank wrote to the cafeteria’s owner: “You are correct to characterize Sholl’s as a charitable landmark. It would be a significant loss to our neighborhood if you were to close your doors, particularly for the large number of senior citizens, young kids, disabled and homeless people whom you serve.”

On July 8, 1998, U.S. Sen. Max Cleland of Georgia read into the Record, “Patrons of Sholl’s have described members of the Sholl family, who have owned and operated Sholl’s over the last 70 years, as having the biggest hearts in Washington.”

On March 7, 1999, Mike Kirtwan, the late, great apostle to the homeless, said, “The stories I’ve heard from people on the streets, the stories of the moments of respect, warmth and a full and nourishing meal at the hands of this wonderful cafeteria could fill a book of essays.”

Possibly, one who said it best, though, was a child who, on arrival from Pennsylvania on a school bus, told a WTOP reporter, “If it wasn’t for Sholl’s Cafeteria, we couldn’t afford to come to Washington.”

The hour is late, and the odds are long. Although some say the time for Sholl’s has
past, I profoundly disagree, and I hope others do too. Long live Sholl’s Cafeteria.

COMMENDING THE SERVICE OF NORTHEAST-MIDWEST INSTITUTE BOARD MEMBER STEVE ADAMS

Ms. COLLINS. Mr. President, I rise to commend the service of Steve Adams, who is ending his term on the Board of Directors for the Northeast-Midwest Institute. Steve has offered exceptional service to the Institute, and in the process helped to improve our region’s economic development and environmental quality. The Northeast-Midwest Institute believes that by passing this legislation, we can increase that organization’s economic development and water development for this fiscal year ending September 30, 2002, and for other purposes.

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on November 2, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2590. An act 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.

H.R. 3647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on November 2, 2001.

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 June 18, 1993 in Auburn, AL. A gay man allegedly was taunted and beaten at a restaurant. The assailant, Wayne Johnson, was convicted of assault, fined $100 plus court costs and given a 30-day suspended sentence.

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 be valued substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

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-4511. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the pending accession to the World Trade Organization by the Republic of Vanuatu; to the Committee on Finance.

EC-4512. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report relative to the notification of the growth of real gross national product during the third quarter of 2001 that growth was less than 1.0 percent; to the Committee on Budget.

EC-4513. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled “Executive Office for Immigration Review: Review of Custody Detentions” (RIN1135-AG41) received on October 31, 2001; to the Committee on the Judiciary.

EC-4514. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Annual Report for Fiscal Year 2001; to the Committee on Aging.

EC-4515. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Establishment of Class E Airspace; Sharon, PA” (RIN22190- AA66(2001-0166)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4516. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Document of Immigrants Under the Immigration and Nationality Act,” (22 CFR Part 42) received on October 31, 2001; to the Committee on Foreign Relations.

EC-4517. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Organizational Change Amendment Number 183 and Recommendation Number 191 concerning the Revision of the Maternity Protection Convention (Revised), 1992; to the Committee on Foreign Relations.

EC-4518. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4519. A communication from the Senior Regulations Analyst, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Denial of Vessel Transfer to Foreign Registry Upon Revocation of Fishery Endorsement” (RIN2128-A844) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4520. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class D Airspace; Kalispell, MT” (RIN22190-AA66(2001-0163)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4521. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Moxy, MO; confirmation of effective date” (RIN22190-AA66(2001-0164)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4522. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class C Airspace; Kalispell, MT” (RIN22190-AA66(2001-0163)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4523. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Flight Operational Quality Assurance Program” (RIN22190-AF04(2001-0167)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4524. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; A Stafford, VA” (RIN22190-AA66(2001-0167)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

**By Mr. DAYTON.**
- S. 1629. A bill to provide farmers with better prices and higher profits through the marketplace; to the Committee on Agriculture, Nutrition, and Forestry.
- By Mrs. CARNahan (for herself, Mr. GRAsSLEY, Mr. LIAHAY, Mr. BOND, Mr. HARKIN, Mr. Sessions, and Mr. BROWNBack). S. 1630. A bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.
- By Mr. JEFFPoRTS (for himself, Mr. SMith of New Hampshire, and Mrs. CLinton). S. 1631. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to conduct a study to determine the resources that are needed for development of an effective nationwide communications system for emergency response personnel; to the Committee on Environment and Public Works.

**By Ms. COLLINS.**
- S. 1632. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance of predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households; to the Committee on Environment and Public Works.
- By Ms. COLLINS: S. 1633. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.
- By Ms. COLLINS: S. 1634. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated; to the Committee on Agriculture, Nutrition, and Forestry.

**ADDITIONAL COSPONSORS**

**By the request of Mr. LIEBERMAN** and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 895, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread and endemic diseases and ensure that such vaccines are affordable and widely distributed.

**By the request of Mr. KENNEDY,** the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

**By the request of Mr. SMith of New Hampshire,** the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

**By the request of Mrs. HutchINsoN,** the name of the Senator from New York (Mrs. CLINTon) was added as a cosponsor of S. 1094, a bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

**At the request of Mr. KERRY,** the names of the Senator from Michigan (Ms. STABENoW) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1098, 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.

**At the request of Ms. STABENow,** the name of the Senator from Maine (Ms. SNOW) was added as a cosponsor of S. 1556, a bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001.

**At the request of Mrs. FEINsTEIN,** the name of the Senator from Alabama (Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1600, a bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs.

**At the request of Mrs. FEINsTEIN,** the name of the Senator from Alabama...
SEC. 101. DEFINITIONS.

Section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7232) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) CONSIDERED PLANTED.—The term ‘considered planted’ means—

(A) any acreage that producers on a farm were prevented from planting to a crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm; and

(B) such other acreage as the Secretary considers as fair and equitable;"

(2) by striking paragraph (4) and inserting the following:

"(4) CONTRACT ACREAGE; LOAN ACREAGE.—

The terms ‘contract acreage’, and ‘loan acreage’ mean (at the option of eligible owners or producers on a farm)—

(A) the total crop acreage base established for all contract commodities and loan commodities under title V of the Agricultural Act of 1990 (7 U.S.C. 1651 et seq.) that would have been in effect for the 1996 crop (but for suspension under section 171 (b)(1)); or

(B) the average number of acres planted and considered planted to all contract commodities and loan commodities, respectively, during the 1996 through 2001 crop years, excluding any crop year in which such commodities were not planted or considered planted, on the farm;"

(3) by striking paragraph (9) and inserting the following:

"(9) FARM PROGRAM PAYMENT YIELD.—The term ‘farm program payment yield’ means the average yield per planted acre for a crop for the 1996 through 2001 crop years, excluding any crop year during which—"
"(a) producers on the farm were prevented from planting the crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm; or

"(b) the crop was not planted or considered planted on the farm.

SEC. 201. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

AMENDMENT TO THE AGRICULTURAL MARKET TRANSITION ACT.—Title I of the Agricultural Marketing Act (7 U.S.C. 41) is amended by inserting after Subtitle H the following new subtitle:

"Subtitle I—Counter-Cyclical Economic Assistance Through Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

SEC. 131A. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS.

"(a) Nonrecourse Loans Available.—For each of the 2002 through 2008 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and in the loan rate established under section 131A for the loan commodity.

"(b) Maximum Number of Acres.—The producers on a farm shall not be eligible for a marketing assistance loan for a quantity of a loan commodity in excess of the acres planted to that crop under section 128 (as determined by the Secretary) obtained by multiplying—

"(A) the number of acres planted to each loan commodity on the farm; and

"(B) the farm production payment yield for the loan commodity on the farm.

"(c) Compliances With Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance loan under this section, the producer shall comply with the applicable conservation requirements under subpart B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subpart C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

"(d) Individual Outlays Prohibited.—The Secretary shall carry out this subtitle in such a manner that there are no additional outlays as a result of the reconstitution of a farm or the reconstitution of another farm that does not contain eligible cropland covered by a production flexibility contract for the 1996 through 2002 crops.

"(e) Option to Participate With Respect to 2002 Crop.—Under such terms and conditions as may be prescribed by the Secretary, a producer of a crop that is the subject of a marketing assistance loan under subsection (a) may transfer to another producer the right to participate in the marketing assistance loan program under this subtitle for the 2002 crop.

"(f) Full Planting Flexibility Provided.—Notwithstanding section 116 of Subtitle E of Title XII of the Agricultural Act of 1949 (7 U.S.C. 362), any commodity or crop may be planted on contract acreage or other acreage on a farm.

"(g) Use of Commodity Certificates.—Notwithstanding any other provision of law, including section 115 of this Act, the Secretary may not make use of commodity certificates under this Act to finance a nonrecourse loan or to redeem a nonrecourse loan under subsection (a) of this section.

"(h) Interest.—The Secretary shall establish the interest rate for each loan commodity for the term of the loan under this section.

SEC. 132A. LOAN RATES FOR MARKETING ASSISTANCE LOANS.

"(a) National Average Loan Rate.—The national average commodity marketing loan rate for each loan commodity shall be established at a rate—

"(1) after making weighted county loan rate adjustments, that is not less than 80 percent of the three year average of the full economic cost of production per unit per planted acre, and annually adjusted for both the percentage change in variable production input expenses, and productivity changes as determined by the Economic Research Service using the best and most recently available data

"(2) for each of the 2002 crops, the national average loan rate is not less than—

"(A) for Wheat: $3.88 per bushel;

"(B) for Corn: $2.40 per bushel;

"(C) for Soybeans: $7.00 per bushel;

"(D) for Upland Cotton: $60.65 per hundredweight;

"(E) for Rice: $8.61 per hundredweight; and

"(F) for the 2002-2011 crops of feed grains and other loan commodities closely related to those identified in paragraph (2), the Secretary shall determine the rate at a level that is fair and reasonable in relation to the rate provided for the closely related commodity.

"(b) Individual Marketing Loan Rates.—The national average commodity marketing loan rates established under subsection (a) shall be adjusted to establish individual marketing loan rates for eligible producers in accordance with the provisions of this subsection.

"(1) For producers of program commodities who exceed the limitations established in Section 202 of this Act, the Secretary shall provide, recourse commodity marketing loans subject to the agreement of eligible producers to receive such loans, in an amount determined by the Secretary, for the production of a program commodity under section 132A, plus interest (as determined by the Secretary); or

"(2) a rate that the Secretary determines, consistent with the policies and purposes of section 116A of the Agricultural Act of 1949, will—

"(A) minimize potential loan forfeitures;

"(B) minimize the accumulation of stocks of the commodity by the Federal Government in storing the commodity in return for payments under this section.

"(c) Loan Deficiency Payments.—For purposes of this section, the Secretary shall prescribe by regulation—

"(1) a formula to determine the prevailing world market price for each commodity, adjusted to United States quality and location; or

"(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

"(d) Further Adjustments to the Prevailing World Market Price.—For purposes of this section, the Secretary shall prescribe by regulation—

"(1) a formula to determine the prevailing world market price for each commodity, adjusted to United States quality and location; or

"(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

"(3) further adjustments to the prevailing world market price for upland cotton, as described in subsection (e) of section 134 of this Act.

