The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,

I hereby appoint the Honorable Mac THORNBERRY 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:

Eternal God, always the refuge for the homeless, the refugee and immigrant, be with us as we pray today.

The sound of Abraham’s call to leave his home and live by faith echoes through the halls of this Nation’s history. Since the founding of these United States of America, people have come to this land as if out of the desert into a place of promise and hope. The experience of immigrants has built up this Nation as a response to Your invitation, Lord. “Go . . . I will show you a place.”

We bless You and praise You for all those of this Nation who continue to build upon the past, and by their prayers and their noble deeds still grace this Nation and its future.

Even in this time, sometimes called “the age of worldwide refugees.” You still call people to faith and freedom. Bless the Members of Congress and grant them wisdom as they secure homeland borders and enact lawful immigration. The world will be shown a land where Your promise will be realized, faith can be expressed, and all will be free.

We still answer Your call, Lord, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. McNULTY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests at the end of the day.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 299
Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes. All points of order against the conference report and against its consideration are waived.

The conference report shall be considered as read.

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

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer
Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of the resolution, all time is yielded for the purpose of debate being read.

Mr. Speaker, House Resolution 299 is a standard rule providing for consideration of the conference report to accompany H.R. 2299, the Department of Transportation and Related Agencies Appropriations Act, 2002.

The rule waives all points of order against the conference report and against its consideration.

Additionally, the rule provides that the conference report shall be considered as read.

Mr. Speaker, the Committee on Appropriations has once again produced bipartisan legislation that meets the Nation's transportation priorities. Ensuring the safety and efficiency of our transportation networks is one of the Federal Government's highest responsibilities.

This conference report represents a sound commitment to our Nation's transportation infrastructure by devoting federal funds to critical programs such as air traffic control modernization, airport improvement grants, motor carrier safety, and increasing the investments in highway safety research.

The bill enhances the safety and capacity of our transportation system and the highway and rail networks.

The bill provides a total of nearly $59.6 billion, a 2.5 percent increase, in total budgetary resources for our Nation's infrastructure and transportation safety, including the Federal Aviation Administration, transit program spending, the United States Coast Guard, and the National Highway Traffic Safety Administration.

The Federal Aviation Administration will receive a 4.5 percent increase in funds, $292 million of which is for aviation security, including bomb detection systems and compliance test activities. It makes available $3.3 billion for the airport improvement program, an increase of $200 million over the current fiscal year. This money includes $20 million to support the expansion of service at smaller airports.

This bill, much like last year's, continues to improve and enhance motor carrier safety and operations by providing $335 million. Of this total, about $140 million is devoted to facilities and operations necessary to open the U.S.-Mexican border for commercial motor vehicle traffic. Not only will this allow for the free flow of trade between the United States and Mexico, but it instills a modest system of safety checks to maintain the integrity of our American borders.

Another significant piece of the transportation appropriation is for drug interdiction activities carried out by the United States Coast Guard. The bill includes $636 million for the Coast Guard's capital needs and $320 million that is available to initiate the Deepwater program, which will fight the scourge of illicit drugs, provide support for offshore research and rescue, and work to protect Americans and American shores.

Moreover, the bill increases the funding obligation limitations in the transportation legislation known as TERA–21, the Transportation Equity Act for the 21st century. These programs are critical to improvements and modernization of our transportation networks, providing desperately-needed funds across the Nation.

In addition, the bill provides $521 million for Amtrak's capital needs. This funding will cover capital expenses and preventative maintenance. The bill sustains the Federal commitment to continue its partnership with Amtrak to help it reach its goal of self-sufficiency by December of 2002.

Mr. Speaker, the conference report that tackles our Nation's most pressing transportation needs. In the midst of the holiday travel season and in light of the recent attacks on our Nation, this Congress can take pride in the fact that the underlying legislation represents an increase in the safety measures and resources in every area of our transportation system.

With airline security stabilization funding now in place, the Department of Transportation, the National Transportation Safety Board, and the Federal Aviation Administration (FAA), the Transportation Security Administration, will be responsible for security operations in the Nation.

This conference report expands on the new measures and provides the necessary resources to carry out much-needed safety initiatives. Now more than ever, the safety should remain the Federal Government’s highest responsibility in the transportation area. Clearly, whether by land, by sea or by air, this bill addresses those needs and concerns, while maintaining the fiscal discipline that has been the hallmark of this Congress.

Mr. Speaker, as I conclude I would like to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their tenacious work on this measure. I would also like to extend praise to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, and the ranking member, the gentleman from Minnesota (Mr. SAABO).

I also urge my colleagues to support this straightforward, noncontroversial rule, as well as the underlying legislation.

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

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

Mr. Speaker, this rule allows for the consideration of the conference report on H.R. 2299. This is a bill that funds the Department of Transportation, the National Transportation Safety Board, and related agencies. The rule waives all points of order against the conference report.

Since the terrorist attacks against our Nation on September 11, our Nation's transportation systems have been under great scrutiny. In particular, Federal oversight of aviation has been in the spotlight. However, the transportation agencies which monitor our roads, highways, and waterways have also been challenged to find solutions to the terrorist threat.

The bill funds the newly created Transportation Security Administration, which will be responsible for securing operations involving all modes of transportation. This is the Federal agency that will oversee the hiring and training and supervising of the airport passenger and baggage screeners.

The bill also funds aviation security in the Federal Aviation Administration, which includes bomb detection systems. The conference report contains compromise language intended to ensure the safety of Mexican trucks traveling on U.S. highways.

The conference report includes $636 million. The conference report provides $1 million towards the construction of the Interstate 70-75 interchange in Montgomery County, Ohio. This will help cover unforeseen increased costs of the project, which is an important priority for the community and the State.

This will be the ninth of the regular appropriation bills to complete the conference process. We are now 2 months into the fiscal year and we still have 4 more to go. I urge my colleagues to approve the rule and the underlying bill and let us get this bill to the President to sign.

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

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

The previous question was ordered. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 2299 and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROGERS of Kentucky. Pursuant to House Resolution 299, Mr. Speaker, I call up the conference report on the bill (H.R. 2299) making appropriations
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for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 2299, the conference report is considered as read. (For conference report and statement, see proceedings of the House of Representatives, Thursday, November 29, 2001.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

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

Mr. Speaker, we are very pleased to present to the body an excellent conference agreement on H.R. 2299, the Department of Transportation and related agencies appropriations bill for fiscal year 2002.

First, let me say that we worked long, hard hours to hammer out the agreements contained in the bill.

I want to especially thank this morning the staff of the subcommittee, both on the majority and minority side, for staying up consecutive nights all night long, last night reading out the bill, and the previous night trying to put the bill together for consideration by this body. And they are not in a stupor, Mr. Speaker, but they are very tired. And I think we owe them an especially big debt of gratitude, Rich Efford and the other on the staff of the subcommittee. On both sides of the aisle, we want to say a special thank you to the staff for a tremendous job under adverse conditions because of the hurry up of this process.

We had some daunting challenges. Mr. Speaker. We started the process on the House side and the other body’s bill because of a controversy over the best way to ensure the safety of trucking, the trucking industry, that we enjoy today without violating the NAFTA treaty.

Also, because of a Type 302-B conference allocation, we had to cut many of the funding items in the conference far below the Senate level. However, with the continued fine cooperation of my colleagues and friends from across the aisle, the gentleman from Minnesota (Mr. SABO), the help especially of Senators MURRAY and HELBY, and the willingness of senior administration officials to meet us half way on the trucking issue, we have, I believe, solved these problems in a fair manner that we can all be proud of.

Mr. Speaker, there is a consensus that, frankly, some thought was impossible a few months ago. And I had to be one of those who thought we could not find a middle ground on the Mexican trucking issue. But through a long process we have. This bill puts in place a much stronger truck safety and enforcement regime at the Mexican border, requiring on-site inspections and compliance reviews of Mexican trucking firms, weigh-in-motion scales at some of the major border crossings, and an comprehensive Inspector General audit of the whole system.

After the I.G. audit is completed, the Secretary then will have to certify that opt-out of the border can be accomplished without causing unacceptable safety problems on our Nation’s highways. Only then will Mexican trucks be able to drive beyond the border zone further into the U.S.

I should also point out that we owe the gentleman from Minnesota (Mr. SABO) a big debt of gratitude for his hard work in making sure that the bill includes tough new provisions regulating hazardous materials coming over the border. Specifically, due to his hard work, there is now a new agreement be placed between the U.S. and the Mexican Governments tightening up hazardous materials transportation and ensuring the safety of our roads before Mexican trucking firms are permitted to transport hazardous materials beyond the border zones. That is a great addition to this bill, and I think we all owe the gentleman from Minnesota (Mr. SABO) a big debt for that particular provision.

At the center of all of this we were responsive to the President’s firm commitment to honor the NAFTA treaty and open the border in 2002. The provisions of this bill will, I believe, allow the President to open the border sometime in fiscal year 2002 and will not violate the NAFTA treaty. The administration also believes that it is critical that we honor our international commitments, and this bill does that. The administration has indicated their full support for the compromise worked out on the Mexican trucking issue.

In its funding aspects, let me first point out that the bill is within our allocation for budget authority and outlays. Although our allocation was extremely tight, we were able to fund all of the major DOT operating agencies at or near the President’s budget request, while honoring the funding guarantees in TEA-21 and AIR-21. This was not easy to do, but because it required us to cut out many worthy items, especially in the transit area.

In general, the bill before you provides increases for major infrastructure programs around the country. Let me provide just a couple of examples. The bill includes $320 million to kick off the Coast Guard’s new deepwater program, the largest acquisition ever attempted by the Department of Transportation. That is about $280 million above the Senate level. It includes funding for Federal highways, $100 million above the level guaranteed in the authorization bill. And it fully funds the authorization for much-needed airport funding. These resources will go a long way to help jump-start the transportation construction sector of our economy.

Finally, Mr. Speaker, the Members should know that this bill responds to September 11 terrorist attacks. The bill includes an appropriation of $1.25 billion for screening activities at the Nation’s airports. I know some have questioned the aggressive timetable for aviation security improvements we just recently established in this body. Members are saying in this bill that funding will not be a problem. This bill provides the necessary funds to take whatever steps are necessary in the near term to accelerate this transition as much as possible. The bill also provides $100 million for the procurement and installation of additional bomb detection systems at the Nation’s airports, so that installation of these vital systems at our Nation’s airports can be accelerated, Mr. Speaker.

I would like to say again the appreciation we have for the hard work of our colleagues on the subcommittee from both sides of the aisle. We have a wonderful group of Members of this body accumulated in this subcommittee. All of them participate. All of them have contributed to this bill and all have contributed their dedication to the success of the transportation bills of the country. And I want to thank each member of the subcommittee for the great contributions they have made, and especially, again, the staff who have devoted themselves beyond the call of duty to this particular bill.

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

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

Mr. Speaker, I come today to compliment and congratulate the distinguished gentleman from Kentucky (Chairman ROGERS) for his outstanding work for bringing to the House a conference report on the fiscal year 2002 transportation appropriations bill that we should all be proud of and that we should pass. But I would like in particular to compliment the gentleman from Kentucky (Chairman ROGERS) for the role he played in making sure that we reached an agreement on the Mexican truck issue and further that satisfied the concerns of all of us who raised the issue and still found a solution that the President would sign.

He played an absolutely key and essential role in making that happen. It has been a long journey, and we wondered how it would end at times.

When the House acted because of procedural limitations, we adopted an amendment that we knew would have to later be modified. I thought the Senate acted some outstanding work in making modifications and expanding on what should be done as it relates to motor carrier safety as we begin to...
have Mexican trucks come beyond the 20 mile commercial zone. The discussions that went on for an extended period of time finally resulted in a solution that will be signed by the President. At the same time it represents a giant leap forward in assuring that American public that those trucks and those drivers will be safely on our roads. We know we can have no absolute guarantee for any of us when it comes to our highways, but there is a process in place that, properly administered, that the quality of vehicles and the quality of drivers on our highways are the same for those trucks and those drivers as those that exist in our country.

So I think that was a major step forward, and the gentleman from Kentucky (Chairman ROGERS) played an essential role in making that happen.

The bill itself makes necessary investments in our Nation’s infrastructure and the safety of all of our modes of transportation. It is a good bill, and let me join the chairman in thanking the staff that has worked so hard and all the Members of the committee that worked so hard to bring this bill to us. But let me in particular thank Bev Feeter of the majority staff, Rich Duske of my personal staff, Rich Efford, Stephanie Gupta, Cheryl Tuck- er, Linda Muir, and Theresa Kohler of the majority staff. All of them do excellent work. This is a good bill and it deserves a big vote.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee who has been such a big help in the construction of this bill and helping to shepherd us through the maze we have had to go through. I want to thank the chairman as I yield him time.

Mr. YOUNG of Florida. Mr. Speaker, I thank the chairman for yielding me time, and I am not going to take a lot of time on the bill because it has been very well explained and the subcommittee has done such a good job.

The bill does not really need a lot of speeches in its behalf. But I rise to thank the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO) for having done a really good job in an extremely difficult situation. They have done yeo- man’s service. The gentleman from Minnesota (Mr. ROGERS) mentioned the staff, and I want to adjust a little bit more time to his comments about the staff.

The conferees finished, we finished our work on this conference last evening considerably later than after the House had left for the day. We finally got the paperwork done by midnight and then the staff after having completed the paperwork, and we are very meticulous in making sure that our bills are exactly the way we intend them to be; we seldom ever have to come in and ask for a correction because of good staff work. But they were finally able to start reading the bill, that is a term we use, read the bill, at about 12:40 a.m. this morning. And by 5:00 a.m. completed reading the bill. And we went to the Committee on Rules and the gentleman from Kentucky (Mr. ROGERS) came in and filed the bill then, and we went to the Committee on Rules and got the rule which had already passed.

They have done a really good job, and I want to take another minute and explain why this has been such a difficult task for them and what a good product they have produced.

The House of Representatives passed this bill on June 26. That seems like it was almost last year. The Senate passed it on August 1, considerably later. But we did not get the paperwork and a request to go to conferences for 85 days later than the House. For 85 days this stayed out there, and it festered a little bit here and there. The issues were brought up that had to be settled. But this subcommittee worked through all those issues. And so finally on October 29 we received the papers and we went to conference on the 31. And so today we have produced a bill that I think would enjoy tremendous support in the House. But I took this time to not only compliment the leadership of the subcommittee, but to say that as chairman of the full committee, it makes my job a lot easier, and the gentleman from Wisconsin (Mr. Ose) and I, as the chairman and ranking member, it makes our jobs easier when we have a subcommittee that produces as good a product as this. It makes our job a lot easier so we appreciate that.

Let me take a few more seconds to say that next week we intend to have the District of Columbia appropriations conference ready for the House to consider and, additionally, we are planning to do the foreign operations appropriations subcommittee also for next week. Several issues that are a little bit above our pay grid that still have to be resolved, but we think we can do that and have those two on the floor.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I, too, was a member of the subcommittee and want to thank our chairman, the gentleman from Kentucky (Mr. ROGERS), for his excellent leadership, coming in as a new subcommittee chair for this bill, being fair, thorough. I also want to thank the gentleman from Minnesota (Mr. SABO), our ranking member, who has always been effective in his quiet intelligence for allowing all of us to participate and to represent the constituents who send us here.

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

Ms. KILPATRICK. Mr. Speaker, I, too, was a member of the subcommittee and want to thank our chairman, the gentleman from Kentucky (Mr. ROGERS), for his excellent leadership, coming in as a new subcommittee chair for this bill, being fair, thorough. I also want to thank the gentleman from Minnesota (Mr. SABO), our ranking member, who has always been effective in his quiet intelligence for allowing all of us to participate and to represent the constituents who send us here.

In the City of Detroit, one of the busiest border crossings in our country in northern America, and it is very important that we do what we need to do to secure.
the gentleman from Kentucky, Mr. ROGERS, and the gentleman from Minnesota, Mr. SABO, for the work that they have put in this bill to begin that process.

Since September 11 I have had an opportunity to meet on two occasions with our Coast Guard, our INS, our Customs and our Border Patrol to talk about the needs that they must have over the next several months and years to achieve those borders, and I know that I have the support of the gentleman from Florida, Mr. YOUNG, as well as our chairman of our subcommittee and our ranking member to see that that is done.

Quite a bit of commerce comes across that Canadian border, as well as other things, both negative and positive. This bill begins to address much of it, and I want to thank the leadership of this committee for allowing that.

We still have work to do on those borders. The Coast Guard, INS, Customs and Border Patrol are still short of people. The supplemental that is going through will help some of that, too, but it hasn’t changed since September 11, and this transportation bill begins to address that.

I thank the committee very much for all that it has done for the State of Michigan and for this country to address those needs in this bill, and, as we move forward in our next appropriation and beyond, consider those agencies who risks their lives every day to secure our borders and bring more attention to our northern borders here in our country.

I would urge all my colleagues to support this bill. It is wonderful, it is fair, it is good transportation policy.

I rise in support of the conference report, and I appreciate the efforts of our Chairman, the gentleman from Kentucky, Mr. ROGERS, and the gentleman from Minnesota, Mr. SABO, for putting together a bill that we can pretty much all agree on.

This bill makes some significant funding advances for providing additional inspectors at airports and for improving airport security. I think this must be viewed as a first step toward ensuring the safety and security of our commercial transportation infrastructure, and I am very pleased with our efforts in this area.

Another area of concern to all of us is funding for a key agency in the protection of our homeland security, the Coast Guard. The Coast Guard personnel resources assigned to protecting our nation’s ports were stretched before September 11th and are stretched even thinner now. This bill will give the resources necessary to bring some relief to the demands being made of our Coast Guard personnel.

I am also pleased that we have reached a compromise on the NAFTA trucking issue. The compromise reached will go along way to ensuring highway safety and still comply with the NAFTA accord this Congress supported almost a decade ago. Let me say to my colleagues that this year’s bill focused much attention on the southern border. Next year, I look forward to working with my colleagues in strengthening the security of our transportation infrastructure along the northern border.

I urge my colleagues to support this bill. It is one that we can be proud of and I thank the Speaker for granting me this time.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, Mr. BORSKI, one of the distinguished members of the authorizing committee and a good friend.

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

Mr. BORSKI. Mr. Speaker, let me first commend the gentleman from Kentucky, Mr. ROGERS, and the gentleman from Minnesota, Mr. SABO for the exceptional job they did on this bill. I also want to commend Senators Murray and Shelby and particularly on the issue of Mexican trucks. This was an extremely contentious issue and one that has been worked out to my personal great satisfaction. It was a job well done.

Mr. Speaker, earlier this year the gentleman from Tennessee, Mr. FIERRO, and myself and the gentleman from California, Mr. FRENZI, and the gentleman from Pennsylvania, Mr. HOLDEN, traveled to the Mexican border to see what was happening firsthand with the Mexican truck issue.

At Otay Mesa, California, we saw a system that I think worked very well. We saw a system where trucks were given inspection stickers that were good for 90 days. Any vehicle that tried to get through without that inspection sticker would not pass. We then went to Texas where we saw a much lesser successful situation, if you will.

At Otay Mesa, the experience was similar to ours in the United States of America where about 21 percent of the trucks were taken out of service that were inspected, a rate both much too high here and there, at least consistent with our experience in the United States.

In Texas, we were met by Coy Clanton, who was the director of public safety in Texas, and he told us that a truck that is not inspected will be neglected, and what we saw in Texas were trucks that were not inspected and were neglected, where the cars or trucks were taken out of service, were somewhere in the neighborhood of 60 percent totally unacceptable.

This is a good agreement in the conference report. Every truck that wants to enter the United States of America must be inspected. If it does not have a valid inspection sticker it will be pulled off, have a complete level one inspection. If it does not pass, it will not get into this country. This is a great victory for public safety, and, again, I commend all the conferees.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia, Mr. WOLF, immediate past chairman of this subcommittee and now chairman of the full committee on Commerce, Justice, State and Judiciary, my old subcommittee. I have gained even more respect for this gentleman after having seen what he had to go through on this bill for the last 6 years.

Mr. WOLF. Mr. Speaker, I want to congratulate the gentleman from Kentucky, Mr. ROGERS, and the gentleman from Minnesota, Mr. SABO, for the staff for a really, really great job. This is a very difficult bill, a lot of contentious issues, that really tie a lot of people up. They really have done an amazing job. I have been watching and I just want to congratulate the gentleman for that.

On the issue of truck safety, speaking of the Mexican trucks, I appreciate that they literally by their actions here have saved a lot of lives. There will be a lot of people that will never get the telephone call saying that a loved one was killed because of a truck coming out of Mexico because of the actions that they have done. They will not know that they did not get that telephone call because of the diligence from Kentucky (Mr. ROGERS) and the gentleman from Minnesota, Mr. SABO, but I want to kind of put it in the record that, because of their efforts, they will not get that call.

I think it is now incumbent upon the administration to take the good work that they have done and enforce it appropriately, and I know they will hold their feet to the fire.

Again, to the gentleman from Kentucky, Mr. ROGERS, congratulations and to the gentleman from Minnesota, Mr. SABO, congratulations. Also, they have an outstanding staff, having worked with them for a number of years. So I want to also congratulate the staff, and there really ought not be any negative votes against this bill. I cannot see why a Member of Congress would vote against the bill and hope everyone votes for it.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota, Mr. OBERSTAR, my distinguished colleague.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Minnesota, Mr. SABO, for yielding me the time and compliment my colleague and dear friend for his leadership on all of the issues in this appropriation bill on transportation and to the gentleman from Kentucky, Mr. ROGERS, for whom I have worked with for many years on Appalachia and economic development matters and the chairman of the full committee, the gentleman from Florida, Mr. YOUNG, for the excellent product that they have brought back to the House.

I do want to observe, though, that the manager’s report contains a listing of over 100 airport projects that managers want to see funded out of FAA discretionary funds. In the past there have been listings of projects for specific airports but without specific dollar amounts and with less prescriptive
language than is included in this manager’s report.

The law governing aviation discretionary funds requires the FAA to establish a priority system under which decisions are made about those projects that will receive these very limited dollars. Highest priority goes to projects that will bring airports into compliance with safety and with security standards, and next are projects that are subject to letters of intent. Others are for phased projects and for preservation of existing infrastructure.

Many of the projects listed here may be of fine quality in and of themselves to qualify for funding under FAA established standards. But the aviation system is not like highways. An improvement to a highway project in Boston does not necessarily or in any direct way benefit highway travel in California, but improvement to an airport in Boston makes a great difference to the entire U.S. aviation system.

I was glad that the language in a conference report cannot override a priority system established under existing governing law. A decision of the Comptroller General found that Congress cannot require the Navy to select a particular aircraft the language in the committee report wanted the Navy to require.

When I chaired the Subcommittee on Aviation over numerous years there were innumerable requests for Members to include designation of their particular airport projects, and I steadfastly refused to do that in our authorization. We should not impose the will of the Congress in specific ways in the aviation system, and as ranking member of the full committee, I continued to resist such designation in the last two FAA authorization bills.

Again, I regret that this language has been included.

Mr. SABO. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Massachusetts (Mr. OLVER), a distinguished member of our committee.

Mr. OLVER. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO) for yielding me the time.

I rise today in support of the bill and to congratulate our chairman, the gentleman from Kentucky (Mr. Rogers), and our ranking member, the gentleman from Minnesota (Mr. SABO), for the leadership they have shown in addressing the Nation’s critical transportation needs.

I particularly want to express thanks to the staff for this subcommittee which has worked so very hard and put in so many long hours over the last couple of weeks but culminating in a fierce collection of hours over the last 48. And there would be the majority staff; Richard Efford, Stephanie Gupta and Cheryl Tucker and, also, of course, our clearly overworked and undoubtedly underpaid staff member on the minority side, Bey Photo. They have put an enormous amount of effort into this, and I appreciate it very much, as I know all the members of the subcommittee do.

Despite our constrained allocation, the bill successfully makes critical investments in highway transit, aviation and the Coast Guard.

□ 0945

And I want to commend the chairman and the ranking member for the excellent provisions related to Mexican trucks. This will ensure the safety of our highways, or help to ensure the safety at least of our highways, as was so very important.

I am also pleased we were able to delete an anti-environmental rider on bottled water that was included in the original House bill. There is no overwhelming, peer-reviewed, sound, scientific evidence that bottled water is occurring and substantially due to human influence. The National Academy of Science has very recently reaffirmed that fact. But one does not have to look at anecdotal evidence just look at the exceedingly unusual weather here in November.

I would like to thank the chairman and the ranking member for their work in removing this rider. It is a good bill, Mr. Speaker, and I urge all Members to support it.

Mr. Speaker, a major hallmark of the Transportation Equity Act for the 21st Century (TEA 21), which was passed by the Congress in 1998 by overwhelming margins, was that for the first time receipts into the Highway Trust Fund were guaranteed to be spent for transportation purposes. This is accomplished through the annual calculation of Revenue Aligned Budget Authority (RABA), which establishes the obligations level as the total receipts into the Highway Trust Fund, plus adjustments in obligations to compensate for actual receipts into the Trust Fund versus the estimated authorization included in TEA 21 for the fiscal year.

While I am pleased that the Appropriations Committee has for the most part upheld the firewalls in this Conference Report, I find the redistribution of RABA funds to be outrageous. Under TEA 21, RABA funds are to be distributed proportionately to the states through formula apportionments and also to allocated programs. This Conference Report is a radical departure from that and is a cause for great concern. It is something I cannot support.

The Conference Report was available for only a couple hours before the House voted on it. However, a quick review indicates that nearly $1 billion of the $4.5 billion of 2002 RABA funds has been redistributed contrary to TEA 21. Specific TEA 21 programs, which normally are discretionary programs, have been increased well beyond what their proportionate share of RABA funds would have been if TEA 21 had been followed in this conference report. Of course, all these funds have been earmarked by the appropriators.

According to the Federal Highway Administration, to pay for these earmarks, about $500 million will be lost for allocated programs and about $500 million will be lost from state apportionments. That means states lose more than 11 percent of RABA funds from the regular formula program.

Every Member who worked to get a high priority project in TEA 21 should take note. Under TEA 21, high priority projects under section 1602 should be included in RABA distributions. But, the appropriators have chosen to zero out RABA funding for TEA 21 high priority projects. This means that every Member with a TEA 21 project will experience a 13% cut in funds. If RABA funds had been distributive to TEA 21 funds, high priority projects would have been increased by $236.7 million in FY 2002. Instead, they will receive no RABA funds.

A look at what the committee has done to particular programs illustrates dramatically what has happened. The Transportation and Community and Infrastructure Preservation Pilot Program, which is authorized $25 million for FY 2002 in TEA 21, should have received $3.3 million in RABA funds. But, incredibly, the appropriators have given it an amazing $250.8 million in RABA funds. Could it be because this program does not require a State override? If so, it can be nothing but an anti-environmental rider. And we will continue to review the Conference Report, the Appropriations Report, and the House Report, for this analysis is incomplete.

Again, of all these funds, which should be distributed to the states and allocated programs, have been earmarked for winners and losers.

I have included two charts prepared by the Federal Highway Administration at the U.S. Department of Transportation which illustrate the impact of this misuse of RABA funds. One chart indicates the amount of RABA funds each allocated program would have received in FY 2002 under TEA 21 and what they will actually receive under this conference report. The other indicates what the impact will be on individual states and the amount of formula funds lost.

Mr. Speaker, this is just wrong. RABA was not created to be a slush fund for the appropriators. For the committee to take nearly $1 billion of these funds to earmark for projects they deem desirable—on top of the fact that they had already earmarked all pre-TEA 21 discretionary funds—should not happen. This should be a precedent for future years. And we will continue to review the Conference Report for other offensive provisions.

With conference reports, our options admittedly are limited. However, I cannot stand by and let these egregious acts go by without at least commenting and acknowledging just what has gone on in this report.
U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—RABA DISTRIBUTION

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| Allocated Programs | 5,125,230 | 5,210,750 | (85,520) |

Mr. OBERSTAR. Mr. Speaker, I greatly appreciate the work of the Appropriations Committee in ensuring the safety of our highways, particularly the Conference Report’s provisions to ensure that we have adequate safety standards with regard to Mexican carriers operating in the United States beyond the border commercial zones.

The requirements are quite simple—we require that Mexican carriers operating in the United States, both drivers and trucks, meet U.S. safety standards before they are authorized to operate throughout the country.

All carriers and vehicles are inspected and, until a carrier has been operating in the U.S. for three consecutive years, we require the California system of mandated CVSA inspections every 90 days. We ensure that the Mexican carrier has proof of insurance. We confirm that the drivers have valid Commercial Driver’s Licenses.

We ensure that Federal and State inspectors are actually in place at the border crossings to inspect trucks. We ensure that the border facilities have the capacity to actually inspect trucks and have scales to actually weigh vehicles and enforce U.S. truck size and weight laws.

We require the Department of Transportation Inspector General to do a comprehensive review of each of these requirements and that the Secretary of Transportation certify, in a manner addressing the IG’s findings, that the opening of the border does not pose an unacceptable safety risk to the American public.