SEC. 133A. TERM OF LOANS.

"(a) Term of Loans.—For payments available to producers who, after the marketing assistance loan under section 131A shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

"(b) Special Rule for Cotton.—A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the month in which the loan is made.

"(c) Extensions Allowed.—The Secretary may extend the term of a marketing assistance loan for any loan commodity for the purpose of establishing or maintaining any of the commodity reserves established under this Act.

"SEC. 134A. REPAYMENT OF LOANS.

"(d) Repayment Rates for Wheat, Feed Grains, and Oilsseeds.—The Secretary shall determine the rate at which the loan is made under section 132A for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

"(2) a rate that the Secretary determines, consistent with the policies and purposes of section 116A of the Agricultural Act of 1949, will—

"(A) minimize potential loan forfeitures;

"(B) minimize the accumulation of stocks of the commodity by the Federal Government in storing the commodity in return for payments under this section.

"(e) Repayment Rates for Upland Cotton and Rice.—The Secretary shall determine the rate at which the loan is made under section 132A for upland cotton and rice at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

"(2) a rate that the Secretary determines, consistent with the policies and purposes of section 116A of the Agricultural Act of 1949, will—

"(A) minimize potential loan forfeitures;

"(B) minimize the accumulation of stocks of the commodity by the Federal Government in storing the commodity in return for payments under this section.

"(f) Repayment Rates for Extra Long Staple Cotton.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

"(g) Prevailing World Market Price.—For purposes of this section, the Secretary shall determine the rate at which the loan is made under section 132A and the term of the loan be.

"(1) a formula to determine the prevailing world market price for each commodity, adjusted to United States quality and location; or

"(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

"(3) For fiscal years 1996 through 2008, the Secretary shall determine the rate at which the loan is made under section 132A and the term of the loan be.

"(3) further adjustments to the prevailing world market price for upland cotton, as described in subsection (e) of section 134 of this Act.

SEC. 135A. LOAN DEFICIENCY PAYMENTS.

"(a) Availability of Loan Deficiency Payments.—Except as provided in subsection (b) of this section, the Secretary shall authorize loan deficiency payments available to producers who, although eligible to obtain a non-recourse marketing assistance loan under section 132A, with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this section.

"(b) Computation.—A loan deficiency payment under this section shall be computed by multiplying—
“(1) the loan payment rate determined under subsection (c) for the commodity; by

“(2) the quantity of the loan commodity that is expected to be sold or otherwise made available for delivery for consumption, excluding the loan commodity that is expected to be sold during the loan year; and

“(3) the applicable percentage which shall be not more than 75 percent of the quantity of the loan commodity that is expected to be sold as determined under this subparagraph.

“(b) Eligibility for Non-recourse Marketing Assistance Loans.—Notwithstanding any other provision of this subsection, a producer may receive a non-recourse loan in the aggregate amount of not more than $20 per bushel for any individual crop, not to exceed the highest production it produced in the current crop year, as determined by the Secretary after considering the current level of production, market prices, and other factors.

“(c) Eligibility for Recourse Marketing Assistance Loans.—Notwithstanding any other provision of this subsection, a producer may receive a recourse loan in the aggregate amount of not more than $20 per bushel for any individual crop, not to exceed the highest production it produced in the current crop year, as determined by the Secretary after considering the current level of production, market prices, and other factors.

“(d) Payment Limitations.—Notwithstanding any other provision of this subsection, the Secretary shall ensure that the payment limitations of this subsection in such reasonable amounts as will enable the purposes of the program to be served be utilized to assist any producer in excess of 20 percent of the average annual production of the agricultural commodity.

“(e) Discretionary Exemption.—A producer may repay a loan extended under this section at any time.

“(f) Humanitarian Food Assistance Reserve.—“(1) PURPOSE.—It is the purpose of this subsection to create a food reserve that will—

“(A) ensure the capacity of the United States to fulfill its current and future commitments for humanitarian nutrition assistance programs;

“(B) support the International School Lunch Program which will seek to prevent hunger and malnourishment and improve educational opportunities among the estimated 300 million school children around the world; and

“(C) for other purposes to meet domestic and international humanitarian food relief needs, and to establish and maintain a food reserve to enable the United States to meet its current and future humanitarian food assistance needs.

“(2) AMENDMENT OF PROGRAM.—The Secretary is authorized to establish and administer a government-owned and farmer-stored reserve to enable the United States to fulfill its current and future commitments for humanitarian nutrition assistance programs; costs of production, and other factors in order to provide support to the producer for the full value of lost crop or reduced yield.

“(C) REPLACEMENT FOR PRODUCTION.—The Secretary shall utilize the reserve to fully replace lost production for a producer when the actual production yield for the farm for any crop year, as provided in paragraph (C), is less than the actual production history established for the farm.

“(D) LIMITATION.—At no time may the reserve be utilized to assist any producer in excess of 20 percent of individual annual production.

“(E) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this subsection.

“(F) In carrying out this section, the Secretary shall promote a program to utilize the commodity reserve to enable the United States to meet its current and future commitments for humanitarian food assistance programs; costs of production, and other factors in order to provide support to the producer for the full value of lost crop or reduced yield.

“(G) HUMANITARIAN FOOD ASSISTANCE RESERVE.—“(1) PURPOSE.—It is the purpose of this subsection to create a food reserve that will—

“(A) ensure the capacity of the United States to fulfill its current and future commitments for humanitarian nutrition assistance programs;

“(B) support the International School Lunch Program which will seek to prevent hunger and malnourishment and improve educational opportunities among the estimated 300 million school children around the world; and

“(C) for other purposes to meet domestic and international humanitarian food relief needs, and to establish and maintain a food reserve to enable the United States to meet its emergency food assistance needs.

“(2) AMENDMENT OF PROGRAM.—The Secretary is authorized to establish and administer a government-owned and farmer-stored reserve...
program under which producers of agricultural commodities will be able to—

"(A) sell agricultural commodities authorized by the Secretary into the reserve; and

"(B) utilize the Commodity Credit Corporation.

"(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the ‘‘Humanitarian Food Assistance Reserve’’.

"(4) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates to establish, maintain, or enhance the reserve when—

"(A) such commodities are in abundant supply; and

"(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

"(C) it is otherwise necessary to fulfill the needs and purposes of the domestic and international nutrition assistance programs administered or assisted by the Secretary.

"(5) LIMITATION.—Purchases under this subsection shall be limited to amounts of agricultural commodities needed to fill one-year estimated needs and commitments of the nutrition programs supported by the reserve. Otherwise, the Secretary may establish maximum quantities of commodities in such reasonable amounts as will enable the purposes of the program to be achieved.

"(6) RELEASE OF STOCKS.—Stocks shall be released from acquisition, in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

"(7) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers that wish to store agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

"(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

"(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

"(C) not be less than comparable local commercial rates, except as may be provided by paragraph (B).

"(8) INVENTORIES OF COMMODITIES IN PROGRAM.—The Secretary may establish maximum quantities of commodities that may receive loans and storage payments under this subsection in such reasonable amounts as will enable the purposes of the program to be achieved.

"(9) MANAGEMENT OF COMMODITIES.—Whenever fungible commodities are stored under this subsection, the Secretary may buy and sell at an equivalent price, allowing for customary location and grade differentials, substan- tially in quantities of commodities in different locations or warehouses to the extent needed to handle, distribute, and locate the commodities that the Commodity Credit Corporation owns or controls. The Secretary shall make purchases to offset such sales within a reasonable time, and shall make public full disclosure of such transactions.

"(i) RENEWABLE ENERGY RESERVE.

"(1) PURPOSES.—It is the purpose of this subsection to create a reserve of agricultural commodities to—

"(A) provide feedstocks to support and further the production of the renewable energy; and

"(B) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

"(2) ESTABLISHMENT.—The Secretary is authorized to establish and administer a govern- ment-owned renewable energy reserve program under which producers of agricultural commodities will be able to—

"(A) sell agricultural commodities authorized by the Secretary into the reserve; and

"(B) store such agricultural commodities.

"(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the ‘‘Renewable Energy Reserve’’.

"(4) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

"(A) such commodities are in abundant supply; and

"(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or

"(C) it is otherwise necessary to fulfill the needs and purposes of the renewable energy programs administered or assisted by the Secretary.

"(5) LIMITATION.—Purchases under this subsection shall be limited to—

"(A) the type and quantities of agricultural commodities necessary to provide approximately one-year’s estimated utilization for renewable energy purposes that will enable the purposes of the program to be achieved.

"(B) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

"(C) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy programs to be achieved.

"(6) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

"(7) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

"(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

"(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

"(C) not be less than comparable local commercial rates, except as may be provided by paragraph (B).

"(8) QUANTITY OF COMMODITIES IN PROGRAM.—The Secretary may establish maximum quantities of commodities that may receive loans and storage payments under this subsection in such reasonable amounts as will enable the purposes of the program to be achieved.

"(9) MANAGEMENT OF COMMODITIES.—Whenever fungible commodities are stored under this subsection, the Secretary may buy and sell at an equivalent price, allowing for customary location and grade differentials, substantially in quantities of commodities in different locations or warehouses to the extent needed to handle, distribute, and locate the commodities that the Commodity Credit Corporation owns or controls. The Secretary shall make purchases to offset such sales within a reasonable time, and shall make public full disclosure of such transactions.

"(i) Incentives Offered.—The Secretary may offer incentives, as defined in subsection (f), to agricultural producers of loan commodities that agree to forgo production on a specified portion of the acreage planted to eligible commodities. The production management program may be announced when the Secretary determines that the estimated total supply of agricultural commodities for the next crop year, in the absence of such a program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(ii) ACREAGE DEFINED.—Acreage management acreage must be acreage that either—

"(1) has previously been under a production flexibility contract, or

"(2) was previously made an eligible loan to the farm.

"(iii) CONSERVATION USES.—Inventory management acreage shall be devoted to approved conservation and wildlife uses, as defined by the Secretary. Adequate safeguards from weeds, and soil, and water erosion must be provided.

"(iv) ACREAGE OPTIONS.—If announced, the inventory management program shall offer the producer a range of loan option and loan suppression options. Under such a program, the Secretary shall offer the producer the option to set-aside 5 percent, 10 percent, 15 percent, or 20 percent of total commodity acreage. Total program acreage shall include applicable inventory management acres from the previous crop year.

"(v) INCENTIVE DEFINED.—

"(1) The incentive offered by the Secretary for agreement to forgo production on a specified percentage of loan commodity acres shall be an increase in the marketing loan rates for eligible commodities for the individual producer in an amount that is equal to one half of the percentage of the acreage set-aside under an option or acreage option selected under subsection (e).

"(2) The increase in the marketing loan rate for an individual producer, shall be as follows if the inventory management acreage is—

"(A) 5 percent, then the marketing loan rate shall be increased by 2.5 percent.

"(B) 10 percent, the marketing loan rate shall be increased by 5 percent.

"(C) 15 percent, then the marketing loan rate shall be increased total by 7.5 percent and

"(D) 20 percent, then the marketing loan rate shall be increased by 10 percent.

"(vi) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.
"(b) Regulations.—The Secretary shall issue such regulations as may be necessary to carry out this section. 

Cross Compliance and Offsettable Compliance.—The Secretary shall require cross compliance on a farm with the terms and conditions of any other commodity, conservation, or any other program is required as a condition of eligibility for inventory management incentives provided under authority of this section.

The Farm Income Recovery Act

Better Prices and Higher Profits Through
The Marketplace

Since the commodity market collapse in the late 1990s, farmers in Minnesota and the rest of the country have learned a hard lesson: the 1996 “Freedom to Farm” Act lacks an adequate safety net for farmers struggling with severe price fluctuations. As a result, year after year, the Federal Government has been forced to pass billions of dollars in emergency funding, barely enough to allow many of these farmers to survive.

We cannot continue this pattern—it is hurting our farmers, and it is fiscally irresponsible, costing taxpayers close to $33 billion in emergency assistance over the past five years.

The goal of the Farm Income Recovery Act is to raise market prices for farmers, with the added benefit of reducing the cost of the taxpayer. It provides farmers with a more secure safety net that can offset severe price fluctuations and can help manage uncertainties in the marketplace by reducing cross-compliance assistance loan rates. It creates a sound reserve program, allowing producers to store their commodities when they are in abundant supply, and market prices do not continue to spiral downward. And it is counter cyclical, so it kicks in to help farmers when prices are low, but phases out when prices increase.

Boosting Marketing Assistance Loan Rates

The Farm Income Recovery Act boosts marketing loan rates, establishing an equitable, counter cyclical assistance program based on costs of production.

Instead of basing loan rate calculations on an arbitrary snapshot of community prices in a given year, the bill directs the Secretary of Agriculture to establish marketing loan rates at not less than 80 percent of the economic cost of production, allowing loans rate to adjust annually to changes in both producer input costs and productivity.

The loan rates in the Farm Income Recovery Act are far more equitable than current rates, as well as the rates proposed in the Farm Bill passed by the House of Representatives and even those being suggested by the Senate Agriculture Committee: 1

<table>
<thead>
<tr>
<th>Crop and unit</th>
<th>Current loan rate</th>
<th>Farm Income Recovery Act, House passed</th>
<th>Senate Ag committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat (bushel)</td>
<td>$3.18</td>
<td>$3.17</td>
<td>2.94</td>
</tr>
<tr>
<td>Corn (bushel)</td>
<td>$1.90</td>
<td>$1.90</td>
<td>2.05</td>
</tr>
<tr>
<td>Sorghum (bushel)</td>
<td>$1.71</td>
<td>$1.90</td>
<td>1.98</td>
</tr>
<tr>
<td>Barley (bushel)</td>
<td>$1.71</td>
<td>$1.90</td>
<td>1.98</td>
</tr>
<tr>
<td>Soybeans (bushel)</td>
<td>$2.56</td>
<td>$2.56</td>
<td>2.56</td>
</tr>
<tr>
<td>Upland Cotton</td>
<td>$5.52</td>
<td>$5.52</td>
<td>5.52</td>
</tr>
<tr>
<td>Rice (Cent)</td>
<td>$5.63</td>
<td>$5.63</td>
<td>5.63</td>
</tr>
</tbody>
</table>

1 As of 10/3/01.

To discourage overproduction, the Farm Income Recovery Act directs the Secretary to establish limits on the crop amounts for which producers can receive recourse marketing loans. This limit is calculated by multiplying a producer’s 1996–2001 crop years average acreage base by the 1996–2001 crop years average yield base.

Targeting Help Toward Family Farmers

The Farm Income Recovery Act is designed to target its benefits to family farmers by limiting the amount of a crop for which farmers can receive nonrecourse loans. Production that exceeds limits would be eligible for recourse loans, which must be paid back, reducing the risk of government programs. For example, instead of paying 50% of the 2001 crop years average yield base, the limit is reduced to 75 percent of the 2001 crop years average yield base.

Using Commodity Reserves to Achieve Policy Objectives

In the past, commodity reserves landed in Government stockpiles unless high prices triggered their release into the market—which would often result in depressed prices.

Under the Farm Income Recovery Act, commodity reserves would not enter the free market, where they could have a depressive effect on prices; instead, they would be used exclusively to achieve other policy objectives as follows:

The Farmer-Owned Production Loss Reserve allows producers to store a specified amount (up to 20 percent of their annual production) of their commodities when they are in abundant supply, and supplements the Federal Crop Insurance Program by providing additional risk protection to producers who suffer production losses.

The Humanitarian Food Assistance Reserve allows the Federal Government to purchase, store, and utilize commodities to ensure the capacity of the United States to fulfill current and future humanitarian nutrition assistance commitments and stimulate economic development in the neediest parts of the world. The quantity that may be purchased by the government for the reserve is limited to approximately one-year’s estimated commitments. Some examples of humanitarian programs that may benefit from this reserve are the Food for Peace Program, United Nation’s World Food Programs, and the proposed McGovern/Dole Food for Education and Development Program.

The Renewable Energy Reserve allows the Federal Government to purchase, store, and utilize commodities to ensure the capacity for the United States to fulfill current and future humanitarian nutrition assistance commitments and stimulate economic development in the neediest parts of the world. The quantity that may be purchased by the government for the reserve is limited to approximately one-year’s estimated commitments. Some examples of humanitarian programs that may benefit from this reserve are the Food for Peace Program, United Nation’s World Food Programs, and the proposed McGovern/Dole Food for Education and Development Program.

Cost Estimate

Cross Compliance through Conservation

In times of overproduction, the Farm Income Recovery Act authorizes the Secretary of Agriculture to establish a voluntary program that would further increase loan rates for producers who establish a program to provide assistance consistent with the Federal Government’s percentage of their acreage for conservation as follows:

<table>
<thead>
<tr>
<th>Acreage set aside</th>
<th>Percent increase of loan rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 percent</td>
<td>25</td>
</tr>
<tr>
<td>10 percent</td>
<td>50</td>
</tr>
<tr>
<td>15 percent</td>
<td>75</td>
</tr>
<tr>
<td>20 percent</td>
<td>100</td>
</tr>
</tbody>
</table>

Cost Estimate

The Congressional Budget Office is currently calculating the cost estimate for the Farm Income Recovery Act. However, the Agricultural Policy Analysis Center at the University of Tennessee has estimated the 10-year cost of a very similar program at about $50 billion over current expenditure levels for the next 10-year budget cycle. By comparison, the Farm Bill’s Commodity Title, which covers comparable issues, has been scored at $48.8 billion.

Mr. DAYTON. In summary, this legislation, which was developed in close consultation with the National Farmers Union and the Minnesota Farmers Union, really bears the imprint of the work of the farmers in Minnesota, with whom I have consulted over the last several months—really over the last 20 years. It accomplishes what farmer after farmer in Minnesota has told me that he or she is searching for, and that is a farm program that encourages market prices to levels where farmers can make a profit in the marketplace.

I come from a business family, and I know you don’t stay in business if you cannot earn a profit for what you have invested and sold. I also believe the ability and opportunity to earn a profit is what has been taken away from farmers in Minnesota and across this country.

I am humbled by the fact that for 60 years Members of this body, from both sides of the aisle, have endeavored to create a Federal agricultural policy that would best serve the interests of Minnesota and other American farmers. Sometimes they have succeeded in doing so; sometimes their efforts have fallen short.

I do not know if this legislation provides the right answer for all the farmers across this country, but I do know it is a step in a better direction from what we have had today. It is a step toward higher prices in the marketplace; it is a step toward lower taxpayer subsidies; it is a step toward putting agriculture and forestry back on its own economic feet so it is not dependent on Government programs and not dependent on every decision we make in Washington to dictate what the next commitment action will be.

I look forward to working with colleagues on this legislation.

By Ms. COLLINS:

S. 1633. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and local entities to preserve suburban open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of land in the north to the small woodlots of the south, forest land helps shape the character of our entire State. While our commitment to our State's forestland has preserved the forest for generations, there is a new threat to Maine’s forest that requires a new approach.
The threat is suburban sprawl, which has already consumed tens-of-thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farm land cannot compete with the value of developed land. The problem is particularly acute in southern Maine where a 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the “sprawl capital of the Northeast.”

I am concerned by the amount of working forest land and open space that has given way to strip malls and cul-de-sacs. Our State is trying to respond to this challenge. The people of Maine have approved a $50-million bond to preserve land through the Land for Maine’s Future Board, and continue to use scarce local funds and contribute their time and money to preserve important lands and to support our State’s 88 land trusts.

The people of Maine are forging a new approach to preserving our working forest and protecting our communities from sprawl. It is time for the Federal Government to support these efforts.

Today I am introducing the Suburban and Community Forestry and Open Space Initiative Act. The legislation, which was drafted with the advice of land owners, conservation groups, and community planners, establishes a $50-million grant program within the U.S. Forest Service to support locally-driven projects that preserve working forests. State and local governments, as well as nonprofit organizations, would compete for funds to purchase land or conservation easements to keep forest lands, threatened by development, in their traditional use.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. The legislation requires that Federal grant funds be matched dollar-for-dollar with State, local, or private resources. The grant program will help promote sustainable forestry and public access to forest lands. My legislation protects the rights of property owners with the inclusion of a “willing-seller” provision and it allows non-profits, States, and municipalities—but not the Federal Government—to hold title to land or easements purchased under the program.

The $50 million that would be authorized by my bill would help achieve a number of stewardship objectives. First, my legislation would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine’s most important industry. Second, the resources made available as part of my legislation would be a valuable tool in communities that are struggling to manage sprawl and prevent its spread. Currently, if the town of Gorham, ME or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decision-making at the State and local level.

We can see the work being done in Maine to protect our working forests for the next generation, and I am grateful that many of the people and organizations that are leading this effort are supporting my legislation. By enacting the Suburban and Community Forestry and Open Space Initiative Act Congress can provide a real boost to conservation initiatives, help preserve sprawl, and help sustain the vitality of natural resource-based industries.

**By Ms. Collins:**

S. 1634. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve food safety and prevent the importation of adulterated or misbranded food whose import is regulated by the Commissioner of Food and Drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce The Imported Food Safety Act of 2001. Food safety has been a serious public health concern in America for some time, but our awareness of the vulnerability of our food supply has been heightened since September 11.