Although all of this would seem common sense, it has been extremely difficult to achieve. The Administration proposed asking the Mexican carriers to fill out a paper application, letting the trucks in, and possibly inspecting them later. Congress, with the leadership of members of both the Transportation and Infrastructure Committee and the Appropriations Committees, particularly Ranking Member Sabo and Chairman Rogers, and Senators Murray and Shelby, have stood firm in the face of constant assaults from the highest levels in this Administration that these common sense requirements were “anti-Hispanic” and “discriminatory.”

Today, the Administration embraces and welcomes the Conference Report with its very strong provisions requiring substantially improved safety for Mexican trucks operating in the United States. In what I would modestly call an abrupt reversal of the Administration’s ad hominem attacks of our colleagues, the Administration has abandoned its unfounded and misguided position on this important truck safety issue. The Conference Report adopts the necessary public policy to ensure that safety is the highest priority for Mexican trucks operating on American roadways.

Given that highway fatalities are the leading cause of death for persons in the United States of every age from 6 to 33 years old, the American people thank the Gentleman from Minnesota, Mr. Sabo, the Gentleman from Kentucky, Mr. Rogers, and other House and Senate colleagues who stood firm in conference to save more of the Nation’s children from unneeded deaths on our highways.
Mr. KOLBE. Mr. Speaker, I rise in support of this conference report and would like to con gratulate the Chairman on resolving some difficult issues. One issue in particular is extremely important to me and the nation—the matter of allowing Mexican trucks into the United States as required by law.

Against that backdrop, there was an attempt to prohibit Mexican trucks from operating beyond the border commercial zone. I have said all along that this is really an issue about certain protectionist interests trying to block Mexican trucks from the United States highways under the guise of truck safety.

We all want to ensure that trucks traveling within the United States are safe. I believe, however, the most important aspect of truck safety is the observation of the driver and the inspection of the truck at the border and along the highway. This can be done while ensuring the security of our border and without establishing unattainable requirements with the sole purpose of denying the entry of Mexican trucks.

Mexican trucks that can operate in the United States, in compliance with U.S. laws and standards, should be allowed in just like Canadian trucks. We must treat our neighbors to the south, Mexico, the same as we treat our neighbors to the north, Canada.

Whether you agree with NAFTA or not, it is the law of the land and it is an international agreement that we must uphold. For too long the protectionist interests have thwarted efforts to implement the law of the land and to comply with our international agreements. How can we be a global leader by reneging on our agreements? We can’t and we won’t.

The intent of the opponents of Mexican trucks entering the United States is not one of concern about the safety of Mexicans. It is time to build bridges to Mexico—bridges that allow trucks from the U.S. and Mexico to pass each other, not barriers that block the movement of ideas and goods.

Although I do not think that this final compromise is perfect, I am a realist and am pleased that this conference report will allow Mexican trucks to enter all areas in the United States. I have made a step forward today toward treating our Mexican friends with the respect they deserve.

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

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

The previous question was ordered.

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

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

The vote was taken by electronic device, and there were—yeas 371, nays 11, not voting 51, as follows:

[Roll No. 460]

Yeas—371

Mr. PELOSI. Mr. Speaker, I yield to the gentleman from Texas to inquire about next week’s schedule.
Mr. ARMEY. I thank the gentleman for yielding.

If I might observe, Mr. Speaker, what a pleasant surprise and congratulations to the gentlewoman from California.

Ms. PELOSI. I thank the distinguished gentleman.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, December 4, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members’ offices later today. On Tuesday, no recorded votes are expected before 7 p.m.

On Wednesday, Mr. Speaker, I expect to be able to schedule appropriations conference reports that are available. Chairman Young reports that the District of Columbia and Foreign Operations conference reports will hopefully be ready to be considered by Wednesday.

As previously announced, on Thursday, December 6, I have scheduled H.R. 3065, the Bipartisan Trade Promotion Authority Act of 2001.

Throughout the balance of the week, the House will consider any additional conference reports as they become available.

Ms. PELOSI. I thank the gentleman. Mr. Speaker, are we to understand from what the gentleman has said that Fast Track legislation is definitely going to be on the schedule on Thursday?

Mr. ARMEY. Yes. Again, I want to be very clear on that. We will vote on Thursday, the 6th, on the trade promotion legislation. That is it. It will be there.

Ms. PELOSI. If I may question the distinguished leader further. What are the chances of having votes on next Friday?

Mr. ARMEY. Mr. Speaker, obviously we want to hold the floor available for votes, but that would be pending conference reports that would be made available. At this time we have to be prepared for votes on Friday. But, if I may just give my sort of candid personal advice, I would also entertain other Friday options as well.

Ms. PELOSI. Is it possible we could work Friday through the weekend and end for the year next weekend?

Mr. ARMEY. I would have to say, Mr. Speaker, that I would not anticipate working through the weekend. I would not anticipate us completing our year’s work by the end of next week.

Ms. PELOSI. If the distinguished leader would answer one more question, can we expect election reform legislation on the floor next week?

Mr. ARMEY. If the gentlewoman will yield further, Mr. Speaker, we have no plans at this moment to put that on the floor for next week. This is, of course, a subject with respect to which a great many Members feel a good sense of urgency. Should things develop through the committee process, I will obviously inform the minority as immediately as possible. But I have no plans at this time.

Ms. PELOSI. I thank the distinguished leader.

ADJOURNMENT TO TUESDAY, DECEMBER 4, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, December 4, 2001, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR

WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HUMAN CLONING

(Mrs. Jo Ann Davis of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. Jo ANN DAVIS of Virginia. Mr. Speaker, I rise today to join my colleagues in calling upon the other body to take up and pass the Weldon-Stupak Human Cloning Prohibition Act which was approved by this House with 265 votes. This is a necessary and important bill to protect in law the uniqueness of human life and to acknowledge that everything that science and scientists are capable of accomplishing cannot necessarily be labeled as “progress.”

Human life should be nurtured in families by a father and mother, not created in a laboratory to ensure certain predetermined genetic traits.

From experiments with animals, we know that 95 to 99 percent of cloned embryos die. Those that survive are often stillborn or die shortly after birth. Those that survive beyond birth face unpredictable and terrible health problems. The prospect of similar results in the cloning of human beings is chilling, and the other body needs to move quickly and decisively to prevent scientists from proceeding with such unethical and shameless experiments.

Now is the time to act. We urge the other body to take a stand on this issue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to urge action or inaction by the other body in their comments.

INTRODUCTION OF LEGISLATION CONVEYING PROPERTY TO GAITHERSBURG TO CREATE A CITY PARK

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

Mrs. MORELLA. Mr. Speaker, I rise to explain legislation that I introduced, H.R. 3355. It is going to transfer Federal property to the city of Gaithersburg. This property is controlled by the National Institute of Standards and Technology. The transfer will help strengthen their existing partnership and enable the city of Gaithersburg to utilize the property and to create and provide the community a safe area for children to play and enjoy nature.

It would allow the Department of Commerce to transfer 13.71 acres of Federal property to the city of Gaithersburg to make this planned park a reality. Officials at NIST, such as the acting director, Dr. Karen Brown, and director of administration and CFO, Jorge Urrutia, have expressed their support of the property transfer as have the Mayor of Gaithersburg, Sidney Katz, and the city council of Gaithersburg.

The plans for creating the city park are already under way. The goal of city officials is to build a park that will complement the neighborhood that is adjacent to the land. It is my hope that we can grant this transfer and enable the city of Gaithersburg to provide a safe location for people of all ages.

Mr. Speaker, this is an example of the Federal Government reaching out to a community that is home to many of its employees.

THE QUIET BEATLE IS GONE

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

Mr. INSLEE. Mr. Speaker, I rise to honor the humanitarian workers in Afghanistan like the Mercy Corps group who when the Afghani people said, “I need you,” they did not respond, “Don’t bother me.”

I want to tell you, it is a long, long, long and hard road that they are walking.

And their efforts are their own, not paid for by the taxman.

Their work is really something. And because of their work, someday the Afghani people will be able to say,
"Here comes the sun," and I say, "It's all right."

BRINGING TECHNOLOGY TO THE CLASSROOM

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

Mr. FERGUSON. Mr. Speaker, preparing and educating our students for the global economy of the 21st century must be one of America's top priorities.

As a father and a former teacher, I am increasingly concerned about the shortage of technology in our Nation's schools. While there are some 8.2 million instructional computers in our elementary and secondary schools, the additional resources that are needed are startling. At least 5 million new computers are needed at this time, and the number will be higher tomorrow and next month and next year.

There is widespread concern about the academic performance of students in the United States relative to their counterparts in other nations. It is time that we have a clear and focused vision to bring educational technology to the classroom for the sake of our most precious resource, our children.

This week I introduced legislation, House Resolution 295, calling for a commission on technology and education that is comprised of educators, parents and tech industry leaders to help bring technology into the classroom. If we can do this effectively, students will learn the skills they need to prepare for a successful future in our high-tech world.

Let us pass this resolution and give our kids another chance for a brighter future tomorrow in our increasingly competitive world.

URGING ACTION ON ECONOMIC STIMULUS PACKAGE

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

Mr. FOLEY. Mr. Speaker, another Friday has passed, another week is finished in Congress, and we still have no economic stimulus package. We need to urge the other Chamber to work with us to try and get something that will stimulate this economy.

Unemployment numbers are rising. GDP numbers released this morning were weak. We continue to see problems in the economy. Shopping and holiday shopping have dropped dramatically. Tourism in Florida is off 16 percent.

How much more information do you need in the other Chamber? I urge all parties, Democrats, Republicans and independents, on both sides of this Capitol to work together over this weekend and have an economic stimulus bill that will actually cause the economy to move forward. We hope on our side that at least includes tax relief for hardworking families so they will have more money in their pockets to spend in their community. But there is no excuse for failing to act. I urge this body to move the legislation to the President's desk and we can get the next quarter of the economy moving in a positive direction.

SPECIAL ORDERS

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

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

AMERICA'S RECESSION

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

Mr. PENCE. Mr. Speaker, on September 11 our Nation was mercilessly attacked in New York and in the Pentagon, and we may well have been made subject to biological attacks through the mail since, even some of which arrived at my own congressional office.

The impact of these attacks on our country is incalculable. It has been emotional. It has resulted in spiritual renewal in our country. It has resulted in military activity overseas and activity by the Justice Department in criminal investigations of a historic scope here in America. And, yes, the consequences of September 11 have been economic as well.

The reality is that what we found out this week, Mr. Speaker, is that beginning in March of this year and manifested in newspapers around America on Tuesday, we are in fact in a recession.

All people around America know recession is defined as when there are two consecutive quarters of net negative growth in the GDP. That means that the recession in which we find ourselves began on March 1.

I seem to remember that the Presidential campaign was quite divisive. That, in fact George W. Bush was not able to form his government until into January and, therefore, he had been President of the United States for approximately 5 weeks, Mr. Speaker, when this recession arrived. Now that to me is an extraordinary judo throw for any human being or any administration. In 5 weeks we are to believe that George W. Bush was such a relegator of the American economy that he drove us into a recession. That is obviously absurd.

But some might be quick on my side of the aisle to say this is not a George Bush recession we are in. It is a Bill Clinton recession we are in and there is certainly evidence to suggest that.

Manufacturers in the automotive industry and the diesel industry in the east central Indiana district that I serve have said that their orders were driven down by terrorist attacks and sending us into a recession.

But I am not here today, Mr. Speaker, to exploit national tragedy for political gain. So I do not stand in this Chamber even to say this is a Bill Clinton recession.

So whose recession is it, Mr. Speaker? Is it George W. Bush's? Is it Bill Clinton's? Is it the terrorists' who attacked our country on September 11? The truth of the matter is, Mr. Speaker, is set forth in the above. It is simply America's recession.

The people of the United States of America learned a powerful lesson on September 11, and that is we are all in this together, that united we stand. The American people have rightly had much less patience for small-minded partisan bickering and finger pointing since September 11, and I suspect that my colleagues on the other side of the aisle who would seize this moment for political advantage, to lay this multi-day recession at the doorstep of the terrorist attacks may well pay a penalty at the ballot box for their exploitation.
Let us work together to pass an economic stimulus package in a bipartisan manner. Let us get this economy moving together.

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

(Ms. MILLENDE âm-McDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WORLD AIDS DAY

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

Mr. FOLEY. Mr. Speaker, since 1988 December 1 has been known as World AIDS Day. World AIDS Day emerged from the call by the World Summit of the Ministers of Health on Programmes for AIDS prevention in January 1988 to open channels of communication, strengthen the exchange of information and experience, and forge a spirit of social tolerance. Since then World AIDS Day has received the support of the World Health Assembly, the United Nations system and governments, communities and individuals around the world. Each year, it is the only international day of coordinated action against AIDS.

Today in the Washington Post I have read Kofi Annan, who is the Secretary General of the United Nations, entered this editorial comment: “Every day more than 8,000 people die of AIDS. Every hour almost 600 people become infected. Every minute a child dies of the virus. Just as life and death goes on after September 11, so must we continue our fight against the HIV and AIDS epidemic. Before the terrorist attack two months ago, tremendous momentum had been achieved in that fight. To lose it now would be to Compound one tragedy with another.”

“New figures released in advance of World AIDS Day, December 1, show that more than 40 million people are now living with the virus. The vast majority of them are in sub-Saharan Africa, where the devastation is so acute that it has become one of the major obstacles to development. But parts of the Caribbean and Asia are not far behind and the pandemic is spreading at an alarming rate in Eastern Europe. For too long global progress and facing up to AIDS was painfully slow, and nowhere near commensurate with the challenge. But in the past year for much of the international community, the magnitude of this crisis has finally begun to sink in. Never in the 2 long decades that the world has faced this growing catastrophe have there been such a sense of common resolve and collective possibility.

“Public opinion has been mobilized by the media and nongovernmental organizations and activists, by doctors and economists and by people living with the disease. Pharmaceutical companies have made their AIDS drugs more affordable in poor countries, and a growing number of corporations have devoted substantial resources to both prevention and treatment for employees in the wider community. Foundations are making increasingly imaginative and generous contributions, both financial and intellectual in prevention, in reducing mother-to-child transmission and the search for the vaccine.

“In a growing number of countries, an effective prevention campaign has been launched. There has been an increased recognition about donors in the most affected countries of the link between prevention and treatment.”

This is General Kofi Annan’s statement today in the Washington Post. Let me underscore how tragic it is: 5000 people in sub-Saharan Africa die each day. Seven thousand people, almost double those killed in the World Trade Center. Seven thousand a day in sub-Saharan Africa.

It is an international issue that we must grapple with. I am proud to say President Bush has committed $200 million to the global fund to fight HIV and AIDS. The global fund has right now pledges totalling $1.5 billion and I am proud to see our President, George W. Bush, committed to providing financial response and support.

I am asking Congress for an additional $1 billion for the fund, and I hope we are able to do that.

Today we should reflect on those lost and use their memories to fuel our efforts to eradicate this pandemic. This is one of the most serious health challenges we have faced and will face in my lifetime. I pledge as a Member of this body to work with our leaders, the Speaker of the House and others, in order to effectuate a solid policy that helps care for those suffering from this dreaded disease. We can find a way to not only, we pray, create a vaccine, but eradicate this scourge among mankind. But we must particularly set our sights on sub-Saharan Africa and other places because of the poverty and because of the lack of medical care and treatment is ravaging and destroying the humanity that lives there.

I pledge my support and I know Congress joins us today as we salute World AIDS Day.

The answer is embedded in the question. We all know that there will be a future. It is important that we advance terrorism not know when. It is important that we understand that the coming phase probably will not be as painless in defeating the Taliban. Other countries do not offer ready-made freedom fighters like the Northern Alliance. We must also brace ourselves for potential news blackouts. I pray that any future deployments of our Special Forces into other countries will not be announced on CNBC. SEAL teams do their best work away from the glare of Klieg lights.

Our commander in chief has made it clear from the very beginning, this will be a long war involving many countries that harbor terrorism. It began at a time of their choosing. It will end at a time and under the terms that we decide. We must not become overconfident. It will take many hardships. There will be casualties, both American and innocent civilians. But I have no doubt that we will prevail. And in the end, we will leave to future generations a much safer planet. To victory.

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

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

FOR THE LONG HAUL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BECERRA (at the request of Mr. GEHRKE) for today on account of personal business.
h 8744

CONGRESSIONAL RECORD — HOUSE

November 30, 2001

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Udall of New Mexico) to revise and extend their remarks and include extraneous material):

Ms. Waters, today.

Ms. Millender-McDonald, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Mr. Elenz, for 5 minutes, today.

Mrs. Clayton, for 5 minutes, today.

(The following Members (at the request of Mr. Foley) to revise and extend their remarks and include extraneous material):

Mr. Pence, for 5 minutes, today.

Mr. Taylor of Indiana, today.

Mr. Gutknecht, for 5 minutes, today.

SENATE BILL REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's desk and, under the rule, referred as follows:

S.J. Res. 26. Joint resolution providing for the confirmation of Patricia Q. Stonecipher as a citizen regent of the Board of Regents of the Smithsonian Institution, to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse".

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

ADJOURNMENT

Mr. Gutknecht. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 10 o'clock and 45 minutes a.m.), under its previous order, the House adjourned until Tuesday, December 4, 2001, at 12:30 p.m., for morning debates.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 28), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same;

EXECUTIVE COMMUNICATIONS—ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4670. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC 134-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4671. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 133-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4672. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 131-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4673. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 130-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4674. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Korea (Transmittal No. DTC 129-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4675. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 130-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4676. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to China (Transmittal No. DTC 128-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4677. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Russia (Transmittal No. DTC 127-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4678. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC 134-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4679. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 130-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4680. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to South Korea (Transmittal No. DTC 128-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4681. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Taiwan (Transmittal No. DTC 127-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.
DISCHARGE OF COMMITTEE
Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 3030 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

DISCHARGE FROM UNION CALENDAR
Under clause 5 of rule X, the following action was taken by the Speaker:
H.R. 2481. The Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Armed Services for a period ending not later than February 15, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee on Armed Services pursuant to clause 1(c), rule X.

TIME LIMITATION OF REFERRED BILL
Pursuant to clause 2 of rule XII the following action was taken by the Speaker:
H.R. 3030. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 30, 2001.

PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:
By Mr. TERRY:
H.R. 3387. A bill to amend the Fair Credit Reporting Act to extend the limitation on actions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. DEUTSCH):
H.R. 3388. A bill to amend title XVIII of the Social Security Act to adjust the fee for collecting specimens for clinical diagnostic laboratory tests under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:
H.R. 3389. A bill to reauthorize the National Sea Grant College Program Act, and for other purposes; to the Committee on Resources.

By Mr. SHOWS (for himself and Mr. THOMPSON of Mississippi):
H.R. 3390. A bill to provide consistent treatment of overtime, night, and holiday inspection and quarantine services performed by employees of the Department of Agriculture; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:
H.R. 13: Ms. CARSON of Indiana.
H.R. 280: Mr. ISTOOK.
H.R. 303: Mr. TOOMEY.
H.R. 488: Mr. STEARN and Mr. GREENWOOD.
H.R. 656: Mr. WATKINS.
H.R. 1220: Mr. RUSH.
H.R. 1331: Mr. FLAKE.
H.R. 1405: Mrs. LOWEY.
H.R. 1543: Mr. FORD.
H.R. 1779: Mr. WAMP.
H.R. 1782: Mr. PLATTS.
H.R. 2623: Mr. UDALL of Colorado.
H.R. 2722: Mr. CLEMENT and Mrs. BONO.
H.R. 2893: Mr. GUTIERREZ.
H.R. 2949: Mr. Thompson of California, Mr. Price of North Carolina, Mr. McGOVERN, Mr. MATSUI, Ms. LEE, Mr. FALEOMAVAEGA, and Mr. FROST.
H.R. 3006 Mr. SOUWER.
H.R. 3046 Mr. HONDA.
H.R. 3054 Mr. HINCH and Mr. KINGSTON.
H.R. 3101 Mr. HOYER.
H.R. 3143 Mr. KING, Ms. BROWN of Florida, Mr. CANTOR, Mr. BoHRLENT, Mr. BOUCHER, Mr. McGOVERN, Ms. McKINNEY, and Mr. RANGEL.
H.R. 3183 Mr. KING, Mr. Brown of Ohio, Mr. SHIMKUS, and Mr. LAHOOD.
H.R. 3223 Mr. CAMP, Mr. McINNIS, and Mr. EHRlich.
H.R. 3230 Mr. REYNOLDS.
H.R. 3278 Mr. PAYNE.
H.R. 3332 Mr. MOLLORAN.
H.J. Res. 6: Mr. TIEKEY.
H. Con. Res. 250: Mr. STUPAK, Mr. KILDEE, Mr. HOYER, and Mr. PLATTS.
H. Con. Res. 279: Mr. OETZ, Mr. BARTLETT of Maryland, Mr. WHITFIELD, Mr. CAPUANO, Ms. MCKINNEY, Mr. LANDWEBER, Mr. MORGAN of Virginia, Mr. KIRK, Mr. BURTON of Indiana, Ms. ISAKSON, and Mr. BAKER.
H. Res. 296: Mr. PLATTS and Mrs. ROUKEM.
H. Res. 300: Mr. ALLEN, Mr. GRUCCI, Mr. MASCARA, Mrs. MINK of Hawaii, Mr. TIERNEY, and Mr. MARKY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS
The following Members added their names to the following discharge petitions:
Petition 4, by Mr. CUNNINGHAM on House Resolution 271: Carolyn McCarthy, Charlie Norwood, Gene Green, and Patrick J. Kennedy.
The Senate met at 9:30 a.m. and was called to order by the Honorable Herb Kohl, a Senator from the State of Wisconsin.

PRAYER

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

Dear God, in these challenging days, we remember Abraham Lincoln’s words: “I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for the day.”

Holy, righteous God, we sense that same longing to be in profound communion with You because we need vision, wisdom, and courage no one else can provide. We long for our prayers to be a consistent commitment to be on Your side rather than an appeal for You to join our partisan causes. For give us when we act like we have a corner on the truth and always are right. Then our prayers reach no further than the ceiling. In humility, we spread out our concerns before You and ask for Your inspiration. You have taught us to pray:

Your will be done on earth as it is in heaven.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable Herb Kohl 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, indivis ible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,


To the Senate:

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

Robert C. Byrd,

President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The Acting President pro tempore. The Senator from Nevada.

SCHEDULE

Mr. Reid. Mr. President, this morning the Senate will be in a period for morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes today. The next rollcall vote, the majority leader has asked me to announce, will be at approximately 5 p.m. on Monday. We could have a series of three votes on Monday beginning at 5 p.m. Everyone is reminded that there have been three cloture motions filed with respect to H.R. 10. All first-degree amendments must be filed prior to 1 p.m. today.

I stress that because the majority leader has asked me to announce we are going to go out of session at 1:15 p.m., the reason being the remediation that is taking place in the Hart Building today. The Dirksen Building will be closed this afternoon, and we want to make sure we are out of session before the closure of the Dirksen Building begins. Everyone should cooperate. We are not going to make a unanimous consent request to recess at 1:15 p.m. Everyone should understand that it would be tremendously inconvenient for the staff and everyone else if we went past 1:15 p.m. today. Everyone has hours to speak this morning if they wish. They should rearrange their schedule to speak. We would recess earlier, but because of the previous order entered, we want to make sure that is maintained and people can file their amendments prior to 1 p.m. At 1:15 p.m., we are going to have to recess the Senate.

MEASURES PLACED ON CALENDAR—H.R. 2722 and H.R. 3189

Mr. Reid. Mr. President, I understand there are some bills at the desk that have been read the first time. They are H.R. 2722 and H.R. 3189.

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer

*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
The ACTING PRESIDENT pro tempore, The Senator is correct.

Mr. REID. Mr. President, I ask unanimous consent that it be in order en bloc for these two bills to receive a second reading, and I would then object to any further consideration of this legislation at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will read the title of the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 2722) to implement effective measures to stop Trafficking in conflict diamonds, and for other purposes.

A bill (H.R. 3189) to extend the Export Administration Act until April 20, 2002.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Chair recognizes the Senator from Rhode Island.

Mr. REED. Mr. President, I anticipate speaking a bit longer than 10 minutes. I ask unanimous consent to speak for so much time as I may consume.

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

GUN SHOW BACKGROUND CHECK

ACT OF 2001, S. 767

Mr. REED. Mr. President, I rise today to inform Senators of my intention to bring before the Senate at the earliest possible time an important piece of legislation that I introduced last April along with 21 of my colleagues.

Our bipartisan bill, S. 767, the Gun Show Background Check Act of 2001, would apply the Brady law to all firearms sales at gun shows, thereby closing the loophole that allows criminals to buy firearms from private sellers at gun shows without a background check. This legislation is identical to the Lautenberg amendment passed by the Senate on a bipartisan vote in the 106th Congress.

As long as gun violence continues to take the lives of 10 of our young people every day, and about 30,000 Americans every year, we must do everything we can to prevent convicted felons, domestic abusers, and other prohibited purchasers from gaining access to firearms.

It has been my intention to bring this legislation to a vote since its introduction last spring. We were asked not to offer the bill as an amendment to the education bill because it was one of the President’s top priorities. We were asked not to offer it to the bipartisan campaign finance reform bill because it was one of our top priorities. We were asked not to offer it to the bipartisan Patients’ Bill of Rights because it was a fragile compromise. We were asked not to offer it to the Defense authorization bill because of the critical importance of that legislation.

Finally, we were barred by Senate rules from offering the amendment to the fiscal year 2002 appropriations bills moving through the Senate.

By not enacting this legislation, we have, unfortunately, overlooked one of the most effective tools we can give to law enforcement to prevent violent acts against our people, and that is the ability to conduct background checks every time a gun is sold at more than 4,000 gun shows held in this country each year. The time has come for the Senate to consider this legislation. It was important before September 11, and it is even more important today.

Here are the facts: The Bureau of Alcohol, Tobacco and Firearms reported to Congress last year that gun shows are a major gun trafficking channel, responsible for more than 26,000 illegal firearms sales during a single 18-month period. Gun shows also are the second leading source of illegal guns recovered in gun trafficking investigations. The FBI and ATF tell us again and again that convicted felons, fugitives from justice, and other prohibited purchasers are taking advantage of the gun show loophole to acquire firearms.

Now, more and more evidence is emerging that terrorists also know the weaknesses in our gun laws. The Chicago Tribune reported on November 18 that among the ruins of radical Islamic safehouses in Kabul, computer printouts of Jihad training manuals that emphasized how easy it is to obtain firearms, and firearms training, in the United States.

Under the heading “How Can I Train Myself for Jihad,” the manual says, “in other countries, for example, some states of the United States or South Africa, it is perfectly legal for members of the public to own certain types of firearms. If you live in such a country, obtain an assault rifle legally, and preferably AK-47 or variations, learn how to use it properly and go and practice in the areas allowed for such training.” The manual goes on to advise those training for holy war to join American gun clubs to sharpen their shooting skills, saying:

There are many firearms courses available to the public in the USA, ranging from 1 day to 2 weeks or more. These courses are good but expensive. Some of them are only meant for security personnel but generally they will teach anyone. It is also better to attend these courses in pairs or by yourself, no more. Do not announce your intentions when going on such a course. Find one, book your place, go there, learn, come back home and keep it yourself. ... Useful courses to learn are sniping, general shooting and other rifle courses. Handgun courses are useful only after you have mastered rifles.

We also have new evidence of suspect terrorists using gun shows to obtain weapons. On September 10, a jury in Detroit convicted Ali Boumelhem, a member of the terrorist group Hezbollah, on charges of conspiring to smuggle guns and ammunition to Lebanon. In a car parts in a container bound for Lebanon, law enforcement authorities found a variety of weapons and accessories purchased at gun shows, including two shotguns, 750 rounds of ammunition, flash suppressors for AK-47s, and upper receiver for an AR-15 (the civilian version of the M-16), and speed loaders for 5.56mm ammunition.

Ali Boumelhem and his brother, Mohamad, knew the law well, and they exploited it over the years. Because Ali is a convicted felon and therefore prohibited from purchasing firearms under the Brady law, the confiscated weapons were purchased from licensed dealers at gun shows by Mohamad, who is not a felon. Mohamad was later acquitted of charges related to the illegal "straw purchase." According to the court record, he also threatened a confid- ential informant during the investiga- tion, saying “If we cannot get you here we will take care of you in Lebanon.”

In 1998, prior to November 1998, when the Na- tional Instant Criminal Background Check System was implemented under the Brady law, Ali Boumelhem did pur- chase several shotguns from licensed dealers at gun shows by lying on the required form about his felony conviction. He knew that prior to the estab- lishment of the NICS, background checks were not required on long guns in many States. We may never know what became of those guns, and, more importantly, in terms of the legislation I am discussing today, we will never know whether Boumelhem or his brother purchased guns from private sellers at these gun shows because there is no record of sale or back- ground check required for sales by un- licensed sellers at gun shows, then and now. What we do know is that this Hezbollah member found a large selec- tion of weapons there and worked the system to his benefit over time before he was apprehended in a container bound to Lebanon.

The Times also reported that on Oc- tober 30 in Texas, Muhammad Navid Asrar, a Pakistani man, pleaded guilty
to immigration violations and illegal possession of ammunition. Authorities said that in the last 7 years Mr. Asrar had bought several weapons at gun shows, including handguns and rifles. According to police in Alice, Texas, a Federal grand jury is investigating whether he could be linked to al Qaeda terrorists. The Times reported that he aroused the authorities’ suspicion when he asked employees at his convenience store to take pictures of tall buildings and mail letters for him from Pennsylvania and Texas.

I wrote to Attorney General John Ashcroft earlier this month to ask what steps the Department of Justice is taking to prevent terrorist attacks involving firearms, including firearms acquired at gun shows. I look forward to his reply. I also met with officials of the Department of Justice and ATF to discuss the role of firearms in their counterterrorism efforts. Let me say that although the Attorney General and I disagree on many issues when it comes to the regulation of firearms, I believe we have a unique opportunity to work together to prevent violent acts by terrorists and others, without infringing upon the constitutional rights of law-abiding Americans. Not one single, solitary person who is not already prohibited from possessing firearms would be denied the right to purchase firearms by our gun show bill. I know that all those who oppose any new gun laws. They have a right to that opinion, but what is their proposed alternative? Should we ignore the Jihad manuals and the cases of Ali Boumelhem, Conor Claxton, and Mohammed Asrar? Do any of us really know what the next terrorist attack will look like? I believe we have a clear responsibility to do everything we can to prevent terrorists from gaining access to firearms.

But even if we set aside the issue of terrorists’ access to guns, this legislation is important to bring some sense to our gun laws and save American lives. The chilling reports this week of an alleged plot by students at New Bedford High School to kill large numbers of their fellow students, and teachers reminded us that the threat of gun violence is still very real for our children and families.

Two years ago, after Eric Harris and Dylan Klebold killed 13 people and themselves at Columbine High School with weapons purchased from a private seller at a gun show, Democrats and Republican in the Senate joined together to pass the Lautenberg amendment to close the gun show loophole. The legislation I have introduced is identical to that Senate-passed amendment. Unlike other gun show bills, it would apply the successful Brady law to every gun sold at gun shows, without exception. As under current law, law enforcement officials would have three days to conduct background checks on firearms sales. Our opponents will say that we’re trying to shut down gun shows by imposing a “waiting period” on gun sales that usually take place on weekends. But that is not the case. There is no “waiting period.” The Brady law gives law enforcement up to 3 business days to complete a background check on a prospective gun buyer. In fact, most gun purchases are cleared quickly by the NICS system. The FBI clears 72 percent of gun buyers within 30 seconds. Another 23 percent are cleared within 2 hours. That means background checks are completed within 2 hours. For 95 percent of prospective gun buyers, Nineteen out of twenty have a decision rendered in just 2 hours. But what about that last 5 percent that takes longer than 2 hours? According to a recent GAO report, those gun buyers are more than 20 times more likely to be prohibited from possessing a weapon under Federal law.

For gun buyers in that last 5 percent, potentially disqualifying information often requires the FBI to access court records—which are typically not available on a weekend; indeed, typically not available until at least Monday morning—to ensure that the person is not a convict felon or fugitive from justice; those records may not be checked. Yet other gun show bills would make exceptions to the Brady law, reducing background checks for many gun show sales to 24 hours, to avoid inconveniencing the people in that 5 percent category. I believe that that would be a serious mistake. We must reject the notion that it is better to allow a criminal to get gun than to ask a small group of potentially high-risk gun buyers to experience a minor inconvenience. If anything, law enforcement needs more time, not less, to conduct background checks. The FBI reported last year that over an 18-month period, more than 6,000 firearms were sold to convicted felons and other prohibited buyers because the three business days allowed under the current law were expired before law enforcement could provide a definitive response. These illegal firearms must then be retrieved by State and Federal officers, as dangerous scenario which no one wants to see repeated or multiplied. We are not proposing to lengthen the time for background checks, but clearly it would be a mistake to shorten it even further. Instead, we should do the right thing for both law enforcement and gun buyers by allowing law enforcement to access all gun show sales. No law-abiding citizen will be denied the right to purchase a firearm under my legislation. As under current law, if the 3 business days expire before law enforcement identifies a violation that would prohibit the gun sale, the sale can go forward.

We are not trying to end gun shows, and we are not trying to deny any law-abiding American the right to purchase a gun. What we are trying to end is the free pass we are now giving to convicted felons, domestic abusers, terrorists, and other prohibited persons to purchase firearms without a Brady background check.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the agenda can be laid to rest without a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

OPEN THE HART BUILDING

Mr. MURKOWSKI. Mr. President, I rise this morning on behalf of the residents of the Hart Building who have been dis possessed as a consequence of the anthrax incident. I am going to refer to a memorandum of November 27 to all Senators relating to the cleanup of the Senate buildings. The statement goes into some detail relative to procedure. It is from the Senate Sergeant at Arms and it outlines the activity that the various agencies—the Centers for Disease Control, Environmental Protection Agency, Federal Emergency Management Agency, National Institute of Occupational Safety and Health, and the FBI—are involved in in this process. It indicates the Environmental Protection Agency is the lead agency on the remediation—the cleanup—of the building.

It further states that in addition to the extensive environmental sampling, the team has—

... finished remediation of common areas in the Hart Building, including the atrium, walkways and the elevator in the Southwest quadrant.

That is the good news.

Post-remediation sampling results for those common areas are expected later this week.

That would have already passed.

Remediation of areas in the Hart Building which tested positive for trace amounts of anthrax is underway. EPA is in the process of detailing plans for the remediation of affected offices, including those of Senators Feingold, Baucus, Boxer, Corzine, Craig, Feinstein, Graham, Lieberman, Lugar, Mikulski and Specter. EPA, the Sergeant at Arms and the Secretary’s staff will be discussing these plans with senior staff for the affected offices this week.
My understanding is those offices are in one core and Senator Daschle’s office is the office where most of the spores were found.

They indicate that:

Senator Daschle’s suite is being prepared for the chlorine dioxide gas that is going to be released at 9 a.m. I gather that may be going on sometime this weekend. But:

According to the EPA’s plan, the cleanup of the Daschle suite would take place this weekend. The Dirksen Building and the Hart-Durksen garage will be closed.

That is evidently underway today. I also note in here that:

Following the discovery of an anthrax letter addressed to Senator Leahy, environmental sampling of mail handling areas in both the Russell and Dirksen Senate Office Buildings was conducted on November 17th and 18th. The results of those tests were negative except for trace positive results in the mail handling areas of the offices of Senators Dodd and Kennedy. Those areas were cleaned up on November 24th and November 25th...

So clearly they have satisfied themselves as to the adequacy of the cleanup of at least two offices, those of Senator Dodd and Senator Kennedy. They have indicated they will reopen for business November 26, which is the case.

The Dirksen mailroom has been remediated, but is not yet open for business... Sampling of the off-site mail facility is complete—

And so forth.

There is Medical information.

Mail: It suggested mail deliveries will start this week and we will have 5 to 6 weeks of back mail.

The interesting thing is it doesn’t say a thing about when we are likely to get back in the Hart Building. It is my understanding the stacks within the Hart Building are separated and the area of greatest concern is still Senator Daschle’s office. In discussing this with some people involved at a level that clearly they have access, a suggestion has been made that, since Senator Daschle’s office is the area of concern now, they simply seal that off.

Then the conversation went into, how do you seal it off if you have the air ducts and air vents? Those can be blocked as well.

It is very inconvenient for those of us who are in the far stack, furthest away from the area of the incident. We have been advised that our offices are clean, but we do not go in. Yet they say the common areas now are clean.

In a meeting with EPA, I asked them if this was really something under consideration for a Superfund site. They looked at me rather startled, as if they hadn’t thought about that, but it may be.

We have to have someone speak with authority. Frankly, the leadership here is not as inconvenienced as those of us who are not in the leadership because they have offices here in the Capitol. But many for those of us who have been dispossessed for 5, going on 6 weeks, and every indication is another week or another 2 weeks, we do not seem to be able to get a conclusive decision on when we can get in, when they are going to be satisfied it is through—and somebody is going to have to sign off on this.

It seems to me they could simply seal off a room or an area that is demanding their attention, seal off the air-conditioning or cut off that mechanically—you can do it—and let us get into our offices so we can function. It is extraordinarily inconvenient. You can imagine walking out of your office and just having to leave there.

But the worst part of it is we had been in that building 3 full days, operating, after the envelope was opened in Senator Daschle’s office.

So I urge those responsible to get together and, for Heaven’s sakes, find a way to get us back into the rest of the building. If you have to seal Senator Tom Daschle’s office, then go ahead and do it and get it completed.

I yield the floor to my good friend from Kansas, Mr. Brownback and I am going to be with you for a while.

The PRESIDING OFFICER. Senator Brownback from Kansas is recognized.

DAY OF RECONCILIATION

Mr. BROWNBACK. Mr. President, I appreciate the time to be able to address the body on a key issue we will be taking up for a vote on Monday. Before I do that, I would like to make an announcement in which the Presiding Officer and I have been directly involved. On December 4, Tuesday this next week, from 5 p.m. to 7 p.m., it is going to be a day of reconciliation, a time period in the Rotunda for Members of both the House and Senate sides. This is going to be a time for the leaders of the country to get together and pray for the Nation. It is going to be December 4, 5 p.m. to 7 p.m., just the leaders of the House, Senate, and the President. It will not be open to the public. I do hope Members can attend and be a part of that process and that ceremony. It is something the country used to do frequently and hasn’t for a number of years. That will be December 4, 5 to 7 p.m., in the Rotunda.

ISSUES IN THE LOTT AMENDMENT

Mr. BROWNBACK. Mr. President, I would like to take a few minutes to speak in morning business on the issue of human cloning. On Monday, there will be a vote on the issue of the Lott amendment that contains the energy package that has been put forward by Senator Murkowski, and the moratorium on human cloning, the 6-month moratorium on human cloning that I put forward. Several colleagues have sponsored both of these amendments. It has been put together. There will be a cloture vote on this on Monday. I am asking for a few minutes to support us being able to get this issue before the body for a final vote, to vote for cloture on the Lott Amendment so we can get this issue in front of the body and get it decided.

These are two critical issues. The issue of energy and our dependence on foreign oil sources is becoming more and more obvious to people around the country and around the world. We are just beginning to understand those places that are not reliable suppliers to the United States.

Oil from Iraq, as Senator Murkowski has talked about frequently, is certainly not a reliable supplier to the United States. Yet we are dependent on it. There are growing questions about Saudi Arabia, about the reliability of Saudi Arabia and the oil resources from there. Clearly, we should be having an energy policy and an energy strategy to remove ourselves from some of the dependency, particularly in the Persian Gulf region, for our oil and natural gas supplies. We need to do this energy policy, and do it now.

HUMAN CLONING

Mr. BROWNBACK. Mr. President, I wish to particularly address the issue of human cloning and the part of the bill that puts forth a 6-month moratorium on human cloning that I put forward. Several colleagues have put forward. Several colleagues have put forward the moratorium or even the entire ban on cloning. We have human clones. They put forth a complete ban, and passed it by a large bipartisan majority, a 100-vote margin. The President said: Let’s ban human cloning. We don’t create humans for destructive purposes or for reproductive purposes in this fashion. He has asked for banning that. This body has failed to act.

That is why we are putting forward at this time this request for a 6-month moratorium: Time out; hold up, so we don’t have moratoriums such as this while this body takes time to deliberate, hold the committee hearings, and do the things it needs to do to come to a conclusion. We are asking for a timeout moratorium for 6 months.

I want to make several points and cite various groups that are supporting the moratorium or even the entire banning of human cloning. I want to read some important articles which they have put forward. I will make several points over the following days, weeks, and months.

One point is that research cloning being sponsored by Advanced Cell Technology requires eggs to be harvested from a woman. Harvesting eggs is an invasive and dangerous procedure. Harvesting eggs from women means the use of super-ovulatory drugs, the
use of which has been linked to higher risks of ovarian cancer. The risk is one, a woman can take for a variety of reasons; one of them being to help have children. However, women are being asked to incur this risk to “donate” their eggs solely for money. Women who sell their eggs to firms like Advanced Cell Technology will likely disproportionately be of women who are already somewhat disenfranchised, or of lower income. In fact, it is now known that Advanced Cell Technology pays a single woman who “donated” her eggs.

I would say that is probably more than a donation if you pay $4,000 for the egg. I suggest if this doesn’t qualify as exploitation of the disenfranchised for profit-seeking motives, I am not sure what does.

This is not just a pro-life or pro-choice debate. It is not that at all.

In fact, pro-choice feminist Judy Norsigian and biologist Stuart Newman recently commented in a Boston Globe column.

Because embryo cloning will compromise women’s health, turn their eggs and wombs into commodities, compromise their reproductive autonomy, with virtual certainty, lead to the production of “experimental” human beings, we are convinced that the line must be drawn here.

That is strong language. Experimental human beings, eggs and wombs turned into commodities, and compromising women’s health.

Perhaps that is why this debate is not a debate, as someone suggested, on the issue of abortion. And perhaps that is why we have an interesting coalition forming of groups that are strongly opposed to abortion, groups that strongly support abortion, environmentalists, and others. The reason for the broad range of interest is that there is truly something for all of us in this issue which should concern all of us.

I would like to read a few of the articles appearing in recent months for the benefit of some of my colleagues. The first article is by Sophia Kolehmainen of the Responsible Genetics, a pro-choice group chaired by Claire Nader. Claire is the sister of Ralph Nader, the Presidential candidate. She was actively involved in the Presidential campaign. This is what they had to say about human cloning. This is the article they put forward. It is entitled “Human Cloning: Brave New Mistake.”

It would be a mistake to develop and use cloning as a technique to replicate human beings. There are questionable whether and what benefits would be gained from the successful creation of a cloned human being, and whether they would justify the radical impact cloning would have on our society. Cloning is not just another reproductive technology that should be made available to those who choose to use it, but is an unnecessary departure from evolutionary processes and social practices that have developed over millions of years. As with many other developments in biotechnology, patients and consumers are asking us to accept cloning of humans just because it is technically possible, but there are few good reasons to develop the technology, and many reasons not to develop it.

1. SAFETY CONCERNS

The most frequently stated argument against human cloning is dangerous. At this point in the process of experimenting with cloning, such concerns are important. The production of Dolly required at least 276 failed attempts. Most of these attempts failed and only one succeeded. From a technical viewpoint, cloning presents different obstacles in every species, since embryos implantation, development, and gestation differ among different species. Human cloning therefore could not become a reality without extensive human experimentation. Though we may be acceptable losses, the ethical implications of any failed or only partially successful human experiments are unacceptable.

Some of their article I don’t necessarily agree with, but I am reading through their arguments.

2. COMMODIFICATION

Cloning would encourage the commodification of humans. Though industrialized societies commodify human labor and human lives, the biological commodification of human cloning would be of a vastly different order. Cloning would turn procreation into a manufacturing process, where human characteristics become objects of deliberate design. Such a process of commodification needs to be actively opposed. It produces no benefits and undermines the very basis of our established notions of human individuality and dignity.

3. DIVERSITY

Cloning would also disrespect human diversity in ethnicity and ability. Though it is, in fact, not possible to produce exact copies of animals or people, inherent in cloning is the desire to do so. The process of cloning would necessarily contribute to genetic uniformity by decreasing genetic variety. A society that supported cloning as an acceptable procreative technique would imply that human diversity is not important. Especially in a multicultural nation like the United States, where diversity and difference are at the root of our cultural existence, any procedure that would reduce our acceptance of difference and diversity would be unacceptable. The tensions that exist in our society that we should encourage processes that increase our appreciation for diversity among individuals, not working to remove them.

Dr. Brent Blackwelder, president of Friends of the Earth, put forward a strong statement in opposition to human cloning. This is a pro-choice group which put forward a strong statement in opposition to cloning for many of the same reasons that I have put forward.

There are other groups that are putting forward clear and convincing reasons why we should not do cloning. For those reasons and many others, I ask this body to pass the bill numbered 2505 on Monday, and vote for cloture on the moratorium prohibiting human cloning for 6 months. There is ample reason for us to have a moratorium for 6 months.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia, Mr. CLELAND, is recognized.
and renewable energy sources; and, No. 4, protects the environment and public health.

The inclusion of renewable energy sources is vital because I believe energy sources, such as wind, geothermal, solar, hydropower, and biomass, along with improved energy technology, can help offset fuel imports, create numerous employment opportunities, and actually enhance export markets.

Finally, I would like to address my particular concerns about opening up the Arctic National Wildlife Refuge to oil drilling. Earlier this year, my colleagues who supported ANWR drilling argued that U.S. gas prices were out of control and therefore ANWR needed to be drilled immediately. Since then, gas prices have fallen dramatically, despite the war in Afghanistan. In fact, over the Thanksgiving holiday, I returned to Georgia and I routinely saw gas prices in Georgia substantially below $1 a gallon. And in fact, I did see some prices at 76 cents a gallon. Those prices have not been seen at the pumps in more than a year.

Since September 11, the price per barrel of oil has dropped $12 to the current price of $28. Of course, ANWR does not need to be drilled but rather protects so generations from now can see its beauty as we see it today. I will support efforts to protect ANWR from drilling, and I urge my colleagues to do the same.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Connecticut, Mr. Lieberman, is recognized.

DRILLING IN ANWR

Mr. LIEBERMAN. Mr. President, I come to this Chamber—and I am pleased to do so after the excellent statement by my friend and colleague from Georgia—to speak about the addition of the House energy bill to the railroad retirement bill before us. This amendment is the wrong amendment offered at the wrong time.

The House energy bill, with all due respect, is, in my opinion, an unsound proposal that was written really for a different time, as Senator Cleland's remarks not only suggest but illustrate quite specifically. The bill proposes to open the Arctic Refuge for drilling, which is bad environmental policy and bad energy policy.

We will soon have the opportunity to give our Nation's long-term energy strategy the thoughtful consideration that it deserves and that the American people deserve. I look forward to the introduction by the majority leader, soon, of his balanced, comprehensive energy bill, and I look forward to debating it when we return after the first week of the year.

We should not be attempting to pass such significant legislation dealing with so fundamental and complicated a problem as America's energy needs and systems in such a summary fashion as an amendment to a bill of this kind. We should, and I am confident will, give it the thorough, thoughtful, balanced debate after the first of the year. We owe it to the American people to determine whether the measure before us is responsible and responsive solution to our energy needs or simply a distraction. To determine that, we do not need to hold up pictures of baby caribou or mother polar bears, although I find those pictures not only attractive but moving. We only need to ask the businesslike question: What do we gain and what do we lose from drilling for oil in ANWR?

I think, when we work that question back passionately to an answer, we see the error of the proposal to drill in the Arctic Refuge that is before the Senate today and will be voted on on Monday, procedurally at least. I can tell you what we gain in prob-ably less than a minute. It would take days to catalog what we lose. I am prepared, at the behest of the American people, to take days to talk about and catalog what we will lose as a nation if we drill in the Arctic Refuge.

So let me start with what I believe, in fairness, we would gain.

Even if oil drilling started tomorrow in the refuge—which, of course, is never going to happen that quickly—even if we mistakenly adopt-ed this legislation, it would take at least 10 years for any crude to be delivered. The task then is to the question: To the question that arises, to take days to talk about and catalog what we will lose as a nation if we drill in the Arctic Refuge.

What are the costs? The visible damage, of course, would be substantial: An environmental treasure permanently lost, hundreds of species threatened, international agreements jeopardized, oil spills further endangering the Alaskan land-scape, and an increase in air pollution that can avoid damage to this beau-tiful, untouched wilderness area of America; all in all, the American people misled on a host of critical issues. Finally, this plan would threaten the visible damage, of course, would be substantial: An environmental treasure permanently lost, hundreds of species threatened, international agreements jeopardized, oil spills further endangering the Alaskan landscape, and an increase in air pollution that can avoid damage to this beautiful, untouched wilderness area of America; all in all, the American people misled on a host of critical issues.

The unseen damage of drilling would be just as real: A nation lulled into believing it has taken a step toward energy independence—and, by its supporters, a large step—when, in fact, it has done no such thing; a nation believing it is extracting oil in an environmentally sensitive way, when, in fact, no methods have been discovered that can remove the beautiful, untouchable wilderness area of America; all in all, the American people misled on a host of critical issues. Finally, this plan would threaten something even more precious than that which I have mentioned: that is, one of our most treasured American values, including the fundamental American value of conserving, conservation, conserving what the Good Lord has given us in natural treasures in the 50 American States.

The first claim that my colleagues make is that drilling in the Arctic is a necessary part of a balanced, long-term energy strategy. But, respectfully, calling this part of a strategic energy plan is as if to call crude oil a beverage: it is literally and figuratively hard to swallow. This ill-considered plan will do nothing to wean us from our dependence on foreign oil.

Drilling in the Alaskan national wildlife refuge is, in fact, a pipeline dream, a decision that will produce just a slight uptick in our oil production 10 years down the road and at considerable cost to our environment, our values, and our policies. It will create few, if any, long-term jobs that demand of smarter alternatives which depend on American technology and American innovation and American industry.

The much quoted study indicating that Arctic drilling would result in 750,000 jobs has since been widely discredited. Even its authors have acknowledged that its methodology was flawed. Now the agreed-upon job creation figure is much closer to 45,000, and all of those jobs are short term, as opponents of the bill argued, while 45,000 new jobs that would be created through the development of other alternative, innovative forms of energy, including conserva-tion.

This plan also does not move us one step closer to the very valuable, critical goal of energy independence. First, it will take at least a decade to bring to market any oil that might be discovered in the refuge, making it useless in the context of the current inter-national crisis. Secondly, there is a conservative estimate from the Department of the Interior during the administra-tion of former President Bush that has since been reiterated by many people, including oil industry executives, and that is the 10-year lead-time.

Secondly, we should realize that Alaskan crude oil is not shipped east of the Rocky Mountains, meaning that none of this oil is refined into home heating oil that is used in the entire Northeast and other parts of Middle America. Further, oil supplies are not needed for the production of electricity. Nation-wide, only 2 percent of electricity is generated by oil.

Finally, let's realize that increasing our dependence on oil as a source of energy is no way to wean ourselves off foreign oil in the long run. The statistics repeated frequently make it clear that we cannot drill our way into energy independence. The United States craftsman roughly 25 percent of the world's oil but possesses only 2 percent of its reserves. So the way to energy independ-ence is clearly through conservation, through using less than 25 percent of the world's oil and for the development of new technologies that will provide genuine crisis. Incidentally, there is an emerging green revolution in the transportation sector, which is responsible for over two-thirds of the oil consumed in the United States, and it is climbing. We can do that with technological methods that are in reach. Many of them are in our grasp already in our vehicles.
Arctic Refuge oil is simply not the most secure source of energy for the Nation. Of course, I am not suggesting that those who support drilling in the refuge are in any way neglecting our Nation's energy security. None of my colleagues or that of those who oppose drilling in the refuge would just be a small suggestion that the result of oil drilling in ANWR. It is a very beautiful picture — a little worm hole on a nice red apple. First, there will be a series of blisters — dozens of holes that will be connected together by roads, pipelines, and other infrastructure; spidering out from these blisters would be an elaborate additional infrastructure of roads, pipelines, air strips, and processing plants.

The web would almost certainly include permanent facilities, such as roads, airstrips, docks, staging areas, central processing facilities, gathering centers, compressor plants, seawater injection plants, gas processing plants, power stations, guard stations, housing and maintenance facilities, utility lines, garbage disposal sites, gravel pits, and more. In the end, it would make a mockery of this refuge for oil. I have made mine, and I believe the American people support it. Why? Because conserving our great open spaces is fundamentally an affirmation of our core values.

Conservation is not a Democratic or Republican value; it is a quintessential American value. The ethic of conservation tells us that it is not only sentimentally difficult to part with beautiful wilderness, it is practically unwise because in doing so we deny future generations a precious piece of our common culture.

Let’s remember, in the aftermath of September 11, that most Americans have been stepping back and asking themselves what is important, what do we value. I believe that millions of our fellow Americans have, among other things, come to the conclusion, alongside family and faith, that they value America’s great natural resources.

Let me recall, finally, the words of the great President Teddy Roosevelt, who understood this issue very clearly. He wrote:

The “greatest good for the greatest number” applies to the number within womb of time, compared to which those now alive are but a insignificant fraction. Our duty to the whole, including the unborn generations, bids us to restrain an unprincipled development.

The Senator from Alaska would in-clude the number within womb of time, compared to which those now alive are but a insignificant fraction. Our duty to the whole, including the unborn generations, bids us to restrain an unprincipled development.

I could not say it more eloquently or more directly than the great TR.

I thank my colleagues. I hope they will vote this amendment down and we will return to a full and wholesome debate of our energy policies after the first of the year.

I thank the President and yield the floor.

Mr. MURKOWSKI. Mr. President, I wonder if I could enter into a colloquy with my friend who has never been invited up to Kaktovik. We have children on a snow machine and a bicycle. The point of these pictures is that there are real people living there. There is very little consideration given to their wishes or views.

These are the kids going to school. You notice that they are Eskimo children. They, too, have hopes and aspirations.

Now, if I can show you the next chart, perhaps my friend who has never been there can understand this area over here. This undeformed and deformed area consists of 1.5 million acres of ANWR. Now I know the Senator knows there are 19 million acres in ANWR. So this is the area at risk. But as you see over here, this is the 95,000 acres that are owned by the Natives of Kaktovik, but they are precluded; they have no access.

Now, I would ask the Senator if that is a fair and equitable solution to keep any American citizen bound, if you will, by Federal restrictions that don’t allow them to develop their own land.

Mr. LIEBERMAN. Mr. President, in responding to my friend and colleague from Alaska, it is my conclusion that the Native peoples of Alaska are of mixed opinion on this question of drilling for oil in the Arctic refuge. We have certainly heard testimony here in the Senate from differing points of view. I hear what the Senator said about this group of Native people. Obviously, we have heard very eloquent testimony from representatives of the Gwich’in people in the area who have made a different choice and want to preserve what they have described as part of not only the beauty of the environment but part of their spiritual heritage as a source of life in that area.

So I would say my judgment is that opinion is mixed, and my opinion is that the decision made by this choice, it would be a shame to have to do the damage that oil exploration would do to the refuge to find adequate and uplifting employment for the people to which the Senator from Alaska refers. There ought to be a better way.

Mr. MURKOWSKI. I would certainly agree there ought to be a better way. Perhaps the Senator is not aware of the public opinion on this issue and how it has changed rather dramatically.

This is a poll that was done by IPSOS-Reid firm, well-known, and the highlights of the poll indicate 95 percent of Americans say Federal action
on energy is important, and 72 percent say passing an energy bill is a higher priority than any other action Congress might take. Seventy-three percent of Americans say Congress should make the energy bill part of President Bush’s budget, and 67 percent of Americans say exploration of new energy sources in the United States, including Alaska’s Arctic National Wildlife Refuge, is convincing reason to support passing an energy policy bill.

I want to provide to the Senator from Connecticut because I think it provides some reality of the interests of our State in reference to development possibilities. Connecticut is a developed state, in population and land patterns, and so forth. But if you had had an opportunity to visit Alaska you would get some idea that we are a pretty big hunk of real estate. We have 365 million acres in our State.

What I quote from the U.S. Fish and Wildlife Service, that the effects of disturbance in the snow.

Finally, most every poll I have seen still shows American public opinion opposed to drilling even at a time when concern about energy has risen. I suppose this gets to a point that sounds like the old line about economists, that if you lay them end to end across the world, they would not reach a conclusion.

I will present other polls. The most recent I have seen taken by the Mellman Group, based on a national survey of 1,000 U.S. voters that was conducted in early October, found that 57 percent of Americans said drilling in the refuge would reduce our dependence on foreign oil. An independent poll taken by Gallup from October 8 to 11 showed a majority of Americans, 51 percent, opposed oil exploration in the Arctic National Wildlife Refuge.

Beyond the polling, as I said earlier, to me this is a matter of national principles, national values, national policies, which makes common sense in terms of achieving energy security and energy independence, energy efficiency, which my friend from Alaska and I, and I presume all Members of the Senate, have as common goals.

While public opinion is significant—and I am glad, according to the polls I cited, it is on our side in the debate —about whether to drill in the Arctic Refuge, ultimately I think we all have to make our judgment about what is best for our country. My judgment is that drilling in the Arctic National Wildlife Refuge for oil would not be best for our country.

I apologize to my friend from Alaska that I have a previous commitment and I have to leave. I have a feeling we will return to this debate again after the first of the year and probably at length. I have great respect for the Senator from Alaska, so I look forward to that debate. Hopefully the result will be more knowledge and perhaps even a bit of wisdom.

MR. MURkowski. I appreciate the comments. I can assure the Senator from Connecticut that the Senator from Alaska intends to bring this matter up to a vote, as does my Senate colleague, Senator Stevens.