I have long been concerned about the adequacy of our Nation’s imported food supply system. In 1998, in my capacity as chairman of the Permanent Subcommittee on Investigations, I began an in-depth 16 month investigation into the safety of food imports. This investigation revealed much about the government’s flawed food safety net. Regrettably, in the intervening three years, little has changed, and now we must acknowledge that these systemic shortcomings can also be used by those who wish to perpetrate acts of bioterrorism.

As part of the investigation, I requested the GAO to evaluate the federal government’s efforts to ensure the safety of imported foods. In its April 1998 report, the GAO concluded that “federal efforts to ensure the safety of imported foods are inconsistent and unreliable.” Just last month, the GAO testified before the Senate’s Sub-committee on Oversight of Government Management.

During five days of Subcommittee hearings, we heard testimony from 29 witnesses, including scientists, industry and consumer representatives, government officials, the General Accounting Office, and two persons with first-hand knowledge of the seamer side of the imported food industry, a convicted Custom broker and a convicted former FDA inspector.

Let me briefly recount some of the Subcommittee’s findings which make it clear why this legislation is so urgently needed: weaknesses in FDA import controls, specifically the ability of importers to control food shipments from the port to the point of distribution, make the system vulnerable to fraud and deception and clearly to a terrorist attack; the funds required to be posted by importers who violate food safety laws are so low that they are considered by some unscrupulous importers as the cost of doing business; maintaining the food safety net for imported food is an increasingly complex task, made more complicated by previously unknown foodborne pathogens, like Cyclospora, that are difficult to detect; our recent experience with anthrax has taught us that there is much more public health officials need to know to ensure the safety of our food; because some imported food can be contaminated by substances that cannot be detected by visual inspection, grant programs need to be established that will encourage the rapid development of food safety monitoring sensors that are capable of detecting chemical and biological contaminants; since contamination of imported food can occur at many different places from the farm to the table, the ability to track outbreaks of foodborne illnesses back to the source of contamination requires more coordinated effort among Federal, State, and local agencies responsible for ensuring food safety, as well as improved education for health care providers so they can better recognize and treat foodborne illnesses. Again, our recent experience with anthrax underscores the need for better coordination and education.

Since the terrorist attacks that occurred just weeks ago, we have been living in a changed world. We are battling enemies who show no regard for the value of human life, and whose twisted minds seek to destroy those who embody democracy and freedom. It has never been as important as it is now to ensure that our food supplies are adequately protected against contamination, both inadvertent and intentional.

President Bush and his Administration are acting swiftly and decisively on all fronts. Among the responsibilities of the Office of Homeland Security is the protection of our livestock and agricultural systems from terrorist attack. And the Secretary of Health and Human Services, Dr. Thompson, has been working tirelessly to obtain the additional tools necessary to combat bioterrorism.

On October 17, 2001, Secretary Thompson appeared before the Senate’s Governmental Affairs Committee, and testified about the Federal Government’s efforts to ensure that the country is adequately prepared to respond to bioterrorist threats. He identified food safety and, in particular, imported food as vulnerable areas that require further strengthening. Since then, at a recent hearing before the Health, Education, Labor, and Pensions Committee, public health experts were
Amendment: Mr. AKAKA, Mr. STEVENS, and Mr. MURkowski submitted an amendment 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.

Second, this legislation would enable the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce. Unscrupulous shippers who have demonstrated a willingness to knowingly send tainted food to our country cannot be overlooked as potential sources of bioterrorist acts. My bill would also prohibit the practice of “port-shopping,” in which boxes containing violative foods that have been refused entry into our country be clearly marked. This latter authority is currently used with success by the U.S. Department of Agriculture. My bill would also require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety.

Third, the legislation would direct the FDA to develop criteria for use by private laboratories to collect and analyze samples of food offered for import. This will ensure the integrity of the testing process.

Fourth, the bill would give “teeth” to the current food import system by establishing two strong deterrents, the threats of higher bonds and of debarment, for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry’s “bad actors” be able to profit from endangering the health of American consumers.

Finally, my bill would authorize the CDC to award grants to state and local public health agencies to strengthen the public health infrastructure by updating essential items such as laboratory and electronic-reporting equipment. Grants would also be available for universities, non-profit corporations, and industrial partners to develop new and valid tests to detect pathogens and for professional schools and professional societies to develop programs to increase the awareness of foodborne illness among healthcare providers and the public.

We are truly fortunate that the American food supply is one of the safest in the world. But our system for safeguarding our people from imported food that has been tainted, either intentionally or inadvertently, is flawed.

Finally, I am very pleased to also be working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our nation’s food supply and public health. I believe that the measure provided for in the imported food safety Act of 2001, and the bipartisan bioterrorism bill, will significantly reduce the threat to our country. I hope that we will pass both pieces of legislation this year.

Fifth, we have a unique opportunity to build on the solid foundation that we have developed over the past year to make our food进口 system safer and stronger. I look forward to working with the Administration, the CDC, the FDA, the Department of Agriculture, the Department of Homeland Security, and the Special Committee on Homeland Security to fully realize this opportunity.

Sixth, I am particularly pleased with this proposal’s provision for the establishment of a National Institute for Food Safety. This is an opportunity for us to take advantage of the best minds and resources in the country to develop and implement a comprehensive national plan for importing food into our country.

As I stated in my opening comments, this legislation is a two-pronged approach to addressing the problems inherent in our food import system. First, the legislation would provide a technological and regulatory safeguard against the deliberate introduction of foodborne pathogens into the food supply. Second, the legislation would provide a regulatory safeguard against the unintentional introduction of foodborne pathogens into the food supply. In each case, the legislation would provide a comprehensive package of safeguards to ensure that food from all parts of the world is safe for consumption.
on Agriculture, Nutrition, and Forestry will meet on November 6, 7, and 8, 2001, in SR–328A at 8:30 a.m. The purpose of these business meetings will be to continue discussion on the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, November 14, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Kathleen Clarke to be Director of the Bureau of Land Management, Department of the Interior.

Those wishing to submit written testimony for the hearing are encouraged to e-mail it to Sam Fowler@Energy.Senate.Gov or fax it to 202-224-9026.

For further information, please call Sam Fowler at 202-224-7571.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, November 14, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the investigatory report of the Thirtymile Fire and the prevention of future fire fatalities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelley.brown@energy.senate.gov or fax it to 202-224-3440.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Madam President, I am asking unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, November 5, 2001, at approximately 6:15 p.m., following the first vote of the day, for a business meeting to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

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

DISCHARGE AND REFERRAL—S. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1586, and the measure then be referred to the Committee on Environment and Public Works.

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

ORDERS FOR TUESDAY, NOVEMBER 6, 2001

Mr. REID. Madam President, I ask unanimous consent that the previous order regarding the convening hour of the Senate, on Tuesday, November 6, be changed but that there be 15 minutes of debate equally divided between Senators DASCHLE and LOTT or their designees in relation to the Daschle-Kennedy collective bargaining amendment to the Labor-HHS Appropriations Act prior to a 2:30 p.m. cloture vote on the amendment; further, that the remaining provisions of the previous order remain in effect.

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

PROGRAM

Mr. REID. Madam President, as a reminder, notwithstanding the convening hour of the Senate on Tuesday, second-degree amendments to the Daschle-Kennedy amendment must be filed prior to 1 p.m.

I say to those within the sound of my voice, both parties will still have their usual Tuesday caucuses from 12:30 p.m. to 2:15 p.m. There is a lot of other Senate business that can be conducted prior to the 2:30 vote.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, with the exception that Senator NICKLES be allowed to speak for up to 12 minutes and the Senator from Tennessee, Mr. Thompson, be allowed to speak for up to 12 minutes.

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

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank the Chair and my colleague, Senator Reed, for his cooperation.

THE DASCHLE-KENNEDY AMENDMENT TO LABOR-HHS APPROPRIATIONS

Mr. NICKLES. Madam President, tomorrow, at 2:30 p.m., the Senate will vote on the Daschle-Kennedy amendment which deals with collective bargaining for municipal employees. I say "municipal employees," meaning public safety employees in the States.

I used to be a State legislator. I was the Chair and my colleague, Senator Reed, for his cooperation.

I have no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States’ laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be on an appropriations bill.

Why is the Federal Government getting ready to do something that it has never done? We are going to take over what the States and the cities are doing. We are going to displace collective bargaining rights; there is a whole series of rights. I do not agree with any of them particularly; I just think it should be done by the State, not by the Federal Government.

I have no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States’ laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be a Federal cause of action. There should not be things in this legislation that most States do not have.

There is no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States’ laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be a Federal cause of action. There should not be things in this legislation that most States do not have.

I will tell you, as State legislators, we fought for a long time on whether
we would have binding arbitration. This amendment is basically saying you have to have something like binding arbitration. Wow. I wonder if people are aware of that.

My point is, this amendment that we are going to be voting on, the Kennedy-Daschle amendment, dealing with a public safety, employer-employee relations, is not a Federal issue. It has never been a Federal issue. Yet some people are trying to make it that. And they didn't do a very good job legislating.

I mention that they dictate a lot of things that a lot of States do not have. They affect a lot of individuals who have never been in collective bargaining.

They go to very small cities. Somebody says: We exempt those small cities. Yes, a population of less than 5,000. That is way too small. Oh, yes, we will exempt employee groups if they have 25 people or less.

War a minute. The Federal Government is going to now get involved in employer-employee negotiations on units in small towns with a population that is greater than 5,000 people? Or if they have 25 or more employees, we are going to dictate: Here are your collective bargaining units? And, yes, there is a new Federal agency that is going to dictate the rules for negotiating contracts for elections. We are going to make that a Federal issue?

There is no reason to do it. There are lots of reasons not to do it. I urge my colleagues to look at these letters. I will ask to have them printed in the RECORD.

I will read part of the letter from The United States Conference of Mayors:

However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

The National Volunteer Fire Council:

The National Volunteer Fire Council is a non-profit membership association representing more than 800,000 of America's volunteer fire, EMS, and rescue services.

They are not exempt in this bill. As a matter of fact, the unions that this bill purportedly is trying to help do not really care for volunteers. As a matter of fact, people who join their union cannot be a volunteer. Lots of small communities have volunteer firefighters, volunteer police organizations, sheriff volunteers. The volunteers—I will just read from the letter—are very opposed to this amendment. Part of the letter says:

As you know, firefighters, 75% of which are volunteers, are our nation’s first responders to all types of emergencies. . . .

Currently, the International Association of Firefighters Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. Therefore, the current bargaining units that have been under collective bargaining negotiations in the past, local unions have incorporated similar provi-

sions in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters.

The National Volunteer Fire Council believes these provisions are a violation of firefighters' First Right. "Once again, we urge you to oppose the Daschle amendment unless language is inserted to " exempt volunteers.

For my colleagues' information, if cloture is invoked, we are going to have a vote to fix this language. It should not be in here. I have already stated that this is legislation on an appropriations bill. This is the right jurisdiction for the States, not the Federal Government. If we are going to legislate, we are going to do it right. So we are going to have a lot of amendments. I am aware of the fact that Senator SPECTER kept offering amendments that were going to be hotly debated and contested and take a long time.