The frustrating thing is we are always put in a position of having to identify with detail and rationale the reasons we believe the 1002 Area could be opened safely. Of course, we come from the State and we know something about the State and the factual information we have attempted to do over the years is to encourage Members to come and see for themselves so they can make a fair evaluation, because
the action taken by the mass will determine what happens in our State.

It seems to us that in a position where what is best for Alaska and what is best for our constituents based on what they tell us they want is somewhat overcome by the desire of the people outside the state. We happen to be the only State still under development. We came in with Hawaii, but obviously we are a State with huge resources. We have 56 million acres of wilderness in our State. I think somebody figured out how much land is in Alaska, and the comparison of whether it is a viable supply. They did a calculation, and based on 10 billion barrels, it would amount to a supply for Connecticut for 12½ years.

I see my colleague has had to leave to take a phone call, but I am going to be answering throughout the day some of his generalizations because, frankly, they do not hold water, and they certainly do not hold oil. He indicated a willingness based on a very studied and timely process he hopes will be reflected in the bill we understand is coming down, not from the chairman of the Energy and Natural Resources Committee but, rather, from the majority leader.

We have been working on this legislation in committee for several years. We have held extensive hearings. So it is not something that has not had a great deal of forethought, has not had a great deal of consideration. It was removed, through the dictates of the majority leader, from the committee of jurisdiction. It has been taken away from the committee, and whatever bill we will be seeing will not be representative of a bipartisan effort but strictly the result of Senator Daschle and I assume others on their side of the aisle.

So we will be right back in the same position we were on the Finance Committee relative to the manner in which the stimulus package was submitted. It was submitted on the one side, and the Republicans had no input into it.

The point is this Nation needs a policy, regardless of what poll we see, on the issue of national energy security.

There is virtually total support we should have an energy bill.

Now the merits of ANWR obviously get us into a discussion, but we believe that dramatically there has been a turnaround in public opinion. One of the reasons for the turnaround is, we think, it is the realization of what happened off Iraq a few weeks ago where we were boarding a tanker. We had the U.S. Navy inspecting the tanker for the specific purpose of determining whether Saddam Hussein was exporting oil. That decision was made on the one side, and the Republicans had no input into it.

The significant presence of the tourism industry in 30 of our 50 States, clearly the gift shops, and they are not going to the tourist attractions. As a result, they will fly for business reasons.

However, there are still a lot of people who do not think it is safe to fly. As a result, they will fly for business reasons, but they will not fly for leisure and vacations.

There are parts of this country that are highly economically devastated. One such place is the capital city of the State of the Presiding Officer, Honolulu. Another is the largest tourist destination in the world, Orlando, Florida. Miami, another is the robust cruise tourism business. Another is Las Vegas.

We can look at the list of cities that as part of their economy are inextricably entwined with travel and tourism. We can see the economic devastation. When the leisure travelers are not flying, they are not getting into the hotels; when they are not getting into the hotels, they are not going into the restaurants, they are not going into the gift shops, and thus not going to the tourist attractions. As a result, we see the economic devastation.

As wartime conditions continue, we should expect to see a continued loss of tax revenue due to the precipitous drop in economic activity. While every State has been affected to some degree, and travel and tourism is one of the top 3 industries in 30 of our 50 States, clearly States such as the State of the Presiding Officer and my State of Florida have been uniquely impacted due to the significant presence of the tourism and aviation industries in those States.
For example, since the end of September, the average daily unemployment claims for Florida have risen by 55 percent, translating into approximately 50,000 more Floridians applying for unemployment benefits. That is mind-boggling. This is staggering.

The unemployment rate in Florida is expected to peak at 6.1 percent next summer. The latest State forecast anticipates 120,000 lost jobs by the end of June, with an additional 115,000 jobs lost in the following fiscal year. And that is only in one State, my State of Florida.

So these statistics show that we still need help, a tremendous amount of it. As we speak today, Florida’s State Legislature is meeting in the capital city of Tallahassee once again, trying to rewrite the State budget to make up for more than $1.3 billion in lost revenue, while also trying to fund rising unemployment claims and skyrocketing assistance needs of those, the businesses and the individuals among us.

So while it is entirely possible that we have already seen the worst of our economic drops—I certainly hope that is the case—the ramifications of these losses will be felt by Florida and many other states for decades to come.

There is no time to waste. We must pass a stimulus package as soon as possible. The substance of that package is clearly the very sticking point where we have substantive disagreement among lawmakers, not only in the Senate but at the other end of the hall in the House of Representatives. There is significant disagreement between that body and this body. Yet there are still many areas on which we can agree: increasing unemployment benefits, helping the unemployed maintain their health insurance, helping our States ride out a recession with fewer Federal spending cuts. At the same time, we must be cautious about our smaller and medium-sized businesses, and to those sectors that have been hardest hit in these difficult times. Those are the things we can agree on, and we ought to come together in the stimulus package and make that happen.

Once again, I applaud the continuing efforts of the majority leader and the minority leader, the chairman and ranking member of the Finance Committee, Senators Baucus and Grassley, for sitting down again today to try to come up with an agreement. Once they come up with that agreement, then we can pass it. We can pass it before we adjourn. We can get it into law—the President has said he will sign it—and we can start to take care of our weakening economy.

MAJOR LEAGUE BASEBALL CONTRACTION

Mr. NELSON of Florida. Mr. President, we have another potential economic devastation in the State of Florida. Lo and behold, major league baseball has voted to eliminate two teams.

The media reports suggest that four teams are on the short list of those that might be dissolved. Lo and behold, two of the four are from Florida—the Florida Marlins and the Tampa Bay Devil Rays—and the other two that are on the list are the Montreal Expos and the Minnesota Twins. If any of the four teams currently under consideration for elimination are dissolved—any of those four—the impact to Florida would be significant. Doing so, especially without input from the communities and the regions where the teams are based, would be a mistake.

Baseball made promises to communities in my State that were relied upon by individuals who then built businesses and other assets around the teams. Both Miami and Tampa Bay have invested millions of dollars and years of sweat equity in their teams. Hotels, restaurants, concession vendors, and other hospitality companies, already reeling from the September 11 tragedy, would suffer staggering losses if baseball fails to honor its obligations. Yet the league has completely shut them out of the process, keeping everyone in the dark. The owners got together and made these decisions. They didn’t reach out to the communities and get their input.

Take, for example, eliminating the Minnesota Twins, which I suspect would have a great deal of interest to our Senators from the State of Minnesota and the Montreal Expos, that would have considerable interest to the Senators who border that area. Let me tell you, that would be very troubling for Florida as well because both these teams have a significant minor league presence, and they have wonderful spring training facilities in the State of Florida. Their dissolution would have a direct negative impact on Lee County, which is Fort Myers and Palm Beach County, the city of West Palm Beach where the teams train and play. Many individuals and small businesses in these areas depend on the teams for their livelihood and would be irreparably harmed if the teams folded.

Florida’s attorney general, my good friend, Bob Butterworth, explained the problem best when he said “the people of Florida are entitled to some straight answers about the future of major league baseball in this State.” That is why I strongly support Attorney General Butterworth’s efforts to obtain investigatory subpoenas to major league baseball. The people of Florida deserve to know what was said behind closed doors. I applaud the attorney general for taking action so we can get to the bottom of this problem and take whatever additional steps are necessary, including legal action to keep baseball in Florida for many years to come.

It is my understanding we are soon going to have a hearing in the Commerce Committee, on which I have the privilege of being a member, on this particular subject. To be forewarned is to be forearmed. We want some answers in that committee hearing. The league has an obligation to live up to its promises to the people of Florida, and I intend to work ceaselessly to ensure they do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, Senator CRAIG is here seeking recognition on the pending package that is before us. I yield whatever time he might need for that purpose.

The PRESIDING OFFICER. The Senator from Idaho.

ENERGY POLICY

Mr. CRAIG. Mr. President, I thank the ranking member of the Energy Committee, the Senator from Alaska, Mr. MURKOWSKI, for allowing me this time on the floor.

First, I do want to say for all of us, and for the record, a special thanks to Senator FRANK MURKOWSKI for the phenomenal leadership effort he has put into the issue of energy and the development of a national energy policy for our country. He truly has been relentless over the last good number of years, not just starting when the lights went out in California but long before that when he and I and others who serve on that important committee in the Senate began to recognize that if we did not start reinvesting in the energy infrastructure of our country, that our Nation would at some point be in trouble.

We have watched, over the last decade, our ramping up of a dependency on foreign oil sources. We began to see a rapid use of the surplus of electrical energy that was out there a decade ago, as our country, through the decade of the 1990s, continued to grow. We are the nation that was used to being able to have access to the market basket of energy, the oil side, the hydrocarbon side, the coal side, the electrical-generation side, the new technology side. We began to invest in new technologies, in wind and in solar. We put money into fuel cells.

Clearly, over the last good number of years, we have achieved a great deal in those technologies, but they are not yet mainstream. They do not yet fill up the market basket of energy, and we are still dominantly reliant on electricity generated by coal, by nuclear, and by hydro. We are still dominantly dependent on hydrocarbons, gases, and, of course, the crude that comes from around the world. We know it is well over 50 percent. We are sometimes 60 percent dependent on someone somewhere else in the world being willing to put their product into the market for us to buy.

The lights began to go out in California about a year and a half ago. It
was a major wake-up call to this country. California being our largest State and being the largest piece of the American economy, we knew that if California faltered and failed it could drag the rest of the economy down with it. I am from Idaho. Our State is part of a regional electrical grid. Our energy is dominated by the impact of California action. The State of Oregon, the State of Washington, the State of Montana, parts of Nevada, parts of New Mexico, and parts of Arizona were caught up in the grid. I use the word “episode” as it relates to California.

As we watched California restructure its electrical system, there was not an economist out there nor a few reasonable observers who knew electricity who said California was doing the right thing. In fact, most said California was doing the wrong thing, and that at some time in the future California would find itself in trouble. That is exactly what happened.

My State of Idaho being in that grid, began to get in trouble, too. We had the least cost power. We were hydro based. All of a sudden, our rates started going up.

As a little side note to the rates going up, because we are a hydro-based State and because over the last 2 years the Pacific Northwest has been in a drought, we were in even worse trouble. The energy issue in Idaho became a very strong issue as it grew across this country.

A new President was elected last November. While he talked about education and he talked about compassionate conservatism, in one of the first meetings I had with President George W. Bush, he stood aside those issues and said: The most important issue for our country at this moment in time is the development of a national energy policy and a reduction of the dependency of our country and its constituent economies on foreign sources of energy, and I am going to assemble a task force headed by Vice President Cheney. We are going to make our proposals, and we are going to lead on this issue. We want you to work with us so we can develop a truly national, comprehensive policy.

That was the beginning of a strong effort on the part of the House, the Senate, and the administration to work on the issue of energy.

There are a lot of side stories and a good many side notes to this whole effort. But there is one thing that is very clear in the minds of the American people: That we are not masters of our own destiny when it comes to energy; that we are a regionally dependent economy when it comes to an adequate, abundant supply of energy at a reasonably low base price in that economy; when that fails or when those prices go radically up because the market price drives it, our economy is in trouble.

About a year ago, Alan Greenspan said the recession was beginning to appear as a slowing of the economy, and it was clearly evident that the spike in energy costs would take a full percentage point off the economy and would cost millions of jobs in the economy as business and industry offset their profitability or their costs based on an unbudgeted, rapid increase in the price of energy.

All of those scenarios played themselves out. All of them are extremely important to this country.

The Senate began to work its will. The House began to work its will. Lots of hearings were held. We were beginning to shape and write a bill in the Senate. Frank Murkowski, Larry Craig, and a good many others had already introduced a bill earlier in the year. Chairman Bingaman introduced a bill earlier in the year. There were opposing points of view on energy—not dramatically different but different. That is OK. That is fair. That is the way the process works. But all of them were intended to come back to the Energy Committee. My idea was to shape and write a comprehensive bill and the Bingaman bill, we were going to produce a national energy policy bill for the Senate which we planned to do through the months of September and October after coming back from the August recess. The House had already worked its will with H.R. 4.

The amendment we are offering today is the House product. But it was done in the Senate during the August recess. The House moved a little more quickly than we did and built a reasonably comprehensive bill to solve the problem I have just in a general way laid out for all of us.

We came back from the August recess. The Senate began its work in the Energy Committee. Of course, the House had already worked its will and sent a very loud message to us, to the President, and to the American people that we should produce a comprehensive bill which included some very controversial but extremely important issues in it, such as exploration in northern Alaska before the September 11 occurs—a dramatic and horrible time for our country. That incident and all of the preceding events have clearly reshaped the thinking of the American people about a lot of things. But very clearly it has reshaped the thinking of the American people in their attitude towards energy and energy supply.

Let me give you an example. If you polled on the issue of oil exploration in northern Alaska before the September 11 occurs, a slight majority of the American people would have said: I don’t think so. I don’t think we ought to do that. After September 11, a substantial majority—from 46-plus to 60-plus—said: Yes, do it. Do it environmentally safe, but do it. Why? Because the American people were focused as never before on our weaknesses, our dependency, and our inability to stand alone and stand firm. We had beenstruck. We had been hit. Hundreds of Americans had been killed.

Guess what. They came out of the Middle East. Guess where the largest supply of oil comes from on which we are dependent. It comes from the Middle East.

Americans said: Why should that be so? Can’t we be more independent? Can’t we stand alone more strongly? We shouldn’t be at risk. We are at risk.

We were just struck on our soil, and thousands of Americans died.

That was the thinking, and it was very clear.

Here is an example. This is a poll taken on November 14. Ninety-five percent of Americans say Federal action on energy is important; 72 percent of Americans say passing a bill is a higher priority compared to other actions Congress might take these days.

The American people have elevated the energy policy issue as high as they have elevated airport security, as high as they have elevated antiterrorism, as high as they have elevated anti-biological warfare and anti-chemical warfare. It has become a national priority.

The American people say Congress should make energy a part of President Bush’s stimulus package, and 67 percent of Americans say exploration for energy in the United States, including Alaska, should be part of a national energy policy.

Post-September 11, some pollsters said, was the most significant shift in the minds of the American people in the history of modern-day polling. I believe that is true because Americans not only were fearful of what had happened but they began to reassess their own personal security, their families’ security, their communities’ security, and their States’ security, and said: We are not secure.

When I go to the gas pump and I fill my tank, I am buying oil from Saddam Hussein. It is true—700,000 barrels of oil a day come out of Iraq, 12 million a day of your consumer dollars. Americans are paying $1 billion a year to an enemy so that he can further his weapons of mass destruction, so that he can fight a war against us and our friends in the Middle East. Yes, that is the reality of what we are doing. We did not do it consciously. We fell into it. We fell into it because this country has ramped up into greater dependency on energy sources because we refuse to develop our own in a comprehensive, balanced, and environmentally sound way.

Somehow there was this prohibition attitude that said, no, do not go there, even if there is energy there. We will buy it somewhere else. The environment is so valuable you cannot go there, whether it is offshore or onshore across America. What it did for us was open our soft underbelly of dependency to our oil suppliers, and shame on us for doing so. The American people are now saying that, and they are saying: Congress, change your attitude.
Change your mind. We want to be stronger. We want to stand on our own two feet. We want to be able to supply a reasonable amount of energy for us, for our needs.

New technologies? Absolutely. Alternative ones. Absolutely. But we know for the next 25 or 30 years we are going to be dominantly dependent on hydrocarbons—gas and oil—we are going to be increasingly dependent on nuclear—and we should be; it is clean, and we ought to be building more nuclear. We can meet our clean air standards if we build nuclear—and we ought to be looking at clean coal technology, and we have lots of coal. All of those things need to get done. There need not be a rush to judgment. There simply needs to be a systematic, methodical approach for dealing with this crisis.

The speech I am giving today is in the backdrop of declining gas prices across America. I am sure there are a few doomsayers who say there is well, now look. They are rushing to judgment once again. There go those doomsayers.

What they ought to be saying is, because our economy has fallen almost on its face, less energy is less. Industry is doing less. We all know those figures. Americans are doing less. Industry is doing less. We all know those figures.

This week was the first time, our agencies declared we were in recession. That is a large part of why we have seen declining usage. So if we have this moment of opportunity to bring more energy on line and lower the costs, it is, and it can be, one of the greatest stimuli to the economy of this country, if we do it and do it right.

That is the scenario. That is where we are at this moment. And throughout all of this, something strange has happened. About a month ago, the majority leader of the Senate, Tom Daschle, picked up the phone and called Chairman Bingaman and said: Shut your Energy Committee down. I don’t want you to mark up a comprehensive energy bill in committee.

Why did he do that? I believe I know, but he has not told me personally. It was an unprecedented action.

In the backdrop of all of this new national attention on the need for a greater strength and energy, the leader of the Senate reaches out to his committee and shuts it down—the very committee that would craft the energy bill. I will tell you why he did it. Times have changed. He was behind the curve. America said explore in Alaska as a part of a comprehensive policy, and he had an environmental political debt to pay, and he is going to pay it. The way to do that is not to allow that vote on the floor, not to allow that vote, when the American fervor for strength and energy, the American fear of foreign dependency is higher. We hope that will settle out, I think he thought. And next year—next year—sometime we will do a national energy policy and maybe then we can win the vote on ANWR.

What he failed to recognize was that before the crisis in September, the House had already passed a bill with Alaska exploration in it. Not only increased, but increased. On September 11, the attitude toward that kind of exploration.

So because the majority leader of the Senate shut his committee down in an unprecedented act and denied them the right to mark up a bill in the appropriate committee, and then on the floor today, using a tactic that is procedural and appropriate but somewhat unprecedented when it comes to offering up a major national energy policy.

The bill we would have produced, the bill that Chairman Bingaman would have produced had he been allowed to, had he not been forced to shut down his committee, would have been a much stronger bill and a broader bill than the H.R. 4 bill that we have on the floor today. A lot of things we are going to try to attach to railroad retirement because we have been given no other alternative on this critically important issue.

I support railroad retirement. Railroad retirement will be strong if railroads can buy reasonably inexpensive diesel to fuel those big trains out there. But if diesel were to go to $3 or $4 a gallon, railroad retirement and the financial stability of the railroads would be highly in jeopardy. That is why it is appropriate to put an energy bill that will keep costs to the rails down and costs to the consumer down as it relates to their need for energy and attach it to this legislation.

But the reason we are doing it is because the majority leader of the Senate has denied us no other approach. In fact, he has denied the right of the Senate to work its will, to do what the American people want, what 56 percent of the American people say is now necessary, what 72 percent of the American people say is a critical priority that ought to be included in President Bush’s stimulus package to improve the state of the economy.

And where is our majority leader headed? In the other direction, away from what the American people are asking for, and what our President is pleading with us to get done before we leave town for Christmas.

The Senate has come to the Chamber and wants to speak. Let me mention just a few other things about a national energy policy.

One item in a comprehensive bill deals with exploration in Alaska—one item— and yet if you listen to the debate or you listen to the critics, you only hear one item: Alaska.

Let me talk about a few other things. H.R. 4, the amendment that we want to put on here, that we are going to be voting on Monday, reauthorizes Federal energy programs and directs the Federal Government to take leadership in energy conservation with new energy savings goals—produce more but use less. It means you can have a growth economy and an abundance of energy. It isn’t all conservation, and we know it. It expands Federal Energy Savings Performance Contracting authority. It increases Home Energy Assistance Program—what we call LIHEAP—and Weatherization and State Energy Program authorization levels to meet needs of low-income families. Most of us want that and think it is appropriate. That is a part of it.

It also directs DOE to set standards for appliances that are on “standby mode”—that are consuming electricity when they are not being used today, using a tactic that is procedural and appropriate but somewhat unprecedented when it comes to offering up a major national energy policy. We are asking—and causing by promotion and credit in the marketplace—that industry, as it grows, that it should produce products that consume less energy. That is called conservation.

That sounds like a pretty good idea. It reduces light truck fuel consumption by 5 billion gallons over the next 6 years, improves Federal fleet fuel economy, and expands use of hybrid vehicles and electric cars. George Bush is a man who has a special affinity for the American car. He is a car guy. One year ago in Dearborn, MI, I drove a new Ford fuel cell electric car. It was a beautiful car. I had it out on the racetrack, roaring around the track with an engineer. He said: Feel the thrust. He didn’t say: Step on the gas, he said: Step on the pedal. There was no gas in that car. It was a hydrogen fuel cell car. I kind of slipped on one corner because it was raining. He said: You better be careful; this car costs $6 million. I had never driven a $6 million car. He said: This is a prototype. It is very expensive. As it comes on line in the market and the market expands, the price will go down dramatically.

In order to build an assembly line to produce a hydrogen fuel cell car, it would compete in the market with other cars, but then where would you fuel it? You have to build fueling stations around the country. The gas station that we drive into today is a product of 70 years of building up an industrial complex to produce gasoline. Not overnight do we replace that with a new industry that could fuel a hydrogen fuel cell car.
That is my point about working to bring new technologies on line while building the resource of the current technology and the current energy. I could go on through the long list of items that are in H.R. 4. The point is simply that public attention will be directed toward a single item: a major comprehensive bill, called exploration in northern Alaska, what the rest of the world needs to hear is that there is a lot more to talk about and a lot more to get done.

Let me begin by saying: Tom Daschle, 95 percent of the American people are asking you to help us produce a national energy policy. The President and the Republican Senate and 73 percent of the American people are saying: Mr. Daschle, allow it to be a part of the economic stimulus package. It is that important. Senator Daschle: Why don’t you lead us and help us get there instead of blocking us and trying to stop us from getting there.

I yield the floor.

The PRESIDING OFFICER (Mr. Nelson of Florida). The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me identify myself with the excellent remarks of our colleague who just spoke. We are going to have an opportunity on Monday to determine whether or not we want to debate energy policy in America and whether we want to deal with the problems of our nation. That will come on the cloture vote. If cloture is invoked on the railroad retirement bill, those two issues will be sheared off and we won’t get an opportunity to vote on them. If cloture is not invoked, we would get an opportunity to vote yes or no on them, and then they would go forward as part of the railroad retirement bill, if they were adopted. I identify myself with the excellent remarks that were given.

I made the point during 300 or 400 calls a day about railroad retirement. I am getting lots of letters—I am not getting the letters; they are coming, and I am going to get them some day when we get through with this anthrax business and I will be able to answer them. It frustrates me.

I would like to try, as briefly as I can today, to explain this issue on railroad retirement at least as I see it. I will try to present the facts. We are all entitled to our opinion, but we are not all entitled to our own facts.

The first way, the best way to start this discussion is to explain how I became involved in the debate. About a year ago, I had representatives of the rail labor unions and the railroads come to see me and to talk to me about a proposal they had to “reform railroad retirement.”

I guess other things being the same, I am for reform. But when it became clear that they were talking about taking the stable assets that are now sitting in a meaningless IOU in the Federal treasury and investing it in stocks and bonds and real wealth, out of which they were going to be able to pay benefits to railroad retirees, I think it is fair to say that even for an old jaded politician, I was excited about this bill. Into my office came all of these people, representing these major interests, very knowledgeable, very in love with what were there to lobby me on behalf of it.

I guess it took me about 5 minutes to figure out that something didn’t add up. Let me offer a little information to set the predicate for this. As everybody who has not been hiding under a rock somewhere for the last 25 years knows, Social Security is in trouble. We have gone from 42 workers per retiree, when we started paying Social Security benefits, to 3.3 workers per retiree today. We are in sheer panic—I am about what we are going to do as baby boomers start to retire, and we move from 3.3 workers per retiree to 2 workers per retiree.

While I might be the strongest opponent on the planet of taking the Social Security surpluses we have and investing them in real wealth to bring in what Einstein called the most powerful force in the universe, the power of compound interest, I have never claimed, nor has anyone else, that for the next 25 years that even the best investment program imaginable by the mind of man could enable us to raise Social Security benefits now, to lower the retirement age for Social Security by 2 years, or to cut Social Security taxes now.

I have not been here forever, but I didn’t just come in on a turnip truck yesterday. I started with this knowledge that in Social Security, with 3.3 workers per retiree, we are looking at dramatic increases in taxes or dramatic reductions in benefits, and maybe both, and that an investment component could mean less in the way of reductions in benefits and less in the way of increases in taxes. But not by any imagination that I have could I have believed that we could with any kind of investment program in Social Security raise benefits today and cut taxes today knowing that in Social Security there is only 3.3 workers per retiree. And yet these people come to my office and tell me that we can have a railroad retirement investment program and that we can immediately slash taxes that are going to fund railroad retirement. We can immediately increase benefits, and by the way, we can immediately change the retirement age.

We are in the process now of raising the retirement age for Social Security from 65 to 67. And in walk these people saying to me: Look, with this little investment program we can today change the retirement age in railroad retirement from 62 to 60.

While I wouldn’t have believed that for Social Security, let me give one more fact. Today in Social Security we have 3.3 workers per retiree. In the railroads, we have one worker per three retirees. The railroad retirement program is in nine times worse shape than the Social Security program. We have three workers per retiree in Social Security, they have one worker for three retirees in railroad retirement. And yet these people, highly paid, highly intelligent people came in to my office. They were lobbyists. I don’t want to stop and dissect what is wrong with lobbying. The Constitution guaranteed them the right to come make this pitch to me. But with a straight face, they came in my office and said: If you will let us take $15 billion, which will involve legislation that will raise benefits, we will lower the retirement age—and I am not talking about way off in the sweet by and by. I am talking about today—we will raise benefits, we will lower the retirement age to 60, we will cut taxes on the railroads that fund railroad retirement, and it will just be great.

Now, I am sorry to say, I don’t know what their pitch was to the 74 Members of the Senate who signed on as cosponsors, but I do know that I didn’t believe it. And I was right. I will explain to you why I was right. I didn’t believe it because it didn’t make any sense. And now that we have the railroad retirement board to work out all the numbers, let me tell you what the plan is and then show it in terms of the numbers and talk about the danger it creates.

What must have happened is—and this is just theoretical, but it seems to me that this is what the railroads have had problems really since their formation because they got lots of assistance from the Government. They negotiated labor agreements that didn’t make sense. They had massive featherbedding. When they started competing against trucks in the 1930s, they were forced to reduce their labor force. So they had this huge number of people, they have huge severance pay packages, and they have very high retirement benefits. So they got in financial troubles.

I am sure that sometime last year, or the year before, somebody with the railroad said: Look, we have over $15 billion of real assets in the railroad retirement program. You need to realize that railroad retirement has never been self-sufficient; the Federal taxpayer heavily subsidizes it, and there is no private retirement program that could run with the benefits it is paying out, with a trust fund as small as their trust fund. So it has never been self-sustaining; the Government has always been a very heavy contributor to it.

But what must have happened last year, or the year before, is somebody with the railroad said: Wouldn’t it be great if we could get some of that money out of that trust fund? What would we like to have?

But they could not figure out, to save their lives, how they could raid the railroad retirement trust fund without them getting absolutely crucified. So it looks to me as if some really smart lawyer, lobbyist, economist—somebody—came up with the idea that the
railroads should go to the unions and say: Look, if you will let us take $7.5 billion out of this retirement fund, we will let you take $7.5 billion out of it, and we will leave the Federal Government on the hook for paying this benefit.

Now that is literally what happened. Today it is typical of the news coverage—and this is an article in the Roanoke Times. I don’t know why my clipping service got it. They are talking about my opposition and Senator DOMENICI’s and Senator NICKLES’, and they say we argue that taxpayers would be left holding the bag because the railroads and the unions want to take the money out of Government funds and invest it.

It is not investing that I am against. It is pilferage that I am against. If they were investing the money, I would be saying hallelujah choruses right here before Christmas. I am for investing it. It is stealing it that I am against. Of course we are talking about my opposition and Senator NICKLES’—and we are going to raise the value of the railroads now. We get out to 2022, to pay for pensions in half, and we are going to raise the value of many pensions.

So what we are literally doing is this, if you work out the numbers. If it doesn’t smell like a political deal to you thus far, it will when I give you the numbers. How much of the $15 billion do you think goes to the railroads? How much do you think goes to the employees? You would think, if it were just accidentally distributed by some program, one might get a penny more than the other and it might be a little bit different. Incredibly, over the 17 years, $7.5 billion of this pension fund goes to the railroads and $7.5 billion goes to the union members.

Now what happens when suddenly you have a program where, despite the fact that you are getting interest, which you didn’t before, over the next 17 years, the railroads and the unions want to get $7.5 billion. You would think, if you were invested, that because before you have invested a penny, you have cut taxes and you have raised benefits—what happens? The program starts having big-time problems.

In fact, under their own numbers, while the railroad tax rate on the railroads gets down to 13.1 percent by 2004, by 2025, just to cover the portion for which they are liable under this bill, their tax rate would have to be up to 22.1 percent.

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The reason this trust fund does not go right through the floor is there is a provision in the bill that says if the trust fund is, for some reason, used up, and the reason is pilferage, that while taxes are being cut on the railroads, the Federal Government itself. It is not really an investment. Investing it would be a good thing. I am for it. Wouldn’t you believe that if you were getting no return, and you had 8 percent after inflation, the value of the trust fund would go up? I mean, what investment can you imagine that—if you were getting an effective zero rate of return today and you started getting 8 percent, you think the investment would grow in value? Yes, it should be getting bigger. But what happens, if we adopt this bill, is the trust fund will start falling and will fall dramatically until the emergency provisions of the bill kick in and taxes are automatically raised on the railroads.