If cloture is invoked tomorrow, then we are going to have a lot of amendments. I think having an exemption that says 25 or fewer is way too small. I am going to have an amendment to increase that. I think the exemption for communities being as small as 5,000 is way too low. So I am going to have an amendment to increase that. I am going to have an amendment, along with Senator GRAMM, making sure people are not coerced into joining the union. Nobody should be compelled to do that. Some might say: Wait a minute; why is that a Federal issue? It should not be, but this bill tries to turn it into a Federal issue.

We are also going to have an amendment to make sure people are not compelled to pay dues. If they want to, that is great; I have no objection to that. We want to have an amendment making sure volunteers are exempt. We should not discourage volunteers, but that is the net impact of this legislation. This legislation doesn't belong on this bill. The States have legislative bodies. Let them decide. They have done it. Already two States have said, no, they don't believe in collective bargaining for public service employees. Those States are North Carolina and Virginia. The volunteers, the firefighters, and safety employees of Virginia. I think the costs may vary from one to another. In general, they did a great job. I compliment all of the relief workers. We had relief workers from Oklahoma in New York, and they were union and nonunion.

This amendment should not be on this bill. We should allow the States, as the Constitution provides in the 10th amendment, to dictate this policy. It should not be resolved on the Federal side. But if it is, we are going to have to have several amendments on the Kennedy-Daschle amendment to improve it substantially, to exempt volunteers and smaller communities, and a greater number of people and allow people the freedom to join unions and/or the freedom not to pay dues.

I urge my colleagues, let's not preempt States, tell the States we know better with one quickly drawn amendment that does not belong here, and that we are going to superimpose our will on the States who have wrestled with collective bargaining for their cities and counties. I would venture to say most sheriffs departments are not unionized in most States. Under this bill, they would be encouraged to do so. I don't believe that is our job. Let the States decide that. And the same goes for emergency workers, ambulance workers, and so on. If they want to unionize, let the States wrestle with that issue. We should not be making those decisions. Allow the States to decide what groups should have collective bargaining rights, how far the rights should go, and whether they should have binding arbitration or other remedies as provided for in this bill.

I don't think this bill is right. I think it should be preserved to the States. I encourage people, if you want to unionize, do it under State laws. Almost all States allow collective bargaining but not in the same manner as dictated in the amendment proposed by Senators DASCHLE and KENNEDY.

Finally, this side has shown some restraint on non-germane amendments to the underlying bill. I urge our majority leader, Senator KENNEDY, and others to show restraint as well and hopefully withdraw this amendment. If not, I urge my colleagues to vote no on cloture tomorrow at 2:30.

I ask unanimous consent to have the letters I have referred to printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNITED STATES CONFERENCE OF MAYORS
Washington, DC, November 5, 2001

Hon. DON NICKLES,
Assistant Republican Leader, U.S. Senate,
Washington, DC,

Don Nickles: The United States Conference of Mayors opposes Amendment 2044 to the Labor-Health and Human Services-Education Appropriations bill.

It is our position that this measure, if passed, would be a preemption of local authority and would impose an unfunded mandate on a large number of our nation's cities. We think the costs may vary from one to another. In general, they would be significant in that time-tested working personnel systems would have to be significantly modified.

One can dispute the valid contribution our public safety forces make daily, especially after their outstanding work in the wake of the September 11 attacks on our Nation, where their contributions received deservedly high level attention. However, the federal government should not impose collective bargaining procedures and practices on those local government officials chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

As 1 of The United States Conference of Mayors, I thank you for your assistance on this important matter. If you have any questions,

DEAR SENATOR NICKLES: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the more than 800,000 members of America’s volunteer fire service. Organized in 1976, the NVFC serves as the voice of America’s volunteer fire personnel in over 28,000 departments across the country. On behalf of the NVFC and its membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of Public Safety Employer-Employee Cooperation Act (S. 952/H.R. 1475) to the Labor-HHS-Education Appropriations Bill (H.R. 3061).

As you know, firefighters, 75% of which are volunteers, are our nation’s first responders to all types of emergencies. Most volunteer departments serve small, rural communities and are quite often the only line of defense in those communities. The brave men and women of these departments, who risk their lives in the name of public service, save local taxpayers an estimated $36 billion per year. Currently, the International Association of Fire Fighters (IAFF) Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions in their agreements with their local governments, which restrict their firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters. The NVFC feels that these types of provisions are a violation of First Amendment rights.

One of the largest problems faced by America’s volunteer fire service is recruitment and retention through fire department retiree call volumes continue to increase, the number of volunteer firefighters has declined over 10% since 1983. Major factors contributing to include increasing overhead training costs, the proliferation of two-income families whose members don’t have the time to volunteer, and legislation that leads to prohibition of volunteerism is contrary to the interests of the volunteer fire service and must be opposed by the NVFC and its membership.

Once again, we urge you to oppose the Daschle amendment unless language is inserted to explicitly protect a person’s right to serve as a public safety volunteer. If you have any questions, please contact Craig Sharman, NVFC’s Government Affairs Representative at (202) 887-5780. We appreciate your continued support of America’s volunteer fire service.

Sincerely,

PHILIP C. STITTLEBREG,
Chairman.

National Right to Work Committee.
Denver, CO, November 1, 2001.

DEAR SENATOR: On behalf of the 2.2 million members of the National Right to Work Committee, I am writing you today to request the removal of the odious opposition derisively titled “Public Safety Employer-Employee Cooperation Act” (S. 952, now masquerading as Amendment 2044, to the Labor/HHS Appropriations bill H.R. 3061, pending on the Senate floor). Senator, if enacted, this language would represent an unprecedented expansion of union officials’ power to corral workers into unions in decades.

S. 952/Admt. 2044 is a dangerous, freedom-crushing bill that must be stopped. It is designed to install union officials as the “exclusive” bargaining agents of police, firefighters, county paramedics and other public-safety officers in all 50 states.

It would by federal fiat force public-safety officers, including many who have chosen not to be union members, to accept union representatives as their “exclusive” negotiators in employment contract talks.

Effectively, Organized Labor thus obtains a monopoly over all public employees’ participation in the bargaining process.

Twenty-seven states have so far either refused completely to grant union officials monopoly power over public-safety employment, or have acquiesced to a more limited form of “exclusive” bargaining than is mandated by S. 952/Admt. 2044.

If this bill is enacted, hundreds of thousands of firemen, firemen and paramedics will be stripped of their freedom to negotiate on their own behalf.

And the public safety of millions will be jeopardized as a result of these employees’ loss of freedom.

One predictable result of enactment of S. 952/Admt. 2044 would be the decimation of volunteer firefighter departments currently protecting countless communities that cannot afford to hire enough professional firefighters to meet their needs.

The constitution of the International Association of Firefighters union (IAFF/AFL-CIO) bars its 265,000 members from becoming volunteer firefighters that its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters. The NVFC feels that these types of provisions are a violation of First Amendment rights.

NLC believes that the federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific work conditions. The federal government should not mandate bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NLC opposes Amendment No. 2044.

Thank you for your consideration of the National League of Cities’ position on this matter.

Sincerely,

DON BORUT, Executive Director.

National Conference of State Legislatures.

Reference: Amendment No. 2044 to the Labor-HHS Appropriations bill (H.R. 3061).

Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Dear Senator Byrd and Stevens: The National Conference of State Legislatures is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor, Health and Human Services and Education Appropriations bill. The amendment would federalize a critical area of labor law best left to state and local authorities. We believe the amendment should not be included as an authorizing provision to the spending bill. This amendment

DEAR SENATOR: The National Right to Work Council (NRTWC) is a non-profit membership association representing the more than 1.2 million members of America’s right-to-work movement. Founded in 1955, the NRTWC serves as the voice of America’s right to work movement in all 50 states. On behalf of the NRTWC and its members, I urge you to oppose the Daschle Amendment, Admt. 2044 to the Labor-HHS Appropriations Bill. If you have any questions about this amendment, please call me or Mark Mix, the Right to Work Committee’s Senior Vice President for Legislation, at 703-321-9820.

Sincerely,

REED LARSON.

National League of Cities.

Hon. DON NICKLES,
U.S. Senator, Washington, DC.

DEAR SENATOR NICKLES: The National League of Cities is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor, Health and Human Services-Education Appropriations bill. We believe that this measure should not be included as an authorizing provision in the spending bill. Furthermore, several state municipal leagues strongly believe that this amendment would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights, without the need for federal intervention.

The National League of Cities applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NLC’s National Municipal Policy does not support this approach through Amendment No. 2044. NLC believes that the federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific work conditions. The federal government should not mandate bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NLC opposes Amendment No. 2044.
The National Conference of State Legislatures applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NCSL reminds Congress that absent compelling reason for preemption, abandoning a commitment to balance in the state-federal partnership is uncalled for and shortsighted.

NCSL believes that the federal government should not undermine state and municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NCSL opposes Amendment No. 204.

Thank you for your consideration of the National Conference of State Legislatures’ position on this matter.

Sincerely,

William T. Pound, Executive Director.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 12 minutes.

Mr. THOMPSON. Madam President, the Daschle amendment is simply another amendment in the long tradition of amendment after amendment basically federalizing things that have been under the purview of State and local government for many years. Usually, we choose a politically opportune moment to do this; we give lip service all the time to the concept of federalism. We have tort reform debates, where it comes up many times in many different ways, and many proponents of the Daschle amendment and I have joined together in pointing out that we should be slow to federalize things that have been under the purview of State law for 200 years.

We give lip service to the fact that State and local governments are closer to the people and the Federal Government doesn’t have the solution to all problems. All the time, while we are giving lip service, we are slowly, bit by bit, amendment by amendment, passing things that go against the entire concept of federalism.

Those who are promoting this amendment at a short time ago, during the Patients’ Bill of Rights debate, were taking the position that State liability law should apply; that State courts should be the ones to determine State liability. Federalism was a good thing back then. Federalism was a good thing when we considered issues on tort reform. But now we have an amendment that basically federalizes

and preempts State and local laws regarding the unionization of public safety officers.

It seems that some of us want to be Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Sundays. So we have this amendment before us, and it is an amendment that is a significant intrusion on the rights of States to set their own rules. As we know, the National Labor Relations Act applies to unionism in the private sector employment. No Federal statute regarding unionism applies to State and local Government employees. It has always been within the purview of States and local communities to create laws governing the employment of police officers and firefighters.

The Daschle amendment would be an unprecedented expansion of Federal authority at the expense of State and local communities. It basically gives Federal labor relations the authority and the power to determine whether or not a State’s laws are up to par. If they determine that the State’s laws are not up to par or in compliance with Federal standards, the Federal Labor Relations Authority will establish collective bargaining standards that will apply to the States.

Madam President, this amendment would require changes to the laws of over half the States in the Nation—the laws that they have been administering all this time. Two States have passed laws that explicitly prohibit public safety unions. We are all familiar with the debates we have concerning whether or not it is a good idea for people in certain public professions to unionize, whether or not we are more likely to be faced with strikes and things of that nature which go against the public welfare. Different States have reached different conclusions as to whether or not this is a good idea, whether or not it is a good idea to allow them to unionize. Of course, that is what States do. They do different things, depending on what the people in the States want.

Many other States, including my home State, are silent on the issue of union rights of public officials, which allows counties, cities, and other local communities to determine whether or not they will allow unions to collectively bargain with them or not.

In my view, this is exactly where these decisions should be made. Surely, questions about hiring decisions and the qualifications of the people who provide services that safeguard the community should be made by the people who live in those communities.

I have received letters from a dozen communities in Tennessee from Fayetteville to Johnson City, Smyrna, Germantown, and many others. Many of those letters were sent by police departments expressing their concern over the adverse impact of this legislation on their communities. I doubt the tremendous service that is provided by our firefighters and police officers. They put their lives on the line every day to ensure our safety. But this amendment is not a fitting response to that service. It is not a fitting response to subvert the basic relationship between the States and the Federal Government or the local communities and the Federal Government. It is not a fitting response to fundamentally alter a system that has been established and has served us well for 200 years.

This amendment essentially writes State laws for States and requires the States to pass them or have the Federal Government apply their own standard. It is not the place of the Federal Government to make decisions that are closely tied to the needs of traditional responsibilities of States and local communities.

This amendment is an unwarranted intrusion on self-government. I urge my colleagues to oppose it.

I yield the floor.

ADJOURNMENT UNTIL 2:15 P.M. TOMORROW
The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2:15 p.m. tomorrow.

Thereupon, the Senate, at 7:11 p.m., adjourned until Tuesday, November 6, 2001, at 2:15 p.m.

NOMINATIONS
Executive nominations received by the Senate November 5, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT
Randall S. Krosnzer, of Illinois, to be a member of the Council of Economic Advisers. Vice, Kathryn Shaw.

PEACE CORPS

DEPARTMENT OF EDUCATION
Jack Martin, of Michigan, to be chief financial officer. Department of Education. Vice, Donald Rappaport, resigned.

CONFIRMATION
Executive nomination confirmed by the Senate November 5, 2001:

THE JUDICIARY
Larry B. Hicks, of Nevada, to be United States district judge for the District of Nevada.
TRIBUTE TO MASTER SERGEANT DAVID VAZQUEZ

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, November 5, 2001

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Master Sergeant David Vazquez, a decorated Veteran, retired from the United States Marine Corps after 22 years of service. The ceremony to acknowledge this Marine’s retirement and to celebrate his accomplishments occurred November 1, 2001 in Willow Grove, Pennsylvania.

Master Sergeant David Vazquez was born in Sabana Grande, Puerto Rico on March 29, 1959. An already well-traveled young Marine, he married his lovely wife, Viviana, seventeen years ago. MSgt and Mrs. Vazquez have two children: Daviana and Vashty. Mr. Speaker, military families develop the ability to make a home anywhere in the world and the Vazquez family is no exception. They have made a home to a host of nations, including Mada- gascar, Brazil and Japan.

MSgt. Vazquez attended boot camp at the notorious Parris Island in South Carolina, and from there was assigned to First Marine Division at Camp Pendleton, California. Following a tour overseas, he served as a Marine Security Guard in Monrovia, Liberia, the Hague in Holland, and Saint George, Grenada. MSgt. Vazquez attended boot camp at the United States Marine College (Military Operational Specialty) to Aviation Electrician for CH 46 helicopters. This new MOS got him an assignment in Kaneohe Bay, Hawaii. After an assignment in San Diego, California, MSgt. Vazquez was sent to the Persian Gulf to serve in operations Desert Shield and Desert Storm. Upon return from the Persian Gulf, the Vazquez family embarked on some more world-traveling before settling down in Willow Grove, Pennsylvania where it looks like they may have made their last home.

Mr. Speaker, MSgt. Vazquez will not retire from the Marine Corps without having left his mark. His sharp-shooting skills won him a record of 247 bulls-eye shots out of 250 and allowed him to shoot a perfect score in the Marine Security Course. MSgt. Vazquez also holds the record for the highest number of sit-ups done by any member of the Armed Forces. This Marine astonished everyone when he completed 2101 sit-ups in 58 minutes.

He was runner-up for Drill Instructor of the year in 1989 and part of the winning Detachment of the Year while serving in Anavariano, Madagasgarc. MSgt. Vazquez’s accomplishments throughout his 22 years of service go on and on. He is the epitome of a Marine; valiant, noble, and dedicated to going beyond the call of duty.

I ask all of my colleagues to join me in thanking MSgt. Vazquez for his 22 years of service to our country and in congratulating him on his much-deserved retirement.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

SPEECH OF HON. ALBERT RUSSELL WYN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to improve aviation security and for other purposes.

Mr. WYNN. Mr. Chairman, I rise to oppose H.R. 3150, the Secure Transportation for America Act, and express my strong support for the Democratic alternative.

Today, we face a critical choice in aviation security—private profit versus public safety. Private airport security firms failed the American people on September 11th and continue to fail to provide adequate security for our nation’s airports. For instance, on Tuesday October 23rd, a 68-year-old man departing from the New Orleans airport was able to carry a gun onto an airplane without setting off alarms. Similarly, in late September, a 63-year-old man made it through a checkpoint with a pistol in his pocket. This is unacceptable!

Private airport security companies are concerned with profits. They have cut corners and hired the least qualified workers as cost-saving measures. Subsequently, private firms have failed to conduct background checks and have hired felons. In the face of this crisis, we do not have the time, nor the luxury, of “monitoring” a failed private system.

Some argue that we should follow the “effective” European model of airport security that consists of private contractors. Our system has more than 400 airports and requires 20-30,000 screeners. In contrast, a typical European country has only three or four airports with no uniform security standards from country to country. Moreover, people who argue that the European system works well are wrong. Reports indicate that last month, a nine-inch knife, a sharp metal nail file, and even a 12-inch knitting needle bypassed security and were taken on British Airways flights.

Similarly, people argue that we should follow the Israeli model of airport security, which consists mainly of public security and some private security. The Israeli model, however, is effective because nearly all of its security personnel are public and private serving in the Israeli Defense Force and are well oriented and trained in security issues. In contrast, our general workforce proportionally does not contain as many workers with rich security backgrounds.

Nearly all, 82 percent, favor the federalization of airport security, while at the same time, the United States Senate voted 100-0 to federalize airport security. The choice before us is obvious—federalize the workers.

Our economy is failing in large part because people are not flying. People are not flying because they are not confident in our airport security. And, people are not confident in our airport security because of significant security lapses on and since September 11th.

Americans understand that in order to fully restore consumer confidence in air travel, we must restore consumer confidence in the security system that protects them. Today, we face a critical decision. We must opt for a public system that works. Federalize our nation’s airport security and protect the American people.

MORICS LAUNDED BY LOCAL BUSINESS GROUP

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, November 5, 2001

Mr. KLECZKA. Mr. Speaker, on November 12, 2001 the Milwaukee South Side Business Club will honor Wally Morics as its “Man of the Year.”

W. Martin “Wally” Morics was born in Hanau, Germany. At the age of four, he immigrated with his parents to Chicago. He spent his childhood there, and attended Northwestern University as an undergrad and later earned his masters degree in business administration from the University of Michigan.

Wally started his professional career with the large Public Accounting firm of Peat, Marwick, Mitchell & Company. He worked there for several years until he was lured away by the Rocky Mountains of Colorado and an opportunity to work at small “home-town” firm. During his time in Colorado, Wally discovered his reckless side, and purchased a Formula Ford that he raced competitively. His racing career was short-lived however, as he eventually totaled the car in an accident.

An ad for a vacancy in the Milwaukee Office of Deputy Comptroller lured Wally and his family back to the Midwest in 1976. He served as Deputy Comptroller under James McCann for sixteen years. McCann’s retirement in 1992 opened up the opportunity for Wally to run for Comptroller, and he is currently serving his third term.

In addition to his elected service, Wally’s dedication to the community is evident through his service on many boards and committees. These include, the International Arts Festival, the Milwaukee Economic Development Corporation, The Milwaukee World Festivals’ Summerfest Board, St. Anthony Foundation and the Southside Business Club, just to name a few.

Wally has distinguished himself as a leader in the community, as well as a leader and expert in the professional community. He is frequently asked to speak at national conferences on topics ranging from municipal debt financing to investments for pension systems. He is also a regular guest on WISN radio’s “Money Sense.” Wally has been married to his wife Cathy for over 32 years.

I am pleased to join with the South Side Business Club of Milwaukee in honoring my...
friend, Wally Morics, as their Man of the Year for 2001:

TRIBUTE TO THE HON. GERALD
B.H. SOLOMON
SPEECH OF
HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 1, 2001

Mr. DUNCAN. Mr. Speaker, Jerry Solomon was a great American. I think those of us who had the privilege to serve with him in the Congress know that he would consider this one of the finest compliments he could receive. He loved this Country. He was a Marine and proud of it. He was a patriot in the very best sense of that word.

He was a loyal Republican who fought hard for the things he believed in. But he also had as many friends on the other side of the aisle as anyone in the House. I always called him my Leader, because I respected him so much that I always watched to see how he voted and then usually followed his lead.

This Nation is a better place because of Jerry Solomon. He was one of the finest men I have ever known. I want, in this small way, to express my great appreciation for his service and my heartfelt condolences to his family.

TRIBUTE TO THE HON. GERALD
B.H. SOLOMON
SPEECH OF
HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 1, 2001

Mr. BURTON of Indiana. Mr. Speaker, on Friday, October 26th, my good friend Jerry Solomon passed away after suffering congestive heart failure. What a great loss for this institution and for the constituents he once served.

Jerry was a Member of this Chamber for 10 terms serving from 1979–1999. Ask anyone who served with him, and they will remember him as an outspoken and tenacious advocate for his views and constituents.

I knew Jerry well and he was second to none in this Chamber. In losing Jerry, we lost a tremendous patriot and committed public servant. He was often referred to by his fellow colleagues as "the Pit Bull of the House."

And, although he enjoyed his work in Washington and in the International arena, he always said his greatest enjoyment came from successfully helping people back home in his district cope with problems they had with the Federal bureaucracy.

He was very proud of the often repeated comments on the streets back in his district that "you may not always agree with Jerry Solomon, but you sure as hell know where he stands on the issues." His commuting back home every weekend catapulted him to re-election usually by overwhelming 3–1 margins during his ten terms in Congress.