What literally happens—and I want people to listen to these figures—under this bill is that the $15 billion is not invested, it is pilfered. What happens under this bill is that over the next 17 years, despite the fact that we are getting a higher rate of return on the money, the balance actually falls by $15 billion.

How do you get a higher rate of return and end up with less money? You end up with less money because, before anything is invested, before one penny is invested, we are going to slash taxes on the railroads from 16.1 percent to 14.75 percent to 14.20 to 13.1, and we are going to go out and buy life insurance for beneficiaries, we are going to cut the time for vesting in pensions in half, and we are going to raise the value of many pensions.

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November 30, 2001

CONGRESSIONAL RECORD — SENATE

S12233

trust fund. But it is a victimless crime, right? In fact, as one of the railroad executives says in the paper today, "It is our money." It is their money. Well, what if we were taking money out of the Social Security trust fund and giving it away? After all, probably the guy who gets it, it would be their money.

The point is, however, the Federal Government is on the hook and come 2019, when the lion away, we are putting the taxpayer these benefits. There is nowhere near if we were taking money out of the Social Security trust fund and giving it away? After all, probably the guy who

cial Security trust fund and giving it

if we were taking money out of the So-

is literally a proposal to pillage $15 bil-

ances. When labor and business get to-

not always good things. In fact, the

always good things. Let me repeat it

good consensus, and I was proud of it.

ought to do. I want to state a paradox.

What should we do? First of all, no-

Nobody wants to hear this stuff. When all

FAA, and giving it away? After all, proba-

Social Security trust fund and giving it

is earning interest on the assets of the

have a proposal before us that claims it

sion fund. It vastly increased the bene-

going down instead of going up? Be-

railroad retirement program. But if it

is earning interest on the assets of the

raise payroll taxes by 6.5 percent more.

vesting the money, you would have to

ke the investment and we actually

and selling it to Congress as a reform

based on investment—even though

the trust fund goes down like a rock—I am

sure somebody devised this stuff made

millions. And they should have.

The problem is, this isn't some kind of

idea that we would have a bill that will

litterally pillage the trust fund of rail-

road retirement funds is a startling

thing. This may pass. It probably will

pass. I would rather it not pass on my

watch. I am going to try to oppose it. I hope my colleagues, even at this

late date, will look at these things. If

somebody wants to debate this, if

somebody wants to come over and present their figures, if they will let

me know, I will come over and debate
ting, too. Human cloning, being a cri-

We need people to start asking: Why

People writing about this in the

media, don't be confused. I am not con-

cerned about investing $15 billion. That

is God's work. I am for investing $15

billion. What is happening, when the

trust fund is projected to look like this

line, and it is turning out to look like

this, that is not investment. That is

pilling. That is real public policy.

We need people to start asking: Why

are we doing this when the taxpayer is

liable: If they start asking, maybe we

can fix it.

I appreciate the indulgence of the

Chair. I yield the floor.

The PRESIDING OFFICER (Mr. Wyden). The Senator from Alaska.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, let me make sure we know where we are on the legislation before the Senate.
The underlying bill is the railroad retirement bill. We have two amendments combined as one, one is the adoption of H.R. 4, the House energy bill; the other issue concerns a moratorium on cloning for 6 months. That is Senator NOYEMAN's legislation.

I will speak today on the energy issue because I think it is paramount. If we look at the polling information we have, it is obvious what American public opinion consists of. This survey was done by the IPSOS-Reid Corporation: 95 percent of Americans say any Federal action on energy is important; 72 percent of Americans say passing an energy bill is a higher priority than any other action Congress could take. Mr. President, 73 percent of Americans say Congress should make the energy bill part of President Bush's stimulus plan. Mr. President, 67 percent of Americans say expiration of new energy sources in the United States, specifically ANWR, is convincing reason to support passing an energy policy bill. That is 67 percent.

I am not particularly happy with the way the energy bill, H.R. 4, which we introduced, is here. It is the House bill, which did pass the House by a substantial vote. It is our intention to support passing an energy policy bill. That is 67 percent.

In any event, the good news is we finally have a energy bill up for discussion because that has not been the case before, because of the majority leader's refusal to allow us time but, more significantly, the refusal to allow the committee process to work.

As we have seen ordinarily around here, this bill, as is the case with the railroad retirement bill, or voiced their opposition against cloning, or been a proponent or opponent of the House bill.

Throughout this debate what I am trying to do is provide people with facts rather than fiction. What he failed to mention earlier today was the rights and interests of the Native people of Alaska who live in the 1002 area, the area of Kaktovik, and their rights to develop their own land in this area. As the chart behind me shows, you can see the ownership of the 95,000 acres in that area that is Native land. This is the 95,000 acres of Native land that is within the 1002 area. That is the area that would be leased.

In the manner in which this land was transferred over to them, while they promised to provide them with no authority to drill for gas for heating their own homes. These are American citizens entitled to the same rights as any other American citizen. They do live in the area. As a consequence, they have a 50 percent chance of more than 5.7 billion barrels of oil in place. Clearly, what we are talking about is an enormous amount of potential energy sources.

In the late 1960s is prevailing today. The same arguments that were used in the 1970s against the pipeline. The same arguments that were used to suggest that anyone would buy crude oil from the ANWR. It is almost to its 13 billionth barrel of oil.

What we have done is, we have done a little comparison for you to show that ANWR and South Carolina are about the same size. The only difference in the ANWR 19 million acres, we set aside 8.5 million acres as a wilderness in perpetuity. Those are not going to be touched. Nor is the balance of the refuge in the darker yellow. Only the green area is proposed for lease sale. In the House bill before us, the footprint is limited to 2,000 acres. That is the little square you see up in red.

What is the proportion. You have the pipeline already in, the 800-mile pipeline. The same arguments that were used in the 1970s against the pipeline and the late 1960s are prevailing today. We built that pipeline. It is one of the construction wonders of the world. It has moved 20, 21 percent of its total crude oil produced in this country.

I know there are some who have, simply, a closed mind to this issue because they made a commitment to America's environmental community. It is our job to make a commitment to what is right for America, and what is right for America is to reduce our dependence on imported oil. You do it one
way. You do it by producing more domestically.

You can talk all you want about energy savings, the world moves on oil. You don't drive out of here on hot air. You don't fly out of here on hot air. Your automobiles are not going to continue moving on oil for some time in the future. That is why it is so important that we develop, here in the United States, an additional supply of significance.

Don't tell me about a 6-month supply because, if you do, you are doing a disservice, not only to your other colleagues but to yourself because you are kidding yourself.

If there is no oil there, believe me, it is not going to be developed. There is no consideration for the Native people's rights. I talked about that earlier this morning. That distresses me because they are my constituents. They have every right as American citizens to control their land and develop their land, and they can't even drill for gas to heat their homes.

Some say we are rushing through this too fast. We have had hearings. Here is the history. Between the 100th and 101st Congress—this has been around for a long time—there have been over 50 bills regarding this topic, there have been 60 hearings, there have been 5 markups.

Legislation authorizing the opening of ANWR passed the Senate once already—in 1995. Legislation authorizing the opening of ANWR passed the House twice already. The conference report authorizing the opening of ANWR passed the Congress back in 1995. It passed, unfortunately, President Clinton vetoed it. If we had passed it in 1995, it could very well be producing oil.

Something that should lie in the minds of all Americans is that we are starting to lose lives over oil. We lost two U.S. Navy sailors because a ship sank while being inspected by the Navy. It was sailing out of Iraq filled with illegal oil that had gotten beyond the oversight of the U.N. inspectors. The ship was inspected, was visualizing the vessel inspecting it, and the ship sank.

The point is this: Had this particular legislation not been vetoed by the President in 1995, I am sure we would have had a different situation relative to the situation we see currently in Iraq, I will talk about that a little later.

In any event, to suggest this thing be given further study, that is a cop-out. We have been at this. We have had hearings. I know the occupants of the chair have been on the committee. This has been under discussion. The obvious road block here is the refusal of the Democratic leadership to allow us to vote it out of committee and to have an up-or-down vote in the committee. They took way the authority of Chairman BINGAMAN and rested it with the majority leader. They do not have a bill yet. Maybe they will have a bill in another day or two with little or no Republican support. This has become a very partisan issue.

It is similar to what happened on the Finance Committee with the stimulus bill. We had no input, and suddenly we went to markup and to voting the bill and there were a couple and I feel that we had to start the process again.

I don't know what the majority leader's objective is in delaying. But we finally have this up before this body. Again, I am distressed with the manner in which we are forced to tie ourselves in on railroad retirement. That should be a separate bill. Nevertheless, we have to take what we can get around here. When you are a small State with a small population, you don't have a large House in Washington, we only have one House Member.

Some of the comments from my friend, Senator LIEBERMAN, this morning, about this being an insignificant amount of oil—let me tell you that the estimates of oil coming out of ANWR would support his State of Connecticut for 126% years based on the current petroleum needs of about 216,000 barrels a day. From the standpoint of South Dakota, it would provide oil for South Dakota for 460 years.

We can all throw statistics around. Nevertheless, it is frustrating when there are suggestions that this is a meaningless, insignificant potential and not worth disturbing what they call the Serengeti of the Arctic.

Let me comment a little bit on some of the claims by the Senator from Connecticut that we are rushing through the ANWR process. As I indicated, nothing could be further from the truth.

A conference report authorizing the opening of ANWR passed the Congress in 1995. Reviewing the history shows that ANWR has not only been addressed by various agencies of the Department of the Interior, the House of Representatives. The proposal has been before Congress for 14 years.

The time to act is long overdue. The issue has been dragged out long enough over the years. I think both sides know what is happening to us with the vulnerability associated with our increased dependence.

I have some charts that show the actual increase in consumption.

Here is the reality of U.S. petroleum consumption from January of 1990 to September of 1999. You can see that we are currently at a little over 20 million barrels a day in consumption. We can conserve more. If you want a high-mileage vehicle, any American can choose, through their own free will, cars that are more comfortable or cars that can handle more people.

We have some other charts I want to bring up.

This is where our imports come from—from the OPEC nations: Saudi Arabia, Iraq, Venezuela, and Nigeria. We are importing currently about 56 percent of our oil. Now I think this is another chart that shows just where we have been. In 1997, we were importing 37 percent. We were importing 56 percent in 2001. The Department of Energy estimates that we will import 66 percent by the year 2010.

That means that if we do not increase our national security? I will get into that a little later. Clearly, it is an issue that should be addressed.

Another issue is that of jobs. I have always believed that if anybody in this body could identify a singular more important stimulus than opening up ANWR, I would certainly like to hear from them. That offer is still out there because I haven't heard from them.

To give us some idea specifically of what would be involved in opening this Coastal Plain, the development scenario can only take place on 2,000 acres. That is what is in the bill. That is what is in H.R. 4.

Let's talk a little bit about the realization that we are likely to get someplace between 5.6 and 16 billion barrels a day and what it is going to do for jobs. This is a jobs issue.

First of all, the area has to be leased. It is Federal land. There would be a strong proposal that the bids would go out to the major oil companies, such as ExxonMobil, Texaco, or Phillips Petroleum, and others would be somewhere in the area of $3 billion. The taxpayers would obviously see a generation of funds coming from the private sales and going into the general fund.

Let's talk about jobs.

There was a generalization made by Senator LIEBERMAN that the jobs issue would be insignificant because more jobs could be created, if you will, by energy conservation. I wish that were true. I wish we could justify that with some statistical information to prove it, because we are talking about continued dependence on imported oil and how we can relieve that. We are not talking about energy as a whole.

There are various studies we have seen over the years. According to the Wharton Econometrics Forecasting Associates, the ANWR development would produce 735,000 jobs in all 50 States. Why? Because we do not make valves; we don't make insulation. These things are made in various States in the United States.

In a different study, the U.S. Department of Energy estimated ANWR will produce 250,000 full-time jobs in America. Interestingly enough, this study was contracted out to a Massachusetts firm. This is something of which the junior Senator from Massachusetts should take note. Let me repeat—he was here earlier; unfortunately, he is not in the Chamber now—a firm in his own State has estimated at least
250,000 jobs will be produced. I am not sure he is aware of that. And this contract was given to a Massachusetts firm.

Opponents of drilling in ANWR try to downplay these arguments and try to argue the lower numbers. But regardless of whether it is 250,000 or 755,000, either way, it would still be a step in the right direction as far as stimulus to the economy because where else can you find another issue that will employ somewhere between 250,000 and 755,000 jobs at no cost to the taxpayers—some people call it one red cent. And it keeps the jobs here at home rather than sending our dollars overseas and importing the oil. Every single new job in this country is important, particularly at a time when we have a recession and a downturn.

As a consequence, I think it is important to note that those who know a lot about job creation wholeheartedly support drilling in ANWR. I am talking about the unions, such as the maritime unions, the Teamsters, the seafarers, and various others.

The North Slope oil fields have already significantly contributed more than $300 billion to the U.S. economy. If we go through some recent announcements, let me tell you the significance of a couple hundred thousand jobs.

On November 29, it was announced 1,409 jobs may be lost. IBM announced 1,000 layoffs.

On November 28, it was announced 850 jobs may be lost. Ames Department Stores announced they will close a distribution center in Ohio, which jeopardized 450 jobs.

I could give you a list of the various announced job cuts.

Chevron announced 550 more job cuts. Every day we have seen news clips to this effect. So we should be very concerned about stimulating the American economy and generating jobs in the private sector. And this is one of the best ways to do it.

My friend, the Senator from Oregon, is the Presiding Officer. I know the activity associated with Alaska’s oil fields has traditionally been important to Oregon, particularly to the shipyards there.

It is estimated by the American Petroleum Institute that 19 new double-hull tankers will be needed if ANWR is opened. All U.S. ships will have to be built at U.S. shipyards and carry the American flag. The analysis predicts that the construction of these tankers will boost the economy of America by producing more jobs in the shipyards. They indicate that the new tankers will be needed solely because the old North Slope tankers are being phased out by 2015 because of the double-hull tankers requirement. The taxpayers.

So more American jobs will be created because the Jones Act requires that the oil that is transported within the United States—namely, my State of Alaska down to either Washington or California; but in Portland there is a large shipyard that has accommodated these ships before—must be transported by tankers by U.S.-flagged vessels built in the United States. The analysis correctly assumes that if ANWR is opened, I would be happy there will be needed solely because the old North Slope tankers are being phased out by 2015 because of the double-hull tankers requirement.

The American Petroleum Institute estimates this would pump $4 billion almost directly into the U.S. economy and would create 2,000 construction jobs in the U.S. shipbuilding industry and approximately 3,000 other jobs.

The API predicts this would compute to more than “900,000 job-years,” by estimating that it will take almost 5,000 employees approximately 17 years to build the ships necessary to transport this oil.

They predict one ship must be built each year for 17 years in order to coincide with the schedule for retiring the existing tankers.

To me, this sounds like stimulus. It sounds like a stimulus for creating jobs in shipyards, many of which have been hurting for some time.

Another issue is the alleged opposition by Gwich’in. Most of the Gwich’in, we know, live in Canada. I am aware some of them live in the Arctic village areas, with a population of roughly 117 people. They fear that the caribou that they depend on for subsistence will be decimated. They fear the caribou might take a different migration drive, perhaps further from their village; that it would be harder for them to hunt the 300 to 350 they kill each year.

But, first, there is no evidence that the oil development—with the strict controls proposed to prevent disruption during the June-July calving season of the Arctic Porcupine herd, to reduce noise, and to control surface effects—will harm the herd.

I have a picture in the Chamber that shows some caribou activity in Prudhoe Bay. I will give you a comparison. Experience over the past 26 years in Prudhoe Bay, where the herd has more than tripled in size and where the controls proposed, I think, are reasonable. The caribou are doing fine.

The PRESIDING OFFICER. The time of the Senator from Alaska in morning business has expired.

Mr. MURKOWSKI. I request as much time as I need.

The PRESIDING OFFICER. The Senate from Nevada

Mr. REID. Reserving the right to object, as I announced earlier today, we need to complete our business by 1:15 today because of the problem at the Dirksen Building. The majority leader wishes to present an objection prior to that time. So if the Senator would maybe take another 10 minutes, would that be appropriate?

Mr. MURKOWSKI. We are in morning business, and the limitation of time morning business is what?

The PRESIDING OFFICER. The limitation is 10 minutes for each Senator in morning business.

Mr. REID. I know you just barely exceeded that.

Mr. MURKOWSKI. We were talking about 15 minutes.

Mr. REID. Yes, we did 15, that is right.

I see Senator BAUCUS, who wishes to give a statement, is in the Chamber.

Mr. MURKOWSKI. I was under the impression we would have plenty of opportunities to discuss this today. Might I inquire when we are coming in Monday?

Mr. REID. We can come in as early as you would like. Two o'clock.

Mr. MURKOWSKI. How about 1 o'clock?

Mr. REID. Would you need more time on Monday than that?

Mr. MURKOWSKI. One o'clock would be agreeable because what you are telling me now is basically that I am out of time for today.

Mr. REID. Yes. Right. I would be happy to talk to the majority leader. I assure you, we could work that out.

Mr. MURKOWSKI. I am a little disappointed because I think we are being kind of squeezed on time on this issue.

Mr. REID. I say to my friend from Alaska, if you want to come in earlier than 2 o'clock, for sure.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak for another 10 minutes.

Mr. BAUCUS. Reserving the right to object.

Mr. REID. I think that will be fine. I say to my friend from Alaska, we certainly are not trying to cut off anybody’s right. I don’t know how much time the Senator has had, but quite a bit. I understand how fervently he feels this is so important. This is to the State of Alaska, so we want to make sure that you have all the time you need prior to our voting at 5 o’clock on Monday.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MURKOWSKI. My understanding is, they will do their best to try to see that we come in at noon. I thank the Chair and the majority whip.

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

Mr. MURKOWSKI. We have talked a little bit this morning about the “Serengeti.” Let me tell you where the “Serengeti” of Alaska is. It is another
area where all the lakes are, and it is hardly a “Serengeti” because the Coastal Plain is all the same.

But if you look over at the naval petroleum reserve, that is the area with all the lakes with the concentration of birds. It is within the 1002 area. That is another rather astounding argument that is continually thrown out.

The other one is that it will take as long as 10 years before ANWR oil is flowing. What they forget is the realization that we already have a good deal of oil flowing. We have the pipeline. We only need a 70-mile line from the coastal area into the pipeline. And it is suggested once the leases are put up for sale, they will have construction activity in about 18 months.

But more important is the national situation. I am going to close with a reference to that because I think it deserves more of a recognition because of the sensitivity of where we are internationally.

We are importing a little over a million barrels a day from Saddam Hussein. There is no question that there is a great deal of concern as a consequence of the relationship we have had with Saddam Hussein. We fought a war not long ago. It is kind of interesting to reflect on some of the particulars associated with what happens when we become so dependent. We have heard Saddam Hussein in every speech saying “death to America.” He also says “one of your greatest allies over there.” Recognizing that he can generate a substantial cash flow by our continued dependence, one wonders why it is in the national interest of our country to allow ourselves to become so dependent on that source.

I also wish to highlight an article excerpted from the Wall Street Journal of November 28, which kind of sets, unfortunately, the partisan setting this matter is in. I will read from it. It is entitled “President Daschle.”

One of the more amusing Washington themes of late has been the alleged revival of the Imperial Presidency, with George W. Bush said to be wielding vast, unprecedented powers. Too bad no one seems to have let Senator Majority Leader Tom Daschle in on this secret.

Because from where we sit Mr. Daschle is the politician wielding by far the most Beltway clout, and in spectacularly partisan fashion. The South Dakotan’s political strategy is obvious if cynical: He’s wrapping his arms around a popular President on the war and foreign policy, but on the domestic front he’s conducting his own guerrilla war against Mr. Bush, blocking the President at every turn. And so far he’s getting away with it.

Mr. Bush has asked Congress to pass three main items before it adjourns for the year: Trade promotion authority, and energy and economic stimulus bills. Mr. Daschle has so far refused to negotiate on any of them, and on two he won’t even allow votes. Instead he is moving ahead with a farm bill (see below) and House opponents, and a railroad retirement bill that is vital to no one but the AFL-CIO.

Just yesterday Mr. Daschle announced that he “wants to make sure that we have the opportunity” to call up an energy bill until next year. One might think that after September 11 U.S. energy production would be a war priority. In September alone the U.S. imported 1.2 million barrels of oil a day.

This is at a time when we were being terrorized in New York and at the Pentagon.

Furthermore, on the 1.2 million barrels of oil a day we are getting from Iraq, whom we soon may be fighting—imagine that, fighting Iraq and we are talking about not passing an energy bill—the 1.2 million barrels per month is the highest rate of imports since before Saddam Hussein invaded Kuwait.

Continuing from the article:

But Mr. Daschle is blocking a vote precisely because he knows Alaskan oil drilling has the votes to pass; earlier this autumn he pulled the bill from Senator Jeff Bingaman’s Energy Committee when he saw it had the votes. So much for the new spirit of Beltway cooperation.

“We’re not so naive as to think that war will, or should, end partisan disagreement. But what’s striking now is that Mr. Daschle is getting his liberal Old Bulls break even the agreements they’ve already made with the White House. Mr. Bush shook hands weeks ago on an Oval Office deal with Teddy Kennedy, but now Mr. Kennedy wants even more spending before he’ll sign on. Mr. Daschle is letting Ted have his way.

The same goes for the $686 billion annual spending limit that Democrats struck with Mr. Bush after September 11.

I will not refer to the rest of the article, but it simply says that what we are seeing here is a conscious effort by the majority not to allow us to have a clean up-or-down vote on the issue.

As we wind up today’s debate, I encourage my colleagues to think a little bit about their obligation on these votes. Is it their obligation to respond to the extreme environmental community that has lobbied this so hard, that regards this as an issue to milk with all the authorities, somewhat like a cash cow, and are going to continue to use it? This bill covers reducing the dependence, we have the sensitivity of where we are inter-

reted. There is no question that there is a great deal of concern as a consequence of the relationship we have had with Saddam Hussein. We fought a war not so long ago. It is kind of interesting to reflect on some of the particulars associated with what happens when we become so dependent. We have heard Saddam Hussein in every speech saying “death to America.” He also says “one of your greatest allies over there.” Recognizing that he can generate substantial cash flow by our continued dependence, one wonders why it is in the national interest of our country to allow ourselves to become so dependent on that source.

I also wish to highlight an article in the Wall Street Journal of November 28, which kind of sets, unfortunately, the partisan setting this matter is in. I will read from it. It is entitled ‘President Daschle.’

One of the more amusing Washington themes of late has been the alleged revival of the Imperial Presidency, with George W. Bush said to be wielding vast, unprecedented powers. Too bad no one seems to have let Senator Majority Leader Tom Daschle in on this secret.

Because from where we sit Mr. Daschle is the politician wielding by far the most Beltway clout, and in spectacularly partisan fashion. The South Dakotan’s political strategy is obvious if cynical: He’s wrapping his arms around a popular President on the war and foreign policy, but on the domestic front he’s conducting his own guerrilla war against Mr. Bush, blocking the President at every turn. And so far he’s getting away with it.

Mr. Bush has asked Congress to pass three main items before it adjourns for the year: Trade promotion authority, and energy and economic stimulus bills. Mr. Daschle has so far refused to negotiate on any of them, and on two he won’t even allow votes. Instead he is moving ahead with a farm bill (see below) and House opponents, and a railroad retirement bill that is vital to no one but the AFL-CIO.

Just yesterday Mr. Daschle announced that he “wants to make sure that we have the opportunity” to call up an energy bill until next year. One might think that after September 11 U.S. energy production would be a war priority. In September alone the U.S. imported 1.2 million barrels of oil a day.

This is at a time when we were being terrorized in New York and at the Pentagon.

Furthermore, on the 1.2 million barrels of oil a day we are getting from Iraq, whom we soon may be fighting—imagine that, fighting Iraq and we are talking about not passing an energy bill—the 1.2 million barrels per month is the highest rate of imports since before Saddam Hussein invaded Kuwait.

Continuing from the article:

But Mr. Daschle is blocking a vote precisely because he knows Alaskan oil drilling has the votes to pass; earlier this autumn he pulled the bill from Senator Jeff Bingaman’s Energy Committee when he saw it had the votes. So much for the new spirit of Beltway cooperation.

“We’re not so naive as to think that war will, or should, end partisan disagreement. But what’s striking now is that Mr. Daschle is getting his liberal Old Bulls break even the agreements they’ve already made with the White House. Mr. Bush shook hands weeks ago on an Oval Office deal with Teddy Kennedy, but now Mr. Kennedy wants even more spending before he’ll sign on. Mr. Daschle is letting Ted have his way.

The same goes for the $686 billion annual spending limit that Democrats struck with Mr. Bush after September 11. That’s a 7% increase from a year earlier (since padded by a $40 billion bipartisan addition), and Demo-

ocratic made a public fanfare that Mr. Bush had endorsed this for fear some Republicans might use it against them in next year’s elections. But now Mr. Daschle is taking the issue against Mr. Bush, refusing to even discuss an economic stimulus bill unless West Virginia Democrat Bob Byrd gets his demand for another $15 billion in domestic spending.

Mr. Byrd, a former majority leader who thinks of Mr. Daschle as his junior partner, may even attach his wish list to the Defense spending bill. That would force Mr. Bush to either veto and forfeit much needed money for defense, or sign it and swallow Mr. Byrd’s generosity for Amtrak and Alaskan airport subsidies.

All of this adds to the suspicion that Mr. Daschle is only too happy to see no stimulus at all. He knows that during the White House usually gets most of the blame for a bad economy, so his Democrats can pad their Senate majority next year by blaming Republicans. This is the same strategy that former Democratic leader George Mitchell pursued in blocking a tax cut during the early 1990s and then blaming George H.W. Bush for the resulting economic problems. And Mitchell’s consigliere at the time? Tom Daschle.

It is certainly true that Republicans have often accused Mr. Daschle’s guerrilla campaign against Alaska’s Ted Stevens was one of Byrd’s bosom spending buddy; he’s pounded White House budget director Mitch Daniels for daring to think the opposite. And Republican GOP leader Trent Lott contributed to the airline-security rut by letting his Members run for cover.

The issue now is whether Mr. Bush will continue to let himself get pushed around. Mr. Daschle is behaving badly because he’s assumed the President won’t challenge him for fear of losing his power in the war. But this makes no political sense: As long as Mr. Bush’s war management is pop-

ular, Mr. Daschle isn’t about to challenge him on foreign affairs. The greater risk to Mr. Bush’s popularity and success isn’t from clashing with the
Mr. MURKOWSKI. I ask unanimous consent that a summary of the bill, which is H.R. 4, be printed in the RECORD.

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

**SUMMARY—H.R. 4, THE SECURING AMERICA'S FUTURE ENERGY ACT OF 2001**

H.R. 4 is the legislative portion of the president's comprehensive energy policy. It aims to secure America's energy future with a new strategy that reduces energy demand, increases energy supply, and enhances our energy infrastructure and energy security.

**REDUCED DEMAND**

Reauthorizes federal energy conservation programs and directs the federal government to take leadership in energy conservation with new energy savings goals. Expands Federal Energy Savings Performance Contracting authority. Increases Low Income Home Energy Assistance Program (LIHEAP), Weatherization and new Energy Program authorization levels to meet needs of low-income Americans. Expands the EPA/DOE Energy Star program and directs the EPA and DOE to determine whether Energy Star label should extend to additional products. Directs DOE to set standards for appliance “standby mode” energy use. Reduces light truck fuel consumption by 5 billion gallons over six years. Improves Federal fleet fuel economy, expands use of hybrid vehicles. Increases funding for DOE's energy conservation and energy efficiency R&D programs. Expands HUD programs to promote energy efficient single and multi-family housing.

**INCREASED SUPPLY**

Provides for environmentally-sensitive oil and gas exploration on Arctic Coastal Plain. Authorizes new oil and gas R&D for unconventional and ultra-deepwater production. Rolls back for incentives for deepwater leases in the central and western gulf of Mexico. Streamlines administration of oil and gas leases on Federal lands. Authorizes DOE to develop accelerated Clean Coal Power Initiative. Establishes advanced alternative fuel vehicle and Green School Bus demonstration programs. Reduces royalty rate for development of geothermal energy and expedites leasing. Provides for regular assessment of renewable energy resources and impediments to use. Streamlines licensing process for hydroelectric dams and encourages increased output. Provides new authorization for fossil, nuclear, hydrogen, biomass, and renewable R&D.

**ENHANCED INFRASTRUCTURE ENERGY SECURITY**

Sets goals for reduction of U.S. dependence on foreign oil and Iraqi oil imports. Initiates review of existing rights-of-ways and federal lands for energy potential. Directs DOE to implement R&D and demonstrate use of distributed energy resources. Implements new transmission infrastructure R&D program to ensure reliable electricity. Requires study of boutique fuel issues to enhance our energy infrastructure and enhance our energy security.