Jerry Solomon also devoted more than thirty years of his life in active involvement with the Boy Scouts of America, having been a Cub Scout, Boy Scout, scoutmaster, and serving as an advisor to numerous scout councils. In support of the scouting movement, he also founded the Gerald B.H. Solomon Freedom Foundation as a not-for-profit charitable organization whose goals are to preserve and promote freedom, patriotism, and democracy and to specifically provide college scholarships to high school students who attain Boy and Girl Scout’s highest awards. He was recently honored by Twin Rivers Council Boy Scouts of America where he received the James E. West “Good Scout Award” for almost six decades of service to scouting.

During his Congressional career, which spanned 20 years serving in the House of Representatives, Jerry devoted most of his time to the issues of veterans, senior citizens, foreign policy, national defense, the war on drugs, and the budget.

During the 1980’s, Jerry was one of thirteen House members that served on President Ronald Reagan’s group of congressional advisors and floor generals for foreign policy, national defense and budgetary initiatives. As a veteran member of the Foreign Affairs Committee, a Committee on which I also served, and as chairman of the National Defense Task Force, Jerry Solomon was instrumental in helping to develop President Reagan’s “Peace Through Strength” policies that helped bring down the Soviet Union.

During President Reagan’s tenure, he appointed Jerry Solomon to serve in dual capacities as Ambassador Delegate to the United Nations and Congressional Advisor to the U.N. Session on Disarmament. Starting in 1980, Jerry served for 18 years as the Republican representative to the North Atlantic Assembly, the political arm of NATO. He also served as chairman of the U.S. House of Representatives NATO Observer Group, responsible for promoting the enlargement of NATO.

After the break-up of the Soviet Union, Jerry co-chaired the Task Force on Developing Parliamentary Institutions where he helped establish libraries and computer communications systems for the newly formed countries, including nations like Poland, Hungary, the Czech Republic, and the Baltics.

Jerry Solomon recently parlayed his vast knowledge and years of experience into a book, “NATO in the Twenty-First Century.” During his entire Congressional career, Congressman Solomon, Jerry to all his friends and colleagues, was recognized as one of the most fiscally conservative members of Congress, fighting deficit spending, long before it became fashionable, forcing his own balanced budget cut to the floor of the House of Representatives. He also authored a book on how and why a balanced budget is needed.

In his capacity as Chairman of the Rules Committee, he revamped the rules under which the House operates, abolishing proxy voting, closing all messages from the media and the public, making Congress subject to the same laws that the American people live under and he reduced the size and power of Congress by eliminating many Committees and Subcommittees resulting in one-third fewer Congressional employees.

As a young congressman enlisted in the Marines where he served for 8 1/2 years on active and reserve duty. As a Congressman, his fondness and respect for the Marines never waned. As the Ranking Republican on the Veterans’ Affairs Committee, he was recognized by the veteran’s community as one of their strongest advocates.

He authored the bill that created the cabinet level Department of Veterans’ Affairs and co-authored the establishment of the new peace-time G.I. Bill. Two awards presented to him that he cherished most were being selected by the United States Marine Corps and Marine Corps League to receive the coveted “Iron Mike Award” previously given to a select few like John Wayne, Bob Hope, Howard K. Smith, and several former commandants of the Corps.

The other recognition being the Distinguished Citizen Award presented to him by the National Congressional Medal of Honor Society for his legislative successes on behalf of the United States military and veterans issues.

Who do you call when the U.S. Supreme Court ruled that laws prohibiting the burning of the flag was unconstitutional? Jerry Solomon, the “Pit Bull of the House” was given the assignment to pass a constitutional amendment prohibiting desecration of the flag. The Solomon Amendment passed overwhelmingly in the House but failed by one vote in the Senate.

It is with great sadness that I bid my good friend, Jerry Solomon, farewell. May he always be remembered for the good father and husband that he was, and his relentless efforts to promote pride, patriotism and volunteerism. He proudly and unabashedly showcased his love for his family and his country every day of his life.

ADVANCING INNOVATION—GUARANTEING THE LONG TERM VIABILITY OF AMERICA’S HIGH-TECH ECONOMY

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, November 5, 2001

Mr. CROWLEY. Mr. Speaker, I rise today to state my support for the settlement reached between the Justice Department and Microsoft last Friday. This deal will bring to a close the long-standing anti-trust battle that has affected the entire computer technology industry.

I believe it strikes the necessary balance, respecting Microsoft’s strength and success while maintaining healthy competition in the technology sector. I believe it is an important step to restoring our nation’s dynamic economy. I agree with Microsoft’s Chairman Bill Gates that the settlement is fair, reasonable, and the right thing for the software industry.

Microsoft has long been an innovative leader. Microsoft stands as an example of the excellence of American enterprise. I respect Microsoft’s role provided they leave the door open for the significant contribution and innovation of other firms. I admire Microsoft’s commitment to the settlement and its ongoing commitment to improving its revolutionary software. I am confident that Microsoft will make the necessary changes, and prove false its competitors who attack the company’s cutting-edge productivity products as predatory. I am glad that both parties could come to
an agreement that respects the important contributions Microsoft has made and will continue to make and that insures free competition, the hallmark of America's economy.

I am sure everyone involved would have preferred for this arrangement to be reached earlier. Still, the settlement is an important step in closing Microsoft's legal battles and allowing them time to focus on improving the way America does business. Both Microsoft and the Justice Department made significant compromises during the course of the settlement; I am pleased with the efforts of both parties and look forward to the energy this settlement will undoubtedly bring to the technology sector.

More than either party, consumers will benefit with Microsoft to focus fully on technological innovation, and with a more open market. Microsoft's settlement comes at a particularly advantageous time for New York and the rest of the country. America’s premier software firm has much to offer the country through our current economic downturn. After substantial negotiations, the settlement has already strengthened the Stock Exchange and our economy. I am sure that Microsoft and her many competitors will be a crucial piece in leading our nation back to economic prosperity.

PRESENTATION OF PUBLIC SAFETY OFFICER MEDAL OF VALOR IN RESPONSE TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001

SPEECH OF
HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WALSH. Mr. Speaker, I also rise in support of H. Con. Res. 243 sponsored by Congressman JOSEPH CROWLEY. My wife DeDe and I would like to extend our deepest sympathies to Congressman Crowley and his family for the tragic loss of his cousin, John Moran, a Battalion Chief in the New York Fire Department, who died during the attacks on the World Trade Center.

Since September 11 we have listened to a myriad of accounts focusing on courageous men and woman, often referred to as “guardian angels” who lost their lives during sheer acts of bravery at the World Trade Center and Pentagon. We have continued to watch firefighters, law enforcement officers, and emergency assistance personnel work around the clock as they tirelessly assist in the rescue and recovery efforts. We have been able to listen and focus on these heroes who have put their lives first and have displayed true loyalty and dedication to their role as emergency leaders.

The Medal of Valor is a symbol of our country’s appreciation to all of those who have served over and beyond their basic duty and have helped us to rise from this great challenge. This medal ensures that these acts of courage on and after September 11 will never be forgotten. Their endurance and bravery has given us the unconditioned strength to move forward and to focus on the positive energy that so many role models have displayed during these tragic times. Whether it be those who lost their lives or those who continue to assist in recovery projects, we have been able to look up to these heroes who have motivated us to reach out and unite.

IN HONOR OF THE CITY OF ELIZABETH’S FIRE DEPARTMENT RESCUE COMPANY #1

HON. ROBERT MENEZED
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. MENEZED. Mr. Speaker, I rise today to honor Rescue Company #1 from the Elizabeth, New Jersey, Fire Department for their bravery and valor in the wake of the September 11th terrorist attacks. On November 7th, the Greater Elizabeth Chamber of Commerce will honor Rescue Company #1 with a special ceremony at the New Loews Theatre at Jersey Gardens Mall.

Rescue Company #1 was among the group of first responders to the World Trade Center after units from the New York Fire Department Rescue Squad perished in the collapse of the buildings. From September 11th until September 20th, this crew assisted in the hazardous recovery efforts. Working lengthy shifts and risking their own lives and well-being, this crew searched for survivors in smoldering heat and dangerous structures.

Since 1837, men and women from the Elizabeth Fire Department have continuously put themselves in harm’s way to save lives and property. Through their courageous efforts, the Elizabeth Fire Department has served with honor and bravery.

The spirited and valiant efforts of our nation’s firefighters are often overlooked or taken for granted. Therefore, I would like to extend my sincerest thanks and gratitude to the Elizabeth Fire Department for all they have done to ensure the safety and welfare of those who reside in New Jersey’s 13th Congressional District.

Today, I ask my colleagues to join me in honoring Rescue Company #1 for their immeasurable contributions. The Greater Elizabeth Chamber of Commerce could not honor a more deserving group than Rescue Company #1—remarkable individuals, who continue to inspire a nation.

TRIBUTE TO MR. WILBERT T. LAWTON

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilbert Tee Lawton. Mr. Lawton is the organizer of the Annual Legislative Breakfast which is hosted by Mount Hope Housing Company, a remarkable community development organization based in the Bronx, New York. This year, the 3rd Annual Legislative Breakfast takes place on November 2, 2001.

This annual breakfast brings together hundreds of legislators, business representatives, and community activists interested in the future of the Bronx. Ideas are shared, plans are made, and a spirit of change and empowerment is rampant as great minds come together at this event. The spirit of unity has always been present in the Bronx, but in the wake of the recent tragedies, it now renews. This year’s breakfast manifests a deeper sense of unity. Participants of the 3rd Annual Legislative Breakfast will continue to advance the face of the Bronx community. They are aware that reaching our full potential as a community will serve as a stabilizing force for local business and educational initiatives and will also provide invaluable benefits to Bronx youth.

Mr. Speaker, Mr. Tee Lawton has been committed to making the Bronx a safer and more enjoyable place to live for over 20 years. He serves on a host of advisory boards and chairs the Echo Park “Drug Free, Proud To Be” Day, along with other youth-oriented events in the Bronx community. Mr. Lawton has made significant changes in the areas of drug abuse treatment, housing, local business development, environmental protection, health, and education.

Mr. Lawton has been a dynamic force in the Bronx and his experience is extensive. Mr. Lawton is an active member of the Goodwill Baptist Church, where he coordinates youth programs including the supervision of internship placements. He is fund-raising chairman for the Crotona Park Family Day. Mr. Lawton also sits on board of directors of Bronx Lebanon Hospital. He is active in several tenants associations and sits on advisory boards for Con Edison and Bell Atlantic. Mr. Speaker, I’ve mentioned only a portion of Mr. Lawton’s civic activities. Remarkably, Mr. Lawton does all of these things while being an attentive husband and father. His dedication to social change makes him a valuable asset to the Bronx.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Tee Lawton on his many outstanding achievements and in wishing him continued success.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, H.R. 3150 is about seven words in making its way to the floor of the House of Representatives. We all realize that patience will be required in our current war against terrorism. This will be a long journey. Nevertheless, this Congress must be diligent
to put forth timely legislation that will protect the public and sustain our economy. Although I am pleased that we are voting on this measure today, I am disappointed that H.R. 3150 does not address the security needs of our nation’s airports.