**Directs DOE to study the potential of renewable transportation fuels to displace oil imports.**

**GUN SHOW BACKGROUND CHECK ACT**

Mr. BAUCUS. Mr. President, I rise to comment on the words spoken earlier this morning by my very good friend and colleague from Rhode Island, Senator from Rhode Island. I think he missed something in his argument when talking about terrorism is missing the bigger picture. Let me explain.

As you arrive in the office of my next door neighbor, Majority Leader DASCHLE, had nothing to do with background checks. The acts of the terrorism on America to date have not been related to guns in any form.

I am not trying to deny the risks and dangers that we face from weapons in the hands of terrorists. But I do not believe that terrorist organizations are beyond their weapon's reach, as at a time from American gun show, nor do I believe that closing the so-called gun show loophole will result in fewer guns in criminal hands.

I strongly support the actions our law officials have taken to make our country a more secure place since September 11. And I thank them for their dedication and hard work. They have worked so hard in so many cases over time, 24 hours a day, 7 days a week. And we've tightened our borders and made it more difficult for law abiding citizens to purchase guns.

Mr. DASCHLE. Mr. President, I rise to take leadership in energy conservation and energy efficiency R&D. Seniority is H.R. 4, be printed in the CONGRESSIONAL RECORD.

Mr. MURKOWSKI. Finally, I hope as Members reflect on their responsibility, they recognize that we are at war. This war may expand and extend itself. The continued exposure based on our dependence on imported oil and the likelihood that the flow of oil imports might be disrupted mandates that we have an energy policy and that we have it done in a timely manner. Let's recognize the obligation that we have in voting on this. Is it a vote to respond to the world energy environment, or is it a vote to do what is right for America?

We have already lost two sailors as a consequence of our dependence on oil from Iraq. I don't want to stand before this body and say I told you so, but if we don't pass an energy bill that will reduce our dependence on Iraqi oil, we are doing our country a grave injustice. It is contrary to the majority of public opinion in this country. Seventy-six percent of the public say we should be taking up and passing an energy bill over any other bill. That includes the farm bill and the Railroad Retirement Act. If we ever get to the stimulus, I hope somebody would stimulus, I hope somebody would see if they can come up with a better stimulus than the proposal associated with holding up ANWR.

I am somewhat disappointed we were not able to have more time today. Hopefully, the leadership can work out coming in at noon on Monday. I thank the Chair for its courtesy. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MURKOWSKI. Finally, I hope as Members reflect on their responsibility, they recognize that we are at war. This war may expand and extend itself. The continued exposure based on our dependence on imported oil and the likelihood that the flow of oil imports might be disrupted mandates that we have an energy policy and that we have it done in a timely manner. Let's recognize the obligation that we have in voting on this. Is it a vote to respond to the world energy environment, or is it a vote to do what is right for America?

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GUN SHOW BACKGROUND CHECK ACT

Mr. BAUCUS. Mr. President, I rise to comment on the words spoken earlier this morning by my very good friend and colleague from Rhode Island, Senator from Rhode Island. Earlier this morning, Senator from Rhode Island. Earlier this morning, Senator from Rhode Island. Earlier this morning, Senator Reed announced his intention to bring S. 767, the Gun Show Background Check Act, to the Senate floor this year.

At the outset, I deeply respect the Senator from Rhode Island. I think he is a very fine public servant, one of the brightest, most effective dedicated with whom I have had the privilege to serve. I respect his concerns about guns generally and guns in America. I do not believe, as he stated, that instituting background checks at gun shows will correct the concerns he raised. The events of September 11 and the ensuing concerns about terrorist threats have led to a resurgence by some for stricter gun laws. But with all due respect, responding to terrorism by calling for background checks at gun shows is not an effective tool for making this country safer.

The hijackers of September 11 were not armed with guns. The tragic deaths of thousands in New York didn't involve a single bullet. The anthrax that arrived in the office of my next door neighbor, Majority Leader DASCHLE, had nothing to do with background checks. The acts of the terrorism on America to date have not been related to guns in any form.

I am not trying to deny the risks and dangers that we face from weapons in the hands of terrorists. But I do not believe that terrorist organizations are beyond their weapon's reach, as at a time from American gun shows, nor do I believe that closing the so-called gun show loophole will result in fewer guns in criminal hands.

I strongly support the actions our law officials have taken to make our country a more secure place since September 11. And I thank them for their dedication and hard work. They have worked so hard in so many cases over time, 24 hours a day, 7 days a week. And we've tightened our borders and made it more difficult for law abiding citizens to purchase guns.

Mr. DASCHLE. Mr. President, I rise to take leadership in energy conservation and energy efficiency R&D. Seniority is H.R. 4, be printed in the CONGRESSIONAL RECORD.
WORLD AIDS DAY

Mr. DASCHLE. Mr. President, every December first since 1988, World AIDS Day has been a day dedicated to sending messages of compassion, hope, solidarity, and understanding.

Compared to last year, this day is a small but important gesture, and it is the least we can do in the face of the worst pandemic mankind has ever known. Yesterday, UNAIDS and the World Health Organization released a joint report that illustrates the enormity of the AIDS pandemic. The numbers are so staggering that they are almost incomprehensible. There are now 40 million people living with AIDS. Two point seven million of them are children.

In the past year, there have been 5 million new HIV infections and 3.5 million AIDS deaths.

Many countries are seeing their future—embodied in their young people—ravaged by this disease. People under the age of 25 represent half of all new HIV infection cases, and there are now 10 million people between the ages of 15 and 24 living with HIV/AIDS. Every minute, five more young people are infected with HIV. As I have argued before, this is not just a humanitarian issue; it is also an economic and national security issue.

The International Labor Organization reports that by 2020, AIDS will reduce agricultural output by as much as 20 percent in the next 20 years. How can companies in these nations afford the increased costs for insurance, benefits, training, and illness in their environment?

The Food and Agriculture Organization reports that 7 million farm workers have died from AIDS-related causes since 1985, and 16 million more are expected to die in the next 20 years. How can these countries maintain—or even increase—agricultural output under these circumstances?

The United Nations reports that in 1999, 68 percent of students in sub-Saharan Africa lost their teachers to AIDS. How can countries educate their children with these losses? These numbers are a disturbing snapshot of the epidemic today. Tragically, they may only be the tip of the iceberg.

Experts tell us that the epidemic in many parts of the world is still in its early stages. Globally, most people infected are unaware they carry the virus. Many millions more know nothing about HIV and how to protect themselves against it. If we are ever to staunch the AIDS epidemic, we must continue—and increase—our efforts at prevention.

Since the 1980s, the United States has found prevention efforts such as school-based education, perinatal prevention programs, and screening the blood supply, to prove effective. As a member of the family of nations, we have to do a better job of promoting and supporting international prevention and education programs. We were able to take a positive step in the foreign operations appropriations bill, where the Senate added significant funds to invest in prevention programs around the globe.

I am hopeful that the final bill will include those funds, but prevention and treatment must go hand in hand, because without treatment options, at-risk individuals have no incentive to submit to testing or to practice prevention. We have taken some positive steps in treating HIV/AIDS, but much more needs to be done. We have worked hard to invest $300 million for the U.N. Global Trust Fund on AIDS, TB, and Malaria. While it is not nearly enough for this challenge, it is a significant first step.

As that fund is developed, we have to make sure that its resources are dedicated to fighting this disease on all fronts—treatment. While there is pressure to limit the focus of the fund to prevention alone, that would be a mistake—and it would limit our ability to develop a comprehensive agenda to confront this pandemic.

The theme designated for this year’s World AIDS Day is “I care. Do you?” While our words today are important, it is our action every day—on all fronts, in all nations—that are the true measure of our caring. On this day, let us recommit ourselves to fighting, and ultimately defeating, this scourge.

The PRESIDENT. The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 4 minutes as in morning business.

The PRESIDENT. The PRESIDENT. The Senator from New Mexico.

Mr. DASCHLE. Mr. President, first I stand for the occupant of the chair, the junior Senator from New Mexico, when he came to the Senate he brought with him a rather distinguished career in investment banking, as I understand it, with a specialization in bonds. Whatever the case may be, he brought with him a tremendous expertise with reference to the American economy.

I ask unanimous consent that the Senator from New Mexico be recognized for 5 minutes from Oklahoma for 12 minutes, and that I be recognized to close the Senate following those statements.

The PRESIDENT. Without objection, it is so ordered.

STIMULATING THE ECONOMY

Mr. DOMENICI. Mr. President, first I stand for the occupant of the chair, the junior Senator from New Mexico, when he came to the Senate he brought with him a rather distinguished career in investment banking, as I understand it, with a specialization in bonds. Whatever the case may be, he brought with him a tremendous expertise with reference to the American economy.

Since the 1980s, the United States has found prevention efforts such as school-based education, perinatal prevention programs, and screening the blood supply, to prove effective. As a member of the family of nations, we have to do a better job of promoting and supporting international prevention and education programs. We were able to take a positive step in the foreign operations appropriations bill, where the Senate added significant funds to invest in prevention programs around the globe.

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STIMULATING THE ECONOMY

Mr. DOMENICI. Mr. President, first I stand for the occupant of the chair, the junior Senator from New Mexico, when he came to the Senate he brought with him a rather distinguished career in investment banking, as I understand it, with a specialization in bonds. Whatever the case may be, he brought with him a tremendous expertise with reference to the American economy.

Therefore, it makes me doubly proud that the idea many people suggested to me, that ends up being called a Social Security withholding tax holiday for 1 month, is supported by the occupant of the chair, because I give a lot of credit to somebody who comes to the Senate from the business world, talks with the business world, talks with labor union people and comes up with an analysis of what will, indeed, be the best economic stimulus of those that have been presented that could be adopted before Christmas and be effective, regardless of the arguments, during the next 4 to 5 months. It clearly could be in full effect.

First, those who have supported me from the standpoint of business are in pretty good company. So whatever we hear from some, that this cannot be implemented and that maybe it is not a good idea, let me introduce a letter which I received on November 30. It is a very current letter. It is from the Business Roundtable. Now, the Business Roundtable has a lot of American business members. This letter comes from the president, John Castellani—good Italian American name. We had not spoken in advance of my amendment, but this letter, so everybody will know, is an unequivocal enforcement of the holiday as being the best economic stimulus and the best news to provide confidence in the American people and that will move the economy ahead in terms of what it needs to give it a jump start in these very difficult times.

We all know we ought to do two big things. One, we ought to pass for all the military needs of our country in a very good appropriations bill. The President has told us what he needs. We need to do that. I understand it will be done next week. That is good.

The other thing we have to do is pass a stimulus package. We do not have to pass a package that has a “stimulus” label on it. We can pass one that is the same as the $300 million, but it can come out to the business community, to the others who know what is happening in the American marketplace, and ask them, will this actually
stimulate the economy? Then we could say “stimus,” and those who know say it will stimulate. It is not a bill to meet a commitment. This letter ends up saying, because there are some who say it will take too long, I say to the occupant of the chair, to implement this. Some express concern about the ability of companies as a practical matter to implement this on short notice. We have surveyed our companies to see how quickly the payroll reduction could be implemented. These companies, some of the Nation’s largest employers, have said it would be implemented in a range of a couple of days to a maximum of 3 weeks if it is kept simple. We have some leeway as to how to implement that holiday.

I ask unanimous consent that the letter be printed in the RECORD. There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. Pete V. Domenici, Ranking Member, Senate Budget Committee, U.S. Senate, Washington, DC.

Dear Mr. President: The Business Roundtable believes that an economic stimulus is needed, and needed now. Moreover, we believe the stimulus should focus on enhancing consumer confidence and spending; that broad-based and significant incentives are needed to spur business demand; and both should be of a size and duration to change spending behavior in the near term.

To that end, the members of The Business Roundtable believe two measures would work quickly and effectively to improve cash flow and stimulate demand and productivity. First, we recommend an immediate reduction in the payroll tax. This action, more than any other proposal, will put money into the hands of those who need it and will spend it. A payroll tax reduction diversifies the stimulus on both the demand and supply sides. It also focuses assistance on lower-income individuals, such as the millions of workers who paid taxes, who will benefit from the payroll tax reduction on a labor cost base, and employers and employees more cash as soon as possible.

To that end, we recommend an immediate reduction in the payroll tax. This action, more than any other proposal, will put money into the hands of those who need it and will spend it. A payroll tax reduction diversifies the stimulus on both the demand and supply sides. It also focuses assistance on lower-income individuals, such as the millions of workers who paid taxes, who will benefit from the payroll tax reduction on a labor cost base, and employers and employees more cash as soon as possible.

To that end, we recommend an immediate reduction in the payroll tax. This action, more than any other proposal, will put money into the hands of those who need it and will spend it. A payroll tax reduction diversifies the stimulus on both the demand and supply sides. It also focuses assistance on lower-income individuals, such as the millions of workers who paid taxes, who will benefit from the payroll tax reduction on a labor cost base, and employers and employees more cash as soon as possible. We continue to believe that enhancing business demand is essential for achieving a quick recovery. Again, the business incentives should be broad-based and of such a magnitude that they change business behavior by accelerating spending that is now being deferred. We also believe that any business stimulus must deal with existing tax provisions, such as Alternative Minimum Tax, which would act to negate the impact of the stimulus.

We also understand there has been some concern expressed about the ability of companies, as a practical matter, to implement a payroll tax reduction on short notice. We have surveyed our companies to see how quickly a payroll tax reduction can be implemented. These companies, some of the nation’s largest employers, have said it could be implemented in a range of a couple of days to six months. We believe the three-week window is kept simple, and we have some leeway how to implement the tax holiday.

If we can provide further information, please do not hesitate to contact me.

Sincerely,

John J. Castellani.
We don’t know how much the insurance companies are going to pay. Hopefully, most of the money comes from insurance proceeds. Again, that is out there. It is a liability. And there are other items. Many of that we are considering is in the personal wealth of the people of weeks. One is the railroad retirement bill, with an outlay of $15 billion. We will write a check.

I am embarrassed for the House, saying this doesn’t count, this check we will write a check; but, of course, we score it. I can’t remember ever doing that, certainly not to the tune of billions of dollars. It is shameful and disgraceful, and it should not happen. I will work to see it does not happen. I predict I will be successful.

In it passes, we might as well throw away the budget. If we are going to put in language, “this doesn’t count toward the budget; ignore it; don’t count it or forget it,” then why have a budget? There is no sense whatever. The cost of that bill is $15 billion.

Also, when Senator DOMENICI was speaking, he came up with an idea for a payroll tax holiday. His idea was not written. The railroad retirement bill was not written by Congressmen or Senators. I cannot remember in my 21 years in the Senate ever having a bill totally written by special interest groups that cost billions of dollars that nobody ever touched. Nobody had a hearing. There was no hearing in the House or in the Senate.

I have been working on pensions for a long time in my own company, and when I was in the State Senate, I was on the retirement committee. My first trip to Washington, D.C., was on ERISA, Employee Retirement and Income Security Act. I know a bit about pensions. Nobody is looking at it. I will look at it long after we will be on that next week.

My point today is some are willing to commit another $15 billion. All of this adds to the deficit, all of this adds to the publicly held debt. Some people have argued there is no control involved. We are moving from government to government debt, or government IOU in a fund that does not cost us an outlay, real outlay. Now we are moving it to publicly held debt where the Federal Government will have to write a check, where taxpayers have to pay $1 billion in interest expense for the $10 billion.

That is not the only spending program. We have going. We would have the stimulus package. Senator BAUCUS had a bill from the Finance Committee. There was over $2 in spending for every $1 of tax cuts. I will have this printed in the RECORD so people can see it.

There were tax cuts of $19.4 billion, but the rest of it is spending—maybe using, in some cases, the Tax Code, like supplemental rebate checks. We would give people checks even if they did not pay taxes. How can you call that a tax cut? That is a check. We are writing checks. It doesn’t have anything to do with cutting taxes.

There is expansion of unemployment benefits, which I am sure we will probably agree to a significant expansion of unemployment benefits, probably a 50-per cent expansion in time eligibility, going from 26 weeks to an additional 13 weeks. I expect that will be agreed upon.

Most of this is $66.8 billion, with the compensation of $19 billion; the rest of it is spending. There is over $2 in spending for every dollar in tax decrease. So I am adding that spending under the spending we have already had. If that were included, and hopefully most will not be, we have a lot of spending in that capacity.

We have the farm bill. If our colleagues have not looked at the farm bill—and I heard there may be a motion to move to the farm bill before too long—I hope they will look at it. I am from a farm State. I am embarrassed for the farm bill that came out of the Agriculture Committee. I am embarrassed for the proposal when we had the stimulus package and I noticed there were several billion dollars for agriculture for subsidies for bison and cranberries and items that we never had in an agricultural program, and now we are looking at the farm bill and talking about subsidies in the billions of dollars. We are talking about raising the price of milk 26 cents a gallon for everybody in America.

This farm bill goes the wrong way and it spends a whole lot of money. I don’t know if people are trying to harvest the Government or what, but the net result of that farm bill is people are going to make more money from the Government than they will ever make from agriculture. The sad point is 10 percent of the farmers are going to get over half the benefit. We are going to have to discuss that for a while. We are going to have to change it. The Senate is the place to change it. The Senate is the place to move agriculture in the right direction.

Who writes the budget? Where is the Budget Committee chairman? Where is the fiscal discipline? We are now in the red. Granted, we had bipartisan agreement to go to increases of spending to $15 billion. I think all of us agreed, let’s have another $40 billion to deal with the disaster. But there are lots of other proposals. I didn’t mention Senator BYRD had another proposal for another $15 billion for homeland security. I think there is a lot of that can be financed out of the $20 billion. We have not even finished spending the second $20 billion of the $40 billion that is now added to the Department of Defense bill. We have not finished that. Yet some people say we have to add $15 billion on top of it.

If I look at the spending package submitted by Senator BAUCUS, I am looking at spending that is close to $50 billion. Since they add Senator BYRD’s package to it—or at one time it was over, it was $60 billion in spending and $19 billion in tax cuts.

Then we have the farm bill, and I see the farm bill will cost billions and billions of dollars. I think that is grossly irresponsible. I also have farmers in my State making millions of dollars a year from taxpayers. These are millionaires in the first place. I love them, but I don’t think they should be able to write them a check—just as I don’t think we have to write major investment companies a $4,800 tax credit for every employee they employ in New York City. I want to help New York City, but what are we doing giving them almost a $5,000 tax credit? If they have 100 employees, we are going to give them a $500,000 tax credit? For what? Let’s help people who need help.

I think it is running away. I think spending has got out of hand. I think we are going to have to draw the line. I think we are going to have to show some fiscal discipline. We have not been showing it lately.

President Bush has actually drawn the line and said: let’s stay with this amount. He said: I will come back to Congress and work with Governor Ridge and make additional submissions when we really know exactly what we need and we will do that next year. He has the votes to support him in the Senate. I hope we do not support him in the Senate. We will try to run over him and come up with a higher amount and defy him to veto it. He said he will veto it. We have the votes to sustain the veto so let’s not waste our time. Let’s act together, start acting as if we have a budget and not pass bills that say this $15 billion doesn’t count. That would be the height of fiscal irresponsibility.

I urge my colleagues, let’s start showing a little fiscal discipline. Let’s start dealing with revenue so far on the spending side and make sure we do not build ourselves into such a fiscal posture that the new base of spending is such we will never be able to climb back into a surplus.

I notice my friend and colleague from Nevada is here. Let me conclude with a couple of requests.

CONFIRMATIONS

I have had the pleasure of working with the Senator from Nevada for 20 some years. He and I are both engaged in trying to help people get confirmed. I urge my colleague, in every way I possibly can, to help us confirm Gene Scalia. Gene Scalia, who happens to be the son of Justice Scalia, was nominated by President Bush in April to be Solicitor for the Department of Labor—Secretary Chao’s Department of Labor. Secretary Chao talked to me. She needs Gene Scalia. She needs a Solicitor. That is one of the most important positions andamina in the Department of Labor. She needs Gene Scalia. She asked me numerous times: Please, will you confirm Gene
Scalia, I told her I would do everything I could.

There are two other nominees I urge my colleague to assist us with, two nominees for the court of appeals. One is Miguel Estrada, a Honduran native, Hispanic. He came from the United States he couldn’t even speak English and graduated in the top of his class at Harvard. He is an outstanding individual. We have letters of support on Miguel Estrada from everybody, prominent Democrats and others who say he will be an outstanding jurist.

One other individual is John Roberts, Jr., who is also nominated to the Circuit Court of the District of Columbia. He argued, I think, 30-some-odd cases before the Supreme Court. He is an outstanding individual. Both of these individuals were nominated by President Bush in May and they have not even had a hearing.

We have a lot of vacancies in the circuit court. The circuit courts are extremely important. These two individuals are extremely qualified. I do not know that you could find two more qualified individuals anywhere in the country than Miguel Estrada and John Roberts, Jr. So I urge my friend from Nevada, the majority leader, and the Senator LEAHY, give us hearings on these two individuals. I can assure you if they have hearings they will have overwhelming votes in both the committee and the Senate. They will be confirmed overwhelmingly. I feel more confident that will be the case.

I also urge my colleague to give us a vote. Gene Scalia is on the calendar. Give us a vote on Gene Scalia as Solicitor for the Department of Labor. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my feelings are just as strong. My affection for the Senator from Oklahoma is just as strong. My views are just as expressed regarding me. I have not heard of John Roberts. I have heard of Miguel Estrada. From all I know about both of them, they are fine individuals. I see no reason they should not be sitting on the DC Court of Appeals. But that is the extent of my knowledge. I will do what I can to make sure there are hearings scheduled.

As I said to my friend on a number of occasions, people deserve hearings. We are trying to do everything we can live up to what Senator DASCHLE and I have said. Senator LEAHY reported nine votes yesterday, including one circuit court judge. We expect to have votes on those shortly. He is going to have hearings again next week. It is my understanding—I do not know if there is going to be hearings but he said he would report out at least four or five more. So that is 13 or 14 judges we would have.

I was talked to yesterday about Sansonetti; the Judiciary Committee did report him out yesterday. There has been some controversy over that. I see no reason, now that he has been reported out, that we cannot move forward.

I don’t know Mr. Scalia. I never met him. I am only speaking for myself, and certainly not Senator DASCHLE, nor the rest of the Senators. I think that the nomination to Scalia may be a little more difficult. A number of Members have spoken to me. No one questions his integrity or his credentials, that I know of, or that he is a competent lawyer. I think the question is whether this is the right place for him. If he were to be nominated to any department other than the Department of Labor, I think his nomination would fly through. But because of very strong anti-labor comments he made, a number of Members on my side have come to me to express some real concerns.

Being as candid as I can with my friend, I think that may be a little more difficult but something on which we can work.

Mr. NICKLES. If the Senator will yield further, Gene Scalia was reported out of the Labor Committee on October 17. He has been on the calendar. I urge that we have a vote. There is not an anti-labor bone in his body. If anybody questions him I urge him to talk to him. Some people are trying to hold up his nomination because he had some questions about ergonomics. The Senator from Nevada, I know, had serious questions about ergonomics. In their proposed regulations, the Clinton administration tried to almost legislate a Federal workers compensation system without going through Congress.

Again, I think Gene Scalia is an outstanding nominee. I think the Secretary of Labor is entitled to a solicitor, and he is certainly entitled to a vote to find out where the votes are. I urge my colleagues to help us make that happen, to give him a vote and a day in the Senate, and not keep him in limbo indefinitely.

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

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

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation 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.

I would like to describe a terrible crime that occurred in May 1996 in Philadelphia, PA. Stephen Leo Jr., 19, and Kevin Zawojski, 17, yelled anti-gay slurs and beat a man they believed to be gay. Mr. Leo was sentenced to 18 to 36 months in jail and Mr. Zawojski was sentenced to 29 to 58 months in jail in connection with the incident.

I believe that government’s first duty is to defend its citizens from the harm that comes out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RECOGNITION OF THE OUTSTANDING ACCOMPLISHMENT OF CUBA, MISSOURI

Mr. BOND. Mr. President, I wish to make a few comments on the outstanding accomplishment of Cuba, Missouri on becoming the official Route 66 Mural City as declared by the Missouri State House of Representatives.

Cuba, Missouri is along Interstate 44 and highway 19 near the Meramec River State Park and the Huzzah river in Crawford County. Also, located near by is the beautiful Mark Twain National Forest offering a great deal of hunting, fishing and water recreation. Cuba is a beautiful city and has much to offer its citizens and those who visit.

Located along the historic Route 66 and established in 1820, Cuba has witnessed and been a part of many historical events. Through local artisans, Cuba, MO has taken the initiative to remind its citizens and those who visit of its storied past through three murals on local buildings. The three murals currently displayed on the buildings depict the early history of the town, and present us with a reminder of its beautiful apple orchards, the six residents who lost their lives defending this great nation during World War Two, and the old New Bank building. These murals also are a reminder of the history that not only shaped Cuba, but our great state as well. Although the population of Cuba is only about 3,200 people, the city continues to grow and prosper. I commend them on taking the initiative to remember our history and educate those who visit this great city by this beautiful display of art work.

There are plans to finish ten murals along historic Route 66 by the year 2007. Cuba was the first community to take the initiative to paint these murals and now serves as the center for development for these murals, including obtaining a trademark on Route 66 Murals. Again, I congratulate them on such a wonderful project.

GOD BLESS AMERICA

Mr. FEINGOLD. Mr. President, the Wisconsin State Council of Vietnam Veterans of America, part of the congressionally chartered Vietnam Veterans of America, have been steadfast
advocates for Wisconsin’s veterans and their families. They have asked me to have printed in the RECORD the following editorial from The Badger Veteran, the newsmagazine that they produce.

The editorial follows.

**MAY GOD BLESS AMERICA**

The men and women of the Wisconsin State Council of Vietnam Veterans of America understand all too well the horrors of war. Until September 11th, our nation was blessed with a generation without a life lost on America’s mainland to war. Our sense—our collective illusion—of invulnerability was shattered forever by acts of terror in New York, Washington and Pennsylvania on the 11th of September.

Our national security must never again be treated as an afterthought. It must not be placed on hold in the name of inconvenience not compromised because it might have some limited impact on the bottom line of our country’s economy.

A generation ago, we sent millions of Americans to fight a protracted war in Southeast Asia. The vast majority of Americans had the luxury of turning out that war simply by pressing buttons on their TVs when they grew tired of it or found it too depressing. It is a luxury no American will ever have in our war against terrorism.

Today our war has again been drawn into a war—one not of our making. It will be protracted. It will be very costly—in dollars and, tragically, as in any war, in more lives, including those of veterans. As veterans who understand there is nothing fair or good about any war. And we know Americans will no doubt find themselves debating the conduct of this war in the halls of Congress and in homes and byways throughout our nation.

There is nothing wrong with free and open debate. It is the American way. But Americans are also an impatient people who like quick resolution of events that disrupt their lives. This war promises no quick fixes. It will take more time than we will have patience. But patience is something for which Americans must collectively and continually search our very beings as the frustrations of a protracted war demand that we take their toll on our resolve. And patience will have to be found again and if we are to prevail.

We urge the people of Wisconsin and the United States to remember the course we crumble the world’s terrorist networks. We urge President Bush and our national leaders to be mindful of the lessons of the Vietnam War, the Soviet-Afghanistan War and the Powell Doctrine with respect to committing U.S. ground troops to foreign battlefields.

And we ask and expect that criticisms of this war will be directed at our government and our leadership who are responsible for the policies and never again at the men and women our government sends into battle of our nation.

This is also a time for remembering, for coming together. A time to heal while being vigilant. A time to remind our foes that we are a vigilant. A time to remind our foes that we will turn the other cheek when attacked.

This will also be a time for the vast majority of young Wisconsin veterans—especially young veterans—learn about the importance of some “old fashioned” values that have lost relevance to too many for too long. Values like duty, concern, bravery, with an increased appreciation for a simple, compelling fact. Despite all of America’s flaws and shortcomings, we have the privilege of living in the greatest nation on earth. On behalf of the members of Vietnam Veterans of America in Wisconsin and ourselves, we re dedicate the Wisconsin State Council’s commitment to our Founding Principle, “Never again will one generation of veterans abandon another.” And we promise to continue our efforts on behalf of VVA’s motto, “In Service to America,” an ongoing reality.

May God bless the United States of America. And may peace return to our shores and the world with a vengeance.

JOHN MARIKOWSKI, President & Publisher.

MARVIN J. FREEDMAN, Executive Director & Managing Editor.

JAMES CAREY, Executive Editor.

**PAYING TRIBUTE TO DR. STEVEN HYMAN**

**Mr. DOMENICI.** Mr. President, it is with genuine regret that I learned about the planned departure of Dr. Steven Hyman as Director of the National Institute of Mental Health at the NIH.

Steve is a Harvard-trained psychiatrist and neuroscientist who has impressed me with his deep understanding that mental illness represents disturbances occurring in the brain, the most complex structure in the known universe. Steve used his expertise as a scientist, along with his remarkable ability to make science readily understandable to lay audiences, to convey a simple but profound message to us and to the American public, that there is no scientific or medical justification for treating mental illnesses differently than any other illness.

Dr. Hyman has been at the helm of NIMH with a commitment to encouraging and supporting the basic research that will enable us to develop exciting new treatments, based on an understanding of the disease process itself. Whether treatments get increasingly better, they are not perfect, they need to be more targeted and rational because as good as these treatments are, those with mental illness desperately need treatments that are more effective. We need to know how these medications are going to work in patients living in the real world, with real work problems because people suffering from severe mental illness often have very complex complicating factors that contribute to the mental illness.

I want to express my sincere appreciation for Steve Hyman’s forceful voice of reason, explaining patiently and constantly that, while we don’t understand mental illness completely, thanks to magnificent new technology and scientific knowledge, the brain is unlocking its secrets, and the future is bright. This, in turn, I believe has helped convince our colleagues, and the American public—that there must be parity for mental health now.

Steve will be missed, but he has accomplished much during his tenure at the National Institute of Mental Health; his success in bringing research on mental disorders to the forefront of public consciousness will be a strong foundation that his successor must build upon. Nancy and I wish Steve and his family great success and happiness as he begins his new duties as Provost at Harvard University.

**Mr. WELLSTONE.** Mr. President, I rise today to recognize the extraordinary achievements of Dr. Steve Hyman as Director of the National Institute of Mental Health at the National Institutes of Health, and to acknowledge his departure as he moves forward to become Provost of his alma mater, Harvard University. As we strive to maintain the recent Senate victory passing mental health parity legislation, I am reminded again about how fortunate it was to have Steve’s leadership during these critical years.

His expertise and remarkable ability to communicate complex information to the public and to Congress have brought us so much further in the struggle to reduce stigma and to recognize as a society that mental illnesses are real and treatable. The basic science and biomedical advances occurring in the brain, the most complex structure in the known universe, are straightforward, but the difficulties encountered by those who want to eliminate the cruel and unjust stigma that surrounds diseases like schizophrenia, depression, bipolar disorder and others have been formidable. Mental illnesses represent a far greater portion of the disease burden in the United States and worldwide; depression is the leading cause of disability in the U.S. and throughout the developed world. And yet, our efforts to reduce stigma and provide fair treatment for people with mental illness are still needed. Parity for mental health treatment is a civil rights issue, and the fight for the rights of those with mental illness will not be stopped.

Steve first came to NIMH, he immediately stated unequivocally that there is no scientific basis for treating mental disorders any differently than other illnesses with respect to insurance coverage. That was his objective and straightforward view as a distinguished neuroscientist. I have watched Steve for these last 6 years at the helm of NIMH, and he has clearly brought us so much further in the scientific study of mental illness very far. His leadership and his tenure as a visionary, communicator, and teacher have made him a major force in advancing the public’s awareness of the brain and its dysfunctions. Although stigma still exists, these are very few who dare to challenge the scientific record that mental illnesses are very real disorders of the brain, often disrupting that which makes us most human, our behavior.

I am particularly pleased that Steve has been at the forefront of his efforts to include the voices of patients and families in the overall planning process at the NIMH. He has sponsored public, participatory meetings in various areas
of the country, not only to bring information about the latest scientific breakthroughs, but also to seek input from people who live in diverse cultures. To his credit, Steve understood that this process was necessary so that we ensure that the NIMH added questions that are relevant and important to all Americans, and to include this information in planning the future of NIMH's research agenda. Steve also enthusiastically supported the effort to include public members as part of the scientific peer review panels that review grant applications. Steve believes, as I do, that the views of patients and family members are crucial because they offer a unique view of research. They ask, Steve often said, the "so what" questions that are critical to the real lives of people: Will this research help those who are suffering? Will it make a difference?

As he departs, I know that many of my colleagues join me in wishing him well and thanking him for all he has done to further scientific research and treatment of mental illness. I am confident that Steve has placed the NIMH on a course that promises to build on the remarkable achievements already achieved, one that will take full advantage of scientific opportunities and the extraordinarily challenging public health needs that we as a country are now facing. Dr. Steve Hyman will be sorely missed, but I know he will continue to be a major force for the improvement of mental health care worldwide.

MESSAGES FROM THE PRESIDENT

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

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Ms. Nilsan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3210. An act to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

S. 1748. A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.


ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 30, 2001, she had presented to the President of the United States the following enrolled bills:

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Ford Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse."

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2722. An act to implement effective measures to stop trade in conflict diamonds, and for other purposes.


MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3210. An act to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

S. 1748. A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

EXECUTIVE OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as follows:


EC-4721. 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 Time of Designation for Restricted Area R4631 Gainesville, MS" ((RIN21230-AA68(2001-0172)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4720. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737 600, 700, and 800 Series Airplanes" ((RIN21220-AA64(2001-0555)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4721. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G V Series Airplanes" ((RIN21220-AA64(2001-0555)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4723. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Extension of Time Allowed for Certain Training and Testing; FAA-2001-10737" ((RIN21220 AH49) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.


EC-4726. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,
transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Rolls-Royce Model AE3007A and AE3007C Turbofan Engines” ((RIN2130-AA64) (2001-0529)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4727. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pratt and Whitney JT9D Turbofan Engines” ((RIN2130-AA64) (2001-0527)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4730. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes” ((RIN2130-AA64) (2001-0519)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4740. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate SA7010NM-D” ((RIN2130-AA64) (2001-0521)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4741. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes” ((RIN2130-AA64) (2001-0520)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4742. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: General Electric Company T56 and CT 8A Series Turboprop Engines” ((RIN2130-AA64) (2001-0531)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4743. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Rolls-Royce P2000 Dart 525, 525F, 528, 528D, 529, 530, 532, 535, 542, and 552 Series Turboprop Engines” ((RIN2130-AA64) (2001-0529)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4744. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace: Coueswater, PA” ((RIN2130-AA66) (2001-0517)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4745. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 777-200 and 200 Series Airplanes Modified by Supplemental Type Certificate ST09092AC” ((RIN2130-AA64) (2001-0522)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4746. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A340-211 Series Airplanes” ((RIN2130-AA64) (2001-0523)) received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4747. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Rule to List the MS Gopher Frog as Endangered” ((RIN2130-AA64) (2001-0524)) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4750. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Delaware; Post-1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstration for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area” ((RFL7089-2) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4751. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; One-Hour Ozone Attainment Demonstration for the Baltimore Ozone Nonattainment Area; Post-1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstration for the Baltimore Ozone Nonattainment Area” ((RFL7089-3) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4752. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirement for Volatile Organic Compounds, Sulfur Dioxide, and Nitrogen Oxides in the Philadelphia-Wilmington-Trenton Area” ((RFL7089-4) received on November 16, 2001; to the Committee on Environment and Public Works.
Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plans; Correction” (FRL7089-6) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4762. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Nitrogen Oxides Budget Trading Program” (FRL7091-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4763. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 and Emission Guidelines and Compliance Times for Large Municipal Waste Combustors” (FRL7100-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4764. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Ethylene Oxide Emissions Standards for Sterilization Facilities” (FRL7096-1) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4765. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plan; Oregon” (FRL7093-6) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4766. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restraint Exemption for Motorcycles” (FRL7095-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4767. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “State and Federal Operating Permits Programs: Amendments to the Compliance Assurance Program Standards” (FRL7096-4) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4768. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Finalization of the New Source Performance Standards for Municipal Waste Combustors” (FRL7100-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4769. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality State Implementation Plans; (SIP); CCRCHA Chemicals of Nitrogen Regulations” (FRL7100-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4770. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality State Implementation Plans; (SIP); Alabama: Control of Gasoline Sulfur and Volatility” (FRL7096-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4771. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Indiana; Ozone” (FRL7088-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4772. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Ohio; Ozone” (FRL7089-5) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4773. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; New York; Ozone” (FRL7088-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4774. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Connecticut; Ozone” (FRL7090-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4775. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; New Jersey; Ozone” (FRL7090-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4776. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; New York; Ozone” (FRL7089-5) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4777. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Hawaii; Ozone” (FRL7088-6) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4778. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Indiana; Ozone” (FRL7088-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4779. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Illinois; Ozone” (FRL7088-9) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4780. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Iowa; Ozone” (FRL7088-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4781. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Kansas; Ozone” (FRL7088-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4782. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Michigan; Ozone” (FRL7088-9) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4783. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Missouri; Ozone” (FRL7088-8) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4784. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Plans; Nebraska; Ozone” (FRL7088-9) received on November 16, 2001; to the Committee on Environment and Public Works.
Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Distilled Spirits Facilities, Aerospace Coating Operations and Kraft Pulp Mills’ was approved on November 16, 2001; to the Committee on Environment and Public Works.

EC-4780. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans: Alabama: Attainment Demonstration of the Birmingham One-Hour Ozone Nonattainment Area” (FRL70987-7) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4781. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans: Illinois NOX Regulations” (FRL70777-9) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4782. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans: Wisconsin” (FRL70684-4) received on November 16, 2001; to the Committee on Environment and Public Works.

EC-4783. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Reconsideration of the 610 Nonessential Products Ban” (FRL1701-1) received on November 16, 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. Jeffords, from the Committee on Environment and Public Works, without amendment:

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. Gramm (for himself, Mr. Enzi, Mr. Bennett, Mr. Bunning, and Mr. Allard):
S. 1748. A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes; read the first time.

By Mr. Kennedy (for himself, Mr. Brownback, Mrs. Feinstein, Mr. Kyl, Mr. Leahy, Mr. Hatch, Mr. Edwards, Mr. Helms, Mr. Durbin, Mr. Thurmond, Mr. Conrad, Mr. Bond, Mrs. Clinton, Mr. Sessions, Mr. DeWine, and Mrs. Hutchison):
S. 1749. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. Hollings (for himself, Mr. McCain, Mr. Breaux, and Mr. Smith of Oregon):
S. 1760. A bill to make technical corrections to the RAZMUT provisions of the USA PATRIOT Act; to the Committee on Commerce, Science, and Transportation.

By Mr. Gramm (for himself, Mr. Enzi, Mr. Bennett, Mr. Bunning, and Mr. Allard):
S. 1751. A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Corzine (for himself, Ms. Snowe, Ms. Cantwell, Mr. Dodd, Mr. Leahy, and Mrs. Murray):
S. 1752. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Bingaman (for himself, Mr. Campbell, and Ms. Cantwell):
S. 1753. A bill to amend title XIX of the Social Security Act to include medical assistance furnished through an urban Indian health program by a tribal or Indian organization pursuant to a grant or contract with the Indian Health Service under title V of the Indian Health Care Improvement Act in the 90 percent Federal medical assistance percentage applicable to the Indian Health Service; to the Committee on Finance.

By Mr. Leahy (for himself, Mr. Harkin, Mr. Reid, and Mr. Bennett):
S. 1754. A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. Allen (for himself, Mr. Harkin, Mr. Reid, Mr. Warner, Mr. Allard, Mr. Inouye, Mrs. Feinstein, Mr. Biden, Mr. Smith of Oregon, Mr. Grassley, Mr. Sessions, Mr. Frist, and Mr. Gramm):
S. Res. 185. A resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States; to the Committee on the Judiciary.

By Mr. Schumer (for himself and Mrs. Clinton):
S. Con. Res. 87. A concurrent resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1552. At the request of Mr. Harkin, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 1552, a bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 1767. At the request of Mr. Jeffords, the names of the Senator from Arkansas (Mrs. Lincoln), the Senator from Minnesota (Mr. Wellstone), and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1768. At the request of Mrs. Lincoln, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from Florida (Mr. Graham) were added as cosponsors of S. 1745, a bill to delay until April 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. Res. 13. At the request of Mr. Warner, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. Res. 109. At the request of Mr. Reid, the names of the Senator from Tennessee (Mr. Frist), the Senator from Nebraska (Mr. Nelson), and the Senator from Hawaii (Mr. Akaka) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as “National Children’s Memorial Day” and the last Friday in the month of April as “Children’s Memorial Flag Day.”

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Kennedy (for himself, Mr. Brownback, Mrs. Feinstein, Mr. Kyl, Mr. Leahy, Mr. Hatch, Mr. Edwards, Mr. Helms, Mr. Durbin, Mr. Thurmond, Mr. Conrad, Mr. Bond, Mrs. Clinton, Mr. Sessions, Mr. DeWine, and Mrs. Hutchison):
S. 1749. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. Kennedy. Mr. President, I am honored to join Senator Brownback, Senator Feinstein, Senator Kyl, Senator Leahy, Senator Hatch, and other colleagues in introducing legislation to strengthen the security of our borders,
improve our ability to screen foreign nationals, and enhance our ability to deter potential terrorists. Senator Brownback and I have worked closely with Senator Feinstein and Senator Kyl over the last month to develop a broad and effective response to the national security challenges we face. The need is urgent to improve our intelligence and technology capabilities, strengthen training programs for border officials and foreign service officers, and improve the monitoring of foreign nationals already in the United States.

In strengthening security at our borders, we must also safeguard the unobstructed entry of the more than 31 million persons who enter the U.S. legally each year as visitors, students, and temporary workers. Many others cross our borders from Canada and Mexico to conduct daily business or visit close family members.

We also must live up to our history and contribute as a nation of immigrants. Continued immigration is part of our national well-being, our identity and heritage as a nation of immigrants, and our strength in the future. In defending America, we are also defending the fundamental constitutional principles that have made America strong in the past and will make us even stronger in the future.

Our action must strike a careful balance between protecting civil liberties and providing the means for law enforcement to identify, apprehend and detain potential terrorists. It makes no sense to enact reforms that severely limit immigration into the United States. "Fortress America," even if it could be achieved, is an inadequate and ineffective response to the terrorist threat.

Enforcement personnel at our ports of entry are a key part of the battle against terrorism, and we must provide them with resources, training, and technology. These men and women have a significant role in the battle against terrorism. This legislation will ensure that they receive adequate pay, can hire necessary personnel, are well-trained to identify individuals who pose a security threat, have access to important intelligence information, and have the technologies they need to enhance border security and facilitate cross-border commerce.

The Immigration and Naturalization Service must be able to retain highly skilled immigration inspectors. Our legislation provides incentives to immigration inspectors by providing them with the same benefits as other law enforcement personnel.

Expanding the use of biometric technology is critical to securing our borders. This legislation authorizes the funding needed to bring our ports of entry into the biometric age and equip them with biometric data readers and scanners.

We must expand the use of biometric border crossing cards. The time frame previously allowed for individuals to obtain these cards was not sufficient. This legislation extends the deadline for individuals crossing the border to acquire the biometric cards.

The USA Patriot Act addressed the need for machine-readable passports, but it did not provide for machine-readable visas issued by the United States. This legislation enables the Department of State to raise fees through the use of machine-readable visas and use the funds collected from these fees to improve technology at our ports of entry.

Our efforts to improve border security must also include enhanced coordination and information-sharing by the Department of State, the Immigration and Naturalization Service, and law enforcement and intelligence agencies. This legislation will require the President to submit and implement a plan to improve access to critical security information. It will create an electronic data system to give those responsible for screening visa applicants and persons entering the U.S. the tools they need to make informed decisions. It also provides for a temporary system until the President's plan is fully implemented.

We must also strengthen our ability to monitor foreign nationals in the United States. In 1996, Congress enacted legislation mandating the development of an automated entry/exit control system to record the entry of every non-citizen arriving in the U.S., and to match it with the record of departure. Although the technology is currently available for such a system, it has not been put in place because of the high costs involved. Our legislation builds on the anti-terrorism bill and provides greater direction to the INS for implementing the entry/exit system.

We must improve the ability of foreign service officers to detect and intercept potential terrorists before they arrive in the U.S. Most foreign nationals who travel here must apply for visas at consular posts overseas. Traditionally, consular officers have concentrated on interviewing applicants to determine whether they are likely to violate their visa status. Although this review is important, consular officers must also be trained specifically to screen for security threats. Terrorist lookout committees will be established in every U.S. consular mission abroad in order to focus the attention of our consular officers on specific threats and provide essential critical national security information to those responsible for issuing visas and updating the lookout database.

This legislation will help protect visas issued to travelers from countries that the Department of State has determined are sponsors of terrorism. It prohibits issuing visas to individuals from countries that sponsor terrorism, unless the Secretary of State has determined that the person is not a security threat.

The current Visa Waiver Program, which allows individuals from participating countries to enter the U.S. for a limited period without visas, strengthens relations between the United States and those countries, and encourages economic growth around the world. Given its importance, we must safeguard its continued use, while also ensuring that a consular officer as a participant in the program does not undermine U.S. law enforcement and security. This legislation will only allow a country to be designated as a visa waiver participant, or continue to be designated, if the Attorney General and Secretary of State determine that the country reports instances of passport theft to the U.S. government in a timely manner.

We must do more to improve our ability to screen individuals along our entire North American perimeter. This legislation directs the Department of State, the Department of Transportation, the Department of Justice and the INS to work with the Office of Homeland Security to screen individuals at the perimeter before they reach our continent, and to work with Canada and Mexico to coordinate these efforts.

We must require all airlines to electronically transmit passenger lists to destination airports in the United States, so that once planes have landed, law enforcement authorities can intercept passengers on federal lookout lists. United States airlines already do this, but some foreign airlines do not. Our legislation requires all airlines and all other vessels to transmit passenger manifest information prior to their arrival in the United States.

When planes land at our airports, inspectorates are under significant time constraints to clear the planes and ensure the safety of all departing passengers. Our legislation removes the existing 45 minute deadline, and provides inspectors with adequate time to clear and secure aircraft.

In 1996, Congress established a program to collect information on non-immigrant foreign students and participants in exchange programs. Although a pilot phase of this program ended in 1999, a permanent system has not yet been implemented. Congress enacted provisions in the 1998 INS reauthorization bill for the quick and effective implementation of this system by 2003, but gaps still exist. This legislation will increase the data collected by the monitoring program to include the date of entry, the port of entry, the date of school enrollment, and the date the student leaves the school. It requires the Department of State and INS to monitor students who have been given visas, and to notify schools of their entry. It also requires a school to notify the INS if a student does not actually report to the school.

INS regulations provide for regular reviews of over 26,000 educational institutions authorized to enroll foreign students. However, inspections have
As we work to achieve stronger tracking systems, we must also remember that the vast majority of foreign visitors, students, and workers who overstay their visas are not criminals or terrorists. It would be wrong and unfair, without additional information, to stigmatize them.

The USA Patriot Act was an important part of the effort to improve immigration security, but further action is needed. This legislation is a needed bipartisan effort to strengthen the security of our borders and enhance our ability to prevent future terrorist attacks. Thwarting would-be terrorists is as much a part of our national security and our way of life, become our partners. They are good for our economy and, as witnesses to our democracy and our way of life, become our ambassadors of goodwill to their home countries.

However, the unfortunate reality is that a fraction of these people mean us harm, and we must take intelligent measures to keep these people out. For that reason, I am pleased to introduce a bill that the vast majority of foreign visitors, students, and workers who overstay their visas are not criminals or terrorists. It would be wrong and unfair, without additional information, to stigmatize them.

The Enhanced Border Security and Visa Entry Reform Act of 2001 represents an earnest, thoughtful, and bipartisan effort to refine our immigration laws and institutions to better combat the evil that threatens our Nation.

This legislation recognizes that the war on terrorism is, in large part, a war of information. To be successful, we must improve our ability to collect, compile, and utilize information critical to our safety and national security. This bill requires that the agencies tasked with screening visa applicants and applicants for admission, namely the Department of State and the Immigration and Naturalization Service, be provided with the necessary law enforcement and intelligence information that will enable these agencies to identify alien terrorists. By directing better coordination and access, this legislation will bring together the agencies that have the information and those that need it. With input from the Department of State and the Office of Homeland Security, this bill will make prompt and effective information-sharing between these agencies a reality.

In complement to the USA PATRIOT Act, this legislation provides for necessary improvements in the technologies used by the State Department and the Service. It provides funding for the State Department to better interface with foreign intelligence information and to better staff its infrastructure with guidance on the implementation of the Integrated Entry and Exit Data System, pointing the Service to such tools as biometric identifiers in immigration documents, machine readable visas and passports, and arrival-departure and security databases.

To the degree that we can realistically do so, we should attempt to intercept terrorists before they reach our borders. Accordingly, we must consider security at both domestic ports of entry but also at foreign ports of departure. To that end, this legislation directs the State Department and the Service, in consultation with Office of Homeland Security, to examine, expand, and enhance screening procedures to take place outside the United States, such as preinspection and preclearance. It also requires international air carriers to transmit passenger manifests for pre-arrival review by the Service. This eliminates the 45-minute statutory limit on airport inspections, which many feel compromises the Service’s ability to screen arriving flights properly. Finally, since we should ultimately look to expand our security perimeter to include Canada and Mexico, this bill requires these agencies to work with our neighbors to create a collaborative North American Security Perimeter.

While this legislation mandates certain technological improvements, it does not ignore the human element in the security equation. This bill requires that “terrorist lookout committees” be instituted at each consular post and that consular officers be given special training for identifying would-be terrorists. It also provides special training to border patrol agents, inspectors, and foreign service officers to better identify terrorists and security threats. However, to help the Service retain its most experienced people on the borders, this bill provides the Service with increased flexibility in pay, certain benefit incentives, and the ability to hire recently retired support staff.

Finally, this legislation considers certain classes of aliens that raise security concerns for our country: nationals from states that sponsor terrorism and foreign students. With respect to the former, this bill expressly prohibits the State Department from issuing a nonimmigrant visa to any alien from a country that sponsors terrorism until it has been determined that the alien does not pose a threat to the safety or security of the United States. With respect to the latter, this legislation would fill data and reporting gaps in our foreign student programs by requiring the Service to electronically monitor every stage in the student visa process. It also requires the school to report a foreign student’s failure to enroll and the Service to monitor schools’ compliance with this reporting requirement.

While we must be careful not to compromise our values or our economy, we must take intelligent, immediate steps to enhance the security of our borders.

This legislation would implement many changes that are vital to our war on terrorism. I urge my colleagues to support it.

Mr. BROWNBACK. Mr. President, the terrorist attacks of September 11 have unsettled the public’s confidence in our Nation’s security and have raised concerns about whether our institutions are up to the task of intercepting and thwarting would-be terrorists. Given that the persons responsible for the attacks on the World Trade Center and the Pentagon came from abroad, citizens understandably ask how these people entered the United States and what can be done to prevent their kind from doing so again. Clearly, our immigration laws and policies are instrumental to the war on terrorism. While the battle may be waged on several fronts, for the man or woman on the street, immigration is in many ways the front line of our defense.

The immigration provisions in the anti-terrorism bill, which I introduced with my colleague Senator Kyl in introducing the Enhanced Border Security and Visa Entry Reform Act of 2001, represent an excellent first step toward improving our border security, but we must not stop there. Our Nation receives millions of foreign nationals each year, persons who come to the United States to visit family, to do business, to tour our sites, to study and earn their keep and mean us well. They are our relatives, our friends, and our business partners. They are good for our economy and, as witnesses to our democracy and our way of life, become our ambassadors of goodwill to their home countries.

However, the unfortunate reality is that a fraction of these people mean us harm, and we must take intelligent measures to keep these people out. For that reason, Mr. President, I am pleased to join Senators Kennedy, Brownback, and Kyl in introducing the Enhanced Border Security and Visa Entry Reform Act of 2001. We submit this legislation with 16 sponsors.

This legislation represents a consensus, drawing upon the strengths of both the Visa entry Reform Act of 2001, which I introduced with my colleague from Arizona, Senator Kyl, and the Enhanced border Security and Visa Entry Reform Act of 2001, which Senators Kennedy and Brownback introduced.

I believe the legislation we are introducing today will garner widespread support from our colleagues on both sides of the aisle.

September 11 clearly pointed out the shortcomings of the immigration and visa system. For example, all 19 terrorist hijackers entered the U.S. legally with valid visas. Three of the hijackers had remained in the U.S. after their visas had expired. One entered on a foreign student visa. Another, Mohammed Atta had submitted an application to change status to M-1, which was granted in July. However, Mr. Atta sought admission and was admitted to the United States based on his own current B-1 visitor visa.

Most people don’t realize how many people come into our country; how little we know about them; and whether they leave when required.
Consider the following: The Visa Waiver Program: 23 million people from 29 different countries; no visas; little scrutiny; no knowledge where they go in the U.S. or whether they leave once their visas expire. The INS estimates that over 100,000 blank passports have been stolen from government offices in participating countries in recent years.

Abuse of the Visa Waiver Program poses threats to U.S. national security and increases illegal immigration. For example, one convicted of the World Trade Center bombing of 1993 deliberately chose to use a fraudulent Swedish passport to attempt entry into the U.S. because of Sweden’s participation in the Visa Waiver Program.

Foreign Student Visa Program: more than 500,000 foreign nationals entering each year; within the last 10 years, 16,000 came from such terrorist supporting states as Iran, Iraq, Sudan, Libya, and Syria.

The foreign student visa system is one of the most under-regulated systems we have today. We’ve seen bribes, bureaucracy, and other problems with this system that leave it wide open to abuse by terrorists and other criminals.

For example, in the early 1990s, five officials at four California colleges, were convicted of taking bribes, providing counterfeit education documents, and fraudulently applying for more than 100 foreign student visas.

It is unclear what steps the INS took to find and deport the foreign nationals involved in this scheme.

Each year, we have 300 million border crossings. For the most part, these individuals are legitimate visitors to our country. We currently have no way of tracking all of these visitors.

Mohamed Atta, the suspected ring-leader of the attack, was admitted as a non-immigrant visitor in July 2001. He traveled to and from the U.S. during the past 2 years and was, according to the INS, in “legal status” the day of the attack. Other hijackers also traveled with ease throughout the country.

It has become all too clear that without an adequate tracking system, our country becomes a sieve, creating ample opportunities for terrorists to enter and establish their operations without detection.

I serve as Chair of the Judiciary Committee’s Subcommittee on Technology, Terrorism and Government Information. Last month, we held a hearing on the need for new technologies to assist our government agencies in keeping terrorists out of the United States.

The testimony at that hearing was very illuminating. We were given a picture of an immigration system in chaos, and a border control system rife with vulnerabilities. Agency officials don’t communicate with each other. Computers are incompatible. And even in instances where technological leaps have been made, like the issuance of more than 4.5 million “smart” border crossing cards with biometric data, the technology is not even used.

Personally, I am astonished that a person can apply for a visa and granted a visa by the State Department, and yet there is no mechanism by which the FBI or CIA can flag with regard to the individual if he or she is known to have links to terrorist groups or otherwise pose a threat to national security.

In the wake of September 11, it is unconscionable that a terrorist might be permitted to enter the U.S. simply because our government agencies don’t share information.

Indeed, what we have discovered in the aftermath of the September 11 terrorist attacks was that the perpetrators of these attacks had a certain confidence that our immigration laws could be circumvented where necessary.

The terrorists did not have to steal into the country as stowaways on sea vessels, or a border-jumpers evading federal authorities. Most, if not all, appeared to have come in with temporary visas, which are routinely granted to tourists, students, and other short-term visitors.

Let me talk about the legislation that I cosponsored with Senators Kennedy, Brownback, and Kyl.

First, a key component of this solution is the creation of an interoperable data system. By law, the State Department, the INS, and other relevant Federal agencies to obtain critical information about foreign nationals who seek entry into or who have entered the United States.

Right now, our government agencies use different systems, with different information, in different formats. And they often refuse to share that information with other agencies within our own government. This is not acceptable.

When a terrorist presents himself at a consular office asking for a visa, or at a border crossing with a passport, we need to make sure that his name and identifying information is checked against an accurate, up-to-date, and comprehensive database. Period.

The Enhanced Border Security and Visa Entry Reform Act would require the creation of this interoperable data system, and will require the cooperation of government agencies in providing accurate and compatible information to that system.

In addition, the interoperable data system would include sophisticated, linguistically-based, name-matching algorithms so that the computers can determine that “Usama bin Raqueeb” and “Hajj Mohd Othman Abdul Rajeeb,” are transliterations of the same name. In other words, this provision would require agencies to ensure that names can be matched even when they are stored in different sets of fields in different databases.

Incidentally, this legislation also contains strict privacy provisions, limiting access to this database to authorized Federal officials. And the bill contains severe penalties for wrongful access or misuse of information contained in the database.

Second, this legislation includes provisions to restore integrity to the immigration and visa process, including the following: The legislation would require all foreign nationals to be fingerprinted and, when appropriate, submit other biometric data, to the State Department when applying for a visa. This provision would eliminate fraud, as well as identify potential threats to the country before they gain access.

We include reforms of the visa waiver program, so that any country wishing to participate in that program must begin to provide its citizens with tamper-proof, machine-readable passports. The passports must contain biometric data by October 26, 2003, to help verify identity at U.S. ports of entry.

In addition, the INS would be required to enter stolen passport numbers in the interoperable data system within 72 hours after receiving notification of the loss or theft of a passport.

We would establish a robust biometric visa program. By October 26, 2003, aliens who are applying for a temporary visitor from a visa waiver country, the INS inspector must first determine that the individual does not appear in any “lookout” databases.