For these reasons, I urge my colleagues to support the Oberstar Amendment which will be offered in the nature of a substitute. The Oberstar Amendment incorporates the text of S. 1447, as passed by the Senate.

The Oberstar substitute contains a number of provisions that would significantly improve airport security.

First, under the Oberstar substitute, FAA is directed to develop a program leading to 100 percent screening of checked baggage. While this program is being developed, FAA is required to make increased use of positive passerenger bag match.

Secondly, the Oberstar substitute mandates cockpit doors and locks that cannot be opened by anyone other than the flight crew, with no in-flight access, except for entrance and exit by members of the flight deck crew.

Thirdly, the Oberstar substitute authorizes the Department of Transportation to place Air Marshals on all aircraft. Finally, this substitute provides anti-hijack training for flight crews.

Mr. Chairman, the Oberstar substitute would require Under Secretary of Transportation for Security to develop a personnel system for airport screeners employed by the Transportation Security Administration. When fully implemented, these screeners will be equipped with the equipment and skills to protect the public. These screeners, Mr. Chairman, will be paid well and directly accountable to the Under Secretary for Transportation. I believe that this provision is a balanced approach to meet airport security concerns because the Secretary would be able to hold the employees accountable for their service and work product.

Mr. Chairman, H.R. 3150 does not take this approach. In fact, H.R. 3150 does nothing to make Americans feel safe to fly again, even though 82 percent of the American public favors a system where federal security screeners are employees of the Transportation Security Administration. I was recently on a flight that had only 16 passengers. After the September 11th terrorist attacks, I am confident that screeners, under the current system, will not be properly trained to handle advanced technologies such as Biometrics.

Mr. Chairman, we still have considerable unfinished legislative business to conduct as a result of the September 11th attack on America. We need to move quickly to provide extended unemployment and health insurance benefits to more than 100,000 airline industry employees who have lost their jobs.

Mr. Chairman, we need to pass the Hastings legislation that would include the extension of unemployment benefits from 26 weeks to 78 weeks. Also, the Hastings legislation would extend job training benefits from 26 weeks to 78 weeks, and provides up to 78 weeks of federally subsidized COBRA premiums.

Also, we need to pass H. Con. Res. 228 because the children who lost a parent as a result of the attack on America are in need of services such as foster care assistance, adoption assistance, medical, nutritional and psychological care.

The children of these families may have developed Post Traumatic Stress Disorder as a result of experiencing or witnessing the horrific deaths caused by these tragic events.

This resolution prioritizes the delivery of such federal services already available under current law. To expedite the fastest possible delivery, this resolution expresses the sense of Congress urging the head of each Federal agency responsible to put the highest possible priority on delivery, and to the maximum extent possible, to do so within 60 days of the date of the determination of the death of the child’s parent or guardian.

Also, Mr. Chairman, we need to pass legislation to protect our homeland from terrorist attacks. As a member of the Homeland Security Task Force and Vice-Chair of the Domestic Law Enforcement Working Group, I helped develop a legislative initiative entitled “The Bioterrorism Protection Act of 2001” (BioP Act). We need to bring this legislation to the floor as soon as possible so that we can ensure Americans that this country is serious about every aspect of our safety.
SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 6, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

NOVEMBER 7

8:30 a.m. 
Agriculture, Nutrition, and Forestry 
Business meeting to markup S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.

10 a.m. 
Judiciary 
To hold hearings on the nomination of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, the nomination of Clay D. Land, to be United States District Judge for the Middle District of Georgia, the nomination of Frederick J. Martone, to be United States District Judge for the District of Arizona, the nomination of Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, the nomination of Julie A. Robinson, to be United States District Judge for the District of Kansas; and the nomination of James Edward Ragan, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

SD–328A

2 p.m. 
Judiciary 
Antitrust, Business Rights, and Competition Subcommittee 
To hold hearings to examine international aviation alliances, focusing on market turmoil and the future of airline competition.

Environment and Public Works 
Superfund, Toxics, Risk, and Waste Management Subcommittee 
To hold hearings on S. 1602, to help protect the public against the threat of chemical attack.

Budget 
Business meeting to consider S.J. Res. 26, suspending certain provisions of law pursuant to section 256(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Foreign Relations 
To hold hearings on the nomination of John Marshall, of Virginia, to be Assistant Administrator of Management, the nomination of Constance Berry Newman, of Illinois, to be Assistant Administrator for Africa, both of the United States Agency for International Development; the nomination of Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank; the nomination of Jose A. Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank; and the nomination of Jorge L. Arrizurista, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank.

NOVEMBER 8

8:30 a.m. 
Agriculture, Nutrition, and Forestry 
Business meeting to mark up S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.

2:30 p.m. 
Governmental Affairs 
International Security, Proliferation and Federal Services Subcommittee 
To hold hearings to examine current and future weapons of mass destruction proliferation threats.

3:30 p.m. 
Intelligence 
To hold closed hearings to examine intelligence matters.

NOVEMBER 9

8:30 a.m. 
Agriculture, Nutrition, and Forestry 
Business meeting to mark up S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.

9:30 a.m. 
Armed Services 
To hold hearings on the nomination of Robert L. Brownlee, of Virginia, to be Under Secretary of the Army; the nomination of Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and the nomination of Peter B. Toota, of Maryland, to be Under Secretary of the Air Force.

10 a.m. 
Judiciary 
Business meeting to consider pending calendar business.

Appropriations 
Treaury and General Government Subcommittee 
To hold hearings to examine the financial conditions of the U.S. Postal Service.

2:30 p.m. 
Commerce, Science, and Transportation 
To hold hearings on the nomination of Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere.

NOVEMBER 13

9:30 a.m. 
Governmental Affairs 
Investigations Subcommittee 
To hold hearings to examine how the Immigration and Naturalization Service processes persons arrested for illegal entry into the U.S. outside ports of entry.

NOVEMBER 14

9:30 a.m. 
Energy and Natural Resources 
To hold hearings to examine the nomination of Kathleen Burton Clarke, of Utah, to be Director of the Bureau of Land Management, Department of the Interior.

2:30 p.m. 
Energy and Natural Resources 
Public Lands and Forests Subcommittee 
To hold oversight hearings to examine the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

NOVEMBER 15

9:30 a.m. 
Governmental Affairs 
To hold oversight hearings to examine the Medicare payment policies for ambulance services of the Centers for Medicare and Medicaid Services of the Department of Health and Human Services.

SD–342
Sunday, November 5, 2001

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11419–S11448

Measures Introduced: Six bills were introduced, as follows: S. 1629–1634.

Labor/HHS/Education Agreement: A unanimous-consent-time agreement was reached providing for further 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, at 2:15 p.m., on Tuesday, November 6, 2001, with a vote on a motion to close further debate on Daschle Amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, to occur at 2:30 p.m.

Nominations Confirmed: Senate confirmed the following nomination:

By a unanimous vote of 83 yeas (Vote No. 322), Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

Nominations Received: Senate received the following nominations:

Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

Josephine K. Olsen, of Maryland, to be Deputy Director of the Peace Corps.

Jack Martin, of Michigan, to be Chief Financial Officer, Department of Education.

Messages From the House:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Record Votes: One record vote was taken today. (Total–322)

Adjournment: Senate met at 3 p.m., and adjourned at 7:11 p.m., until 2:15 p.m., on Tuesday, November 6, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S11448.)

Committee Meetings

Committee on Governmental Affairs: Committee ordered favorably reported the nomination of Mark W. Everson, of Texas, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

House of Representatives

Chamber Action

Measures Introduced: 1 public bill, H.R. 3228 and 1 resolution, H. Con. Res. 261 were introduced.

Reports Filed: Reports were filed today as follows:

H.R. 3169, to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, amended (H. Rept. 107–265);

H.R. 3167, to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and
by former President William J. Clinton on October 22, 1996, amended (H. Rept. 107–266);
H.R. 1491, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah (H. Rept. 107–267);
H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site (H. Rept. 107–268);
H.R. 2488, to designate certain lands in the Pilot Range in the State of Utah as wilderness, amended (H. Rept. 107–269);

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Otter to act as Speaker pro tempore for today.

Senate Messages: Messages received from the Senate appear on page H7721.

Adjournment: The House met at 2 p.m. and adjourned at 2:05 p.m.

Committee Meetings
No Committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, NOVEMBER 6, 2001
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to mark up S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, 8:30 a.m., SR–328A.

Committee on Foreign Relations: to hold hearings on the nomination of Raymond F. Burghardt, of Florida, to be Ambassador to the Socialist Republic of Vietnam; the nomination of Larry Miles Dinger, of Iowa, to be Ambassador to the Federated States of Micronesia; the nomination of Charles Lawrence Greenwood, Jr., of Florida, for rank of Ambassador as Coordinator for Asia Pacific Economic Cooperation (APEC); the nomination of Charles Lester Pritchard, of Virginia, for the rank of Ambassador as Special Envoy for Negotiations with the Democratic People’s Republic of Korea (DPRK) and United States Representative to the Korean Peninsula Energy Development Organization (KEDO); and the nomination of Darryl Norman Johnson, of Washington, to be Ambassador to the Kingdom of Thailand, 2:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the nomination of Odessa F. Vincent, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, 2:30 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine new threats to America, focusing on germs, toxins, and terrorism, 10 a.m., SD–226.

Full Committee, to hold hearings on the nomination of Thomas L. Sansonetti, of Wyoming, to be Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, 2 p.m., SD–226.

House


Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on “Opening a New Door to History: The Presidential Records Act Takes Effect,” 2 p.m., 2154 Rayburn.


Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up pending business, 5:30 p.m., 2167 Rayburn.

Committee on Veterans’ Affairs, hearing to receive the report of the VA Claims Processing Task Force (Cooper Report), 2 p.m., 334 Cannon.

Joint Meetings

Conference: meeting of conferees on H.R. 2620, making appropriations for the Departments of Veterans.

Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, 11 a.m., S–128, Capitol.
Next Meeting of the SENATE
2:15 p.m., Tuesday, November 6

Program for Tuesday: Senate will resume consideration of H.R. 3061, Labor/HHS/Education Appropriations Act, with a vote on a motion to close further debate on Daschle Amendment No. 2044, to occur at 2:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, November 6

Program for Tuesday: Consideration of Suspensions:
(2) H.R. 768, Need-Based Educational Aid Act (concur in Senate amendment);
(3) H.R. 1408, Financial Services Antifraud Network Act; and

Extensions of Remarks, as inserted in this issue

HOUSE
Burton, Dan, Ind., E2000
Crowley, Joseph, N.Y., E2000
Duncan, John J., Tenn., E2000
Jackson-Lee, Sheila, Tex., E2001
Kleczka, Gerald D., Wisc., E1999
Menendez, Robert, N.J., E2001
Serrano, Jose E., N.Y., E1999, E2001
Walsh, James, N.Y., E2001
Wynn, Albert Russell, Md., E1999

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