In addition, the INS would be required to enter stolen passport numbers in the interoperable data system within 72 hours after receiving notification of the loss or theft of a passport.

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In addition, the INS would be required to enter stolen passport numbers in the interoperable data system within 72 hours after receiving notification of the loss or theft of a passport.
who would do us harm, we do so. And where we can update technology to meet the demands of the modern war against terror, we do that as well.

As we prepare to modify our immigration system, we must be sure to enact changes that are realistic and feasible. We must also provide the necessary tools to implement them.

Our Nation will be no more secure tomorrow if we do not create a workable entry-exit tracking system to ensure that terrorists do not enter the U.S. and blend into our communities without detection.

And we will be no safer if we simply authorize new programs and information sharing, but do not provide the resources necessary to put the new technology at the border, train agents appropriately, and require our various government agencies to cooperate in this effort.

We have a lot to do but I am confident that we will move swiftly to address these important issues. The legislation Senators KENNEDY, BROWNBACK, Kyl, and I introduce today is an important, and strong, first step. But this is only the beginning of a long, difficult process.

In closing, I would like to respond to concerns that this bill is “anti-immigrant.” We are a nation of immigrants. Indeed, the overwhelming percentage of the people who come to live in this country enjoy the blessings of liberty, equality, and opportunity. The overwhelming percentage of the people who visa this country mean us no harm.

But there are several thousand innocent people, including foreign nationals, who were killed on September 11 in part because a network of fanatics determined to wreak death, destruction, and terror exploited weaknesses in our immigration system to come here, to stay here, to study here, and to kill here.

We learned at Oklahoma City that not all terrorists are foreign nationals. But the world is a dangerous place, and there are peoples and regimes that would destroy us if they had the chance.

We are all casualties of September 11. Our society has necessarily changed as our perception of the threats we face has changed. The scales have fallen from our eyes.

It is unfortunate that we need to address the vulnerabilities in our immigration system that September 11 painfully revealed. The changes we need to make to them will inconvenience people. We can “thank” the terrorists for that.

Once implemented, however, those changes will make it easier for law-abiding foreign to visit or study here, and for law-abiding immigrants who want to live here. More important, once they are here, their safety, and ours, will be greatly enhanced.

We must do everything we can to deter the terrorists, here and abroad, who would do us harm from Oklahoma City to downtown Manhattan, we have learned just how high the stakes are. It would dishonor the innocent victims of September 11 and the brave men and women of our armed forces who are defending our liberty at this very instant, if we flag or fail in this effort.

I urge my colleagues to support us on this legislation.

Mr. KYL, Mr. President, today, Senators KENNEDY, BROWNBACK, FEINSTEIN and I join together to introduce the Enhanced Border Security and Visa Entry Reform Act of 2001. This bill represents the merging of counter-terrorism legislation recently introduced by Senator FEINSTEIN and I and separately by Senators KENNEDY and BROWNBACK. This bipartisan, streamlined product, cosponsored by both the chairman and ranking Republican of the Senate Judiciary Committee, will significantly enhance our ability to keep terrorists out of the United States and find terrorists who are here. I also want to reiterate my appreciation to Senators KENNEDY, FEINSTEIN, and BROWNBACK, and especially to their staffs, who put their hard work and cooperation in developing this bill. I am hopeful that we can work together toward the bill’s passage, and signature into law, before the 107th Congress adjourns for the year.

Last month the President signed into law anti-terrorism legislation that will provide many of the tools necessary to keep terrorists out of the United States, and to detain those terrorists who have entered our country. These tools, while all important, will be significantly enhanced by the bill we introduce today.

Under the Border Security and Visa Entry Reform Act of 2001, the Homeland Defense director will be responsible for the coordination of Federal law enforcement and intelligence communities, the Departments of Transportation, State, Treasury, and all other relevant agencies to develop and implement a comprehensive, interoperable electronic data system for these governmental agencies to find and keep out terrorists. That system will be up and running by October 26, 2003, 2 years after the signing into law of the USA Patriot Act.

Under our bill, the terrorists will be deprived of the ability to present fake or altered international documents in order to gain entrance, or stay here. Foreign nationals will be provided with new travel documents, using new technology that will include a person’s fingerprint(s) or other form of “biometric” identification. These cards will be used by visitors upon exit and entry into the United States, and will alert authorities immediately if a visa has expired or a red flag is raised by a federal agency. Under our bill, the Department of Homeland Security will immediately notify the INS when a foreign student violates the term of the visa by failing to show up for class or leaving.
school early. Our legislation will prevent most persons from obtaining student visas if they come from terrorist-supporting states such as Iran, Iraq, Sudan, Libya, and Syria, unless the Secretary of State and Attorney General determine that such applicants do not pose a threat to the safety and national security of the United States.

For the first time since the War of 1812, the United States has faced a massive attack from foreigners on our own soil. Every one of the terrorists who committed the September 11 atrocities were foreign nationals who had entered the United States legally through our visa system. None of them should have been allowed entry due to their ties to terrorist organizations, and yet even those whose visas had expired were not expelled.

Mohamed Atta, for example, the suspected ringleader of the attacks, was allowed to enter the United States on a tourist visa, even though he made clear his intentions to go to flight school while in the United States. Clearly, at the very least, he should have been queried about why he was using his tourist visa to attend flight school.

Another hijacker, Hani Hanjour, was here on a student visa that had expired as of September 11. Hani Hanjour never attended class. In addition, at least two other visitor visa-holders overstayed their visa. In testimony before the Terrorism subcommittee of which I am the ranking member, U.S. officials have told us that they possess little information about foreigners who come into our country, how many there are, and even whether they leave when required by their visas.

America is a nation that welcomes international visitors, and should remain so. But terrorists have taken advantage of our system and its openness. Now that we face new threats to our homeland, it is time we restore some balance to our consular and immigration policies.

As former chairman and now ranking Republican of the Judiciary Committee’s Terrorism Subcommittee, I have long suggested, and strongly supported, many of the anti-terrorism and immigration initiatives now being advocated by Republicans and Democrats alike. In my sadness about the overwhelming and tragic events that took thousands of precious lives, I am resolved to push forward on all fronts to defeat against terrorism. That means solving to push forward on all fronts to defeat against terrorism. That means delivering justice to those who are responsible for the lives lost on September 11, and reorganizing the institutions of government so that the law-abiding can continue to live their lives in freedom. It is extremely important that we pass the Secure Airline and Visa Entry Reform Act before we adjourn for the year. To all of the Senators who worked on this bill, including Senators KENNEDY, FEINSTEIN, BROWNBACK, and HATCH, SNOWE, CANTWELL, and SMITH of Oregon, truly, others I again want to express my appreciation. This bill will make a difference.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. BREAUX, and Mr. SMITH of Oregon):

S. 1750. A bill to make technical corrections to the hazmat provisions of the USA PATRIOT Act; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, today I join with my colleagues Senators MCCAIN, BREAUX, and SMITH in introducing the Hazmat Endorsements Repeal Act. We introduce this legislation today to improve the implementation and effectiveness of Section 1012 of H.R. 3162, The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, (USA PATRIOT) Act of 2001, [Public Law 107-56], enacted on October 26, 2001.

The legislation we are introducing today primarily addresses technical corrections to Section 1012 of the USA PATRIOT Act. As discussed in procedural agreements, the Senate consideration of H.R. 3162 did not provide for any amendments. I did however, engage in a colloquy with Chairman LEAHY to state my concerns with section 1012 and my desire to address my concerns over substantive problems in the future in subsequent legislation. The changes in legislation assume continuation of the basic framework of section 1012 requiring that one, States request security checks from the Attorney General for drivers of commercial vehicles that would be responsible for transporting certain hazardous materials; second, the Attorney General conduct checks of relevant information systems and then provide the results to the Department of Transportation; and third, the Department of Transportation notify requesting States whether applicants pose a security threat.

Our bill does the following: clarifies the definition of hazardous materials and gives the Secretary the ability to increase the endorsement fees if security issues require; defines disqualifying offenses that would result in the denial of a hazardous materials endorsement; provides for an appeals process in the event an individual is denied a hazardous materials endorsement based on the results of a background check; extends the requirement for background checks to Canadian and Mexican drivers who drive commercial vehicles carrying hazardous materials in the United States; increases felony penalties for fraudulently issuing or obtaining licenses; and requires the Department of transportation to report back to the Congress on security improvements that can be made in the transport of hazardous materials.

Approximately 2.5 million drivers have commercial drivers licenses and almost 2.5 million of those drivers have hazardous materials endorsements. The law has not required criminal background checks for applicants seeking CDLs. However, section 1012 of the USA PATRIOT Act now requires any driver of a commercial motor vehicle who transports hazardous materials to have a criminal background check prior to being issued a commercial drivers license (CDL). That requirement became effective upon the enactment of that law in October.

Since the passage of the USA PATRIOT Act, we have worked to address the concerns raised by all interested parties involved in this issue, including the administration, the States, public safety officials, commercial motor vehicle drivers, and motor carriers. While everyone has supported the concept of performing background checks, it has not yet been implemented because the infrastructure for conducting background checks does not exist. We believe the provisions contained in this legislation will aid the administration, the State licensing agencies, and all interested parties by providing a clear understanding of the requirements associated with granting a license permitting a driver to transport hazardous materials.

Senator BREAUX chaired a hearing on October 10, 2001, on bus and truck security and hazardous materials licensing for commercial drivers. Of particular concern were reports that terrorists may have been seeking licenses to transport trucks with hazardous materials. On October 4, 2001, a Federal grand jury in Pittsburgh indicted 16 people on charges of fraudulently obtaining commercial driver’s licenses, including licenses to haul hazardous materials. The charges of fraudulently obtaining commercial driver’s licenses, including licenses to haul hazardous materials.

In September the Federal Bureau of Investigation, FBI, arrested a man, Nabil Al-Marabh, linked to an associate of Osama bin Laden, who had a hazardous materials drivers license. Al-Marabh had a commercial driver’s license issued by the State of Michigan. That license, issued on September 11, 2000, allowed Al-Marabh to operate vehicles weighing 100,000 pounds or more. Additionally, Al-Marabh obtained what is called an endorsement that allowed him to transport hazardous materials. He took a test and paid the fee to obtain that endorsement.

During that hearing, many options for increasing the security of hazardous materials shipments were discussed, including requiring background checks for drivers of commercial vehicles carrying hazardous materials. As chairman, I am committed to working with Senators MCCAIN, BREAUX, and SMITH to introduce a more comprehensive legislative proposal next year which will reauthorize the Hazardous Materials Transportation Act, HMTA. Reauthorization of the HMTA addresses training, emergency response, safety and security concerns for all movements of hazardous materials.

Annually, more than four billion tons of hazardous materials, an estimated 800,000 hazardous materials shipments daily, are transported by land, sea, and air in the United States. While hazardous materials transportation invoives all transportation modes, truck transport typically accounts for the
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majority of all hazardous materials shipments, although the tonnage transported is more equally divided between truck and rail.

There are 3.12 million tractor-trailer drivers in the United States. The entire trucking industry employs more than 9 million people. Trucks annually transport 6 billion tons of freight, representing 63 percent of the total domestic tonnage shipped. There are 540,000 trucking companies in the U.S., and 80 percent of highway transportation is truck by trucks. The types of vehicles carrying hazardous materials on the Nation’s highways range from cargo tank trucks to conventional tractor-trailers and flatbeds that carry large portable tank containers.

In 2000, there were 17,347 hazardous materials incidents related to transportation in the United States, 14,861 via highway transportation. These incidents accounted for 6.3 minor releases of hazardous materials; 2,214 incidents caused injuries, and there were 13 deaths.

Since the events of September 11, 2001, a number of legislative proposals have been introduced to address terrorism, the prevention of terrorist acts within the United States. I am pleased to report that the Commerce Committee has addressed security concerns in a bipartisan manner in all modes of transportation. On November 19, 2001, the President signed into law S. 1447, the Aviation Security Act, P.L. 107-71. On August 2, 2001, the Commerce Committee favorably reported S. 1214, the Port and Maritime Security Act, and on October 17, 2001, the Commerce Committee unanimously approved S. 1550, the Rail Security Act. Both of these measures are awaiting consideration by the Senate.

This legislation which addresses the important issue of the safety of hazardous materials transportation on our Nation’s highways. This legislation should be considered as soon as possible. We must ensure the hazardous materials transported over our Nation’s highways are carried by qualified drivers. Our legislation accomplishes this in a manner that provides clear and consistent requirements for licensing with minimum bureaucratic red tape and delay in the issuance of licenses to eligible drivers.

I would request that the text of this bill be printed in the RECORD.

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

S. 1750

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hazmat Endorsement Requirements Act”.

SEC. 2. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.

(a) In General.—Chapter 313 of title 49, United States Code, is amended by adding at the end the following:

“§ 31318. Issuance, renewal, upgrade, transfer, and periodic check of hazmat licenses

(a) In General.—A State may not issue, renew, upgrade, or transfer a hazardous materials endorsement for a commercial driver’s license to any individual authorizing that individual to operate a commercial motor vehicle transporting a hazardous material in commerce unless these requirements of the Secretary of Transportation have been satisfied. Transportation has determined that the individual does not pose a security risk warranting denial of the endorsement or license. Each State shall provide for a background records check, for which a background records check is requested—

(1) whenever a commercial driver’s license with a hazardous materials endorsement is to be issued, renewed, upgraded, or transferred; and

(2) periodically (as prescribed by the Secretary) by registering other individuals holding a commercial driver’s license with a hazardous materials endorsement.

(b) Determination of Security Risk.—

(1) In General.—An individual may not be denied a hazardous materials endorsement for a commercial driver’s license under subsection (a) unless the Secretary determines that individual—

(A) in the 10-year period ending on the date of the background investigation, was convicted (or found not guilty by reason of insanity) of an offense described in section 44969(b)(1) of this title (disregarding the matter in clause (xvi)(IX) after ‘1 year’);

(B) is described in section 178b(b)(2) of title 18, United States Code; or

(C) may be denied admission to the United States or removed from the United States under subclause (IV), (VI), or (VII) of section 212(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(2) Mitigating Circumstances.—In making a determination under paragraph (1), the Secretary may take into consideration the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors described in subparagraph (A) that may be concluded that the individual does not pose a security risk warranting denial of the license or endorsement.

(c) Appeals Process.—The Secretary shall establish an appeals process under this section for individuals found to be ineligible for a hazardous materials endorsement for a commercial driver’s license who includes notice and an opportunity for a hearing.

(d) Background Records Check.—

(1) In General.—Upon the request of a State regarding the issuance of a hazardous materials endorsement for a commercial driver’s license to an individual, the Attorney General shall—

(A) conduct a background records check regarding the individual;

(B) take appropriate criminal enforcement action required by information developed or obtained in the course of the background check; and

(C) upon completing the background records check, notify the Secretary of Transportation of the decision and results of the background records check.

(2) Scope.—A background records check regarding an individual under this subsection shall consist of the following:

(A) A check of the relevant criminal history data bases.

(B) In the case of an alien, a check of the relevant data bases to determine the status of the alien under the immigration laws of the United States.

(C) As appropriate, a check of the relevant data bases to determine if the individual has a record of conviction for a crime or has been convicted of a crime, a check of the relevant data bases to determine if the individual has a record of conviction for a crime, or has been convicted of a crime, or is a person under the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).

(d) Effective Date.—

(1) In General.—The amendments made by this section shall take effect on October 26, 2001.

(2) Limit on Retroactivity.—Notwithstanding paragraph (1), no enforcement action shall be taken against a State under this section before the effective date of the interim final rule prescribed by the Secretary of Transportation under section 33138 of title 49, United States Code.

(3) Secretary to Notify State.—After making the determination required by subsection (b)(1), the Secretary of Transportation shall promptly notify the State of the determination.

(4) Reporting Requirement.—Each State shall submit to the Secretary of Transportation at such time and in such manner as the Secretary may prescribe such information as the Secretary may require, concerning each individual to whom the State denied a hazardous materials endorsement for a commercial driver’s license.

(e) Restrictions on Use and Maintenance of Information.—

(1) FAPIA NOT TO APPLY.—Information obtained by the Attorney General or the Secretary of Transportation under this section may not be made available to the public under section 552 of title 5, United States Code.

(2) Confidentiality.—Any information other than criminal acts or offenses constituting grounds for disqualification under subsection (b)(1) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

(f) Definitions.—In this section:

(1) Hazardous Materials.—The term ‘‘hazardous materials’’ means—

(A) a substance or material designated by the Secretary under section 5103a of this title for which the Secretary requires placarding of a commercial motor vehicle transporting it in commerce; and

(B) a substance or material, including a substance or material on the Centers for Disease Control list of select agents, designated as a hazardous material by the Secretary under procedures to be established by the Secretary.

(2) Alien.—The term ‘‘alien’’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(3) Chapter Analysis.—Section 33131(a) of title 49, United States Code, is amended by adding at the end the following:

‘‘(2) The State shall comply with the requirements of section 33131(a)(2) (the provisions of which requires a background records check) within six months of the date of enactment of this section. See section 33138 of title 49, United States Code, for the date of enactment of this section.’’

(4) Effective Date.—

(1) In General.—The amendments made by this section shall take effect on October 26, 2001.

(2) Limit on Retroactivity.—Notwithstanding paragraph (1), no enforcement action shall be taken against a State under this section before the effective date of the interim final rule prescribed by the Secretary of Transportation under section 33138 of title 49, United States Code.
SEC. 3. PROHIBITION ON OPERATING WITHOUT PROPER HAZMAT ENDORSEMENT OR LICENSE.

(a) IN GENERAL.—Chapter 313 of title 49, United States Code, is further amended by adding at the end the following:

``
31319. Prohibition on unauthorized transport- 

(a) IN GENERAL.—Notwithstanding any provision of law, treaty, or international agreement to the contrary, after the effective date of the interim final rule promulgated under section 31318 of title 49, United States Code, as soon as practicable after the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, enforce provisions as soon as practicable after the date of enactment of this Act. The final rule issued pursuant to that rulemaking shall supersede the interim final rule promulgated under this paragraph.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 is amended by adding at the end the following:

``
31319. Prohibition on unauthorized transportation of hazardous materials (a) IN GENERAL.—Chapter 313 of title 49, United States Code, is further amended by adding at the end the following:

SEC. 4. PENALTY FOR FRAUDULENT ISSUANCE OR RENEWAL OF COMMERCIAL DRIVER’S LICENSE.

(a) IN GENERAL.—Chapter 313 of title 49, United States Code, is further amended by adding at the end the following:

``
31320. Penalty for fraudulent issuance, renewal, upgrade, or transfer of commercial driver’s license. (a) In general. —Any person who knowingly issues, obtains, or knowingly facilitates the issuance, renewal, upgrade, transfer, or obtaining of, a commercial driver’s license or an endorse- ment to a commercial driver’s license, that is not authorized by another person, is guilty of a felony, punishable by a fine, imprisonment, or both as provided in title 18, United States Code.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 is amended by adding at the end the following:

``
31320. Penalty for fraudulent issuance of renewal of commercial driver’s license.

SEC. 5. MOTOR CARRIER SECURITY REPORT.

(a) IN GENERAL.—The Secretary of Transportation shall make the report in both classified and redacted form to both the House of Representatives Committee on Commerce, Science, and Transportation and the Senate Committee on Commerce, Science, and Transportation.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 is amended by adding at the end the following:

``
31320. Penalty for fraudulent issuance of renewal of commercial driver’s license.

SEC. 6. STUDY.

The Secretary of Transportation shall conduct research and operational testing to determine the feasibility, costs, and benefits of requiring motor carriers that transport certain high-risk hazardous materials to install ignition or engine locking devices, silent alarms, satellite technology, or other mechanisms to increase the security associated with the transportation of such materials. The Secretary may conduct a pilot program to assess such devices.

Mr. MCCAIN. Mr. President, I am pleased to join with Senators Hol- 

ings, Breaux, and Smith in introducing this Motor Carrier Endorsement Re- 

quirement Act. The legislation we are introducing today is in large part a technical correction proposal to ad-

ress Section 102 of the USA PA- 

TRIOT Act, enacted October 26, 2001. Today’s bill is designed to fill in a few of the gaps of the new law with respect to commercial drivers licenses and haz-

ardous materials endorsements and to provide guidance to the Department of Transportation and the States on how to implement the new requirements.

The safe transport of hazardous ma- 

terials is of critical importance to both our nation’s economy and public safe- 

ty. The events of September 11 led to an even greater awareness of the ne-

cessity of ensuring hazardous cargo is transported in a manner that provides the highest level of safety and security possible. This bill would help improve the safety and security of hazardous materials transported on our roads and highways by ensuring the driver of such loads is not a risk to national security.

Annually, more than four billion tons of hazardous materials, an estimated 800,000 hazardous materials shipments daily, are transported by land, sea, and air in the United States. While haz-

ardous materials transportation in-

volves all transportation modes, truck transport typically accounts for the majority of all hazardous materials shipments, although the tonnage trans-

ported is more equally divided between truck and rail. The types of vehicles carrying hazardous materials on the nation’s highways range from cargo tankers to tank-style tractor-trailer and flatbeds that carry large portable tank containers. The shipped materials are used in thousands of commercial, manufactured products and they include: chlorine for water treatment; ammonia for fertilizer; plastics; home siding materials; bat-

tery casings; leather finishes; fire-

proofing agents for textiles; and, motor vehicle gasoline.

The hazardous materials industry has a notable safety record, in large part due to the safety efforts of the in-

dividuals and companies involved in transporting hazardous materials. On average, only 10 to 15 fatalities are attributed annually to releases of haz-

ardous materials in transportation.

The Commercial Motor Vehicle Safety Act of 1986 was enacted in an effort to ensure that drivers of large trucks and buses are qualified to operate such vehicles and to remove unsafe and unquali-

fied drivers from the highways. The 1986 Act, which created the Com- 

mercial Driver’s License Program, re-

tained the state’s right to issue a driv-

er’s license, but established minimum national standards which states must meet when licensing commercial motor vehicle drivers. The CDL program places require-

ments on the CMV driver, the employ-

ing motor carrier and the States. Driv-

ers who operate special types of vehi-

cles or who transport passengers or 

hazardous materials must pass addi-

tional tests to obtain specific endorse-

ments to permit such transport on their CDL.
Since 1986, over 10.5 million drivers have obtained a CDL, and almost 2.5 million of those drivers have received hazardous materials endorsements. The law has not required criminal background checks for applicants seeking CDLs. Section 1012 of the USA PATRIOT Act requires anyone driving a commercial motor vehicle who transports hazardous materials to have a criminal background check prior to being issued a commercial drivers license, CDL. That requirement became effective upon the enactment of that law in October.

Both Senator Hollings and I strongly support the intent of the background check requirement. Unfortunately, the Senate Commerce, Science, and Transportation Committee, with jurisdiction over the CDL program and hazardous materials transportation, did not have an opportunity to offer our recommendations to the provision in the USA PATRIOT Act due to procedural adjournment. The time when the legislation was approved by the Senate. Therefore, the measure we are introducing today provides technical modifications to section 1012 and would ensure the Department of Transportation, the States, and the drivers of commercial motor vehicles have a very clear direction with respect to the requirements associated with a hazardous materials endorsement.

Through Senator Hollings leadership, we have sought input on this issue from interested parties, including the administration, the states, public safety officials, commercial motor vehicle drivers, and motor carriers. We believe the provisions contained in this legislation will aid the administration and all interested parties by providing a clear understanding of the requirements associated with granting a license permitting a driver to transport hazardous cargo.

I urge my colleagues' timely consideration of this important legislation. We should take expeditious action to ensure the hazardous materials transported over our nation's roads is provided by qualified drivers. This must be accomplished in a manner that provides clear and consistent requirements for licensing with minimum bureaucratic red tape and delay in the issuance of licenses to eligible drivers.

By Mr. Gramm (for himself, Mr. Enzi, Mr. Bennett, Mr. Bunning, and Mr. Allard):

S. 1751. A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. Gramm. Mr. President, today I am joined by Senators Enzi, Bennett, Bunning, and Allard, in introducing the Terrorism Risk Insurance Act of 2001. This legislation will effectively, and in a straightforward way, address a crisis before us.

The crisis of which I speak is, like a tidal wave, currently away from the shore. Its movement is little noticed as it builds. When it comes, its consequences will be disastrous. That is, the consequences will be disastrous unless we prepare for them now. This legislation will do that.

Tidal waves are started by major seismic events. The most recent and earth shaking event that set this tidal wave in motion took place on September 11. Our Nation has responded admirably to the very visible problems caused by that day. We need to act just as admirably and effectively to address this hidden wave.

This hidden wave nearing our shores is the unavailability to terrorism risk insurance, an unavailability that will strike a little more than one month from now. Already we are receiving signs that the industry is not the insurance terrorism risk insurance is becoming increasing hard to get, in many cases it is not available at all even today. That is because insurance companies have to be able to estimate and measure risk in order to do business in it. In order to do that, they cannot do that, they cannot offer the coverage without having the solvency of their companies and the value of all their other insurance policies.

I want to make it clear that the problem before us is not one of the weakness of our insurance industry. It is a strong and vibrant industry. The industry needs no help, no bail out, no government assistance. And our bill will not give them any assistance, not one penny. Our bill addresses the needs of the insurance customers, the catastrophic risk, while the Federal Government will not be able to find affordable insurance coverage against terrorism risks.

What does that mean for the economy? It means that without insurance, banks will not make loans where there is an uncovered risk, a risk that what they are lending the money for might be destroyed or harmed by a terrorist. It means that, simple, ordinary, everyday business transactions that rely upon the security of underlying insurance coverage will fail. That means that, without this legislation, come January 1 and the weeks leading up to it a brand new wave will be placed upon our economic recovery just as it starts to get going.

Will the insurance industry be able to figure out how to price this coverage? Yes. But history tells us that they will not figure it out right away. It will take a few months, maybe a couple of years.

The legislation we are introducing today is a program that will work to solve this problem in the mean time. It has been put together in close consultation with the insurance industry, with the consumers of insurance products and with the insurance companies. It has been put together in close consultation with the White House and the Treasury Department, and it enjoys their support. This will not create any new, ever government program, it is a short term in structure and intent. It is limited in its extent. It is designed to force the insurance industry to develop its own capacity to handle this risk in a shortened period of time.

From our discussions with the industry, with the state regulators, with consumers, we believe that the industry will be up to the task.

Central to our proposal is that this legislation would not provide one penny of federal assistance to the insurance industry. No insurance company will get a penny out of this program. All of the benefits of this program would go to victims of terrorist attacks.

The structure of our program is, for a two-year period that may be extended by the Secretary of the Treasury for only one additional year, to divide the terrorism risk with industry. We say to industry here, you take the first $20 billion of risk. The industry will be up to the task. Our program will take over the currently unknown risk, the cataclysmic risk, while you develop the means for dealing with that new risk as well, as the industry always has.

Under our program, in the first two years, the industry has sole responsibility for the first $10 billion of risk from terrorist events. The industry then has ten percent of the risk above that to encourage them to manage and become familiar with managing the catastrophic risk, while the Federal Government will carry ninety percent of the risk. Then in the third year is added, then the industry will have the sole responsibility for the first $20 billion of risk.

I believe that this is the most effective way not only to deal with this tidal wave approaching, our shores but in fact to ward it off. The program is simple and understandable. The program does not have the victims of terrorism paying any extra premiums to the government for the coverage provided by the government. We don't make the suffering pay yet again. But we also do not expose the taxpayer to liability for frivolous lawsuits that might follow a terrorist event.

With the Federal Government providing this insurance benefit, we do not also want to open the Treasury doors to frivolous or predatory litigation. But these limitations are narrow, and they are limited to the life of the program. They end when the Federal program ends. The limitations are similar to the limitations in place today against lawsuits brought against the federal government. We cannot expose the taxpayer to punitive damages at
the same time that he is providing gener-
ous assistance to the victims of ter-
rorism.

There are a few things that we need
to do before adjournment of the Con-
gress this year. I believe that this leg-
islation, that addresses this very seri-
ous problem, should be on that short list
of things that we need to do.

I ask that the text of the bill and a
summary of its highlights be printed in
the RECORD.

The hearing no objection, the ma-
terial was ordered to be printed in the
RECORD, as follows:

S. 1751
Be it enacted by the Senate and House of Repre-
sentatives of the United States of America in Con-
scious assembly,

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Terrorism
Risk Insurance Act of 2001’’.

SEC. 2. CONGRESSIONAL FINDINGS AND PUR-
POSE.
(a) FINDINGS.—The Congress finds that—
(1) property and casualty insurance
firms are important financial institutions,
the products and services of which allow mutualization of
risk and the efficient use of financial
resources and enhance the ability of the econ-
omy to maintain stability, while responding to a variety of economic, political, environ-
mental, and other risks with a minimum of
disruption;
(2) the ability of businesses and individuals
to obtain property and casualty insurance at
reasonable and predictable prices, in order to
spread the risk of both routine and cata-

trophic loss, is critical to economic growth,
urban development, and the construction
and maintenance of public and private hous-
ing, as well as to the promotion of United
States exports and foreign trade in an in-
creasingly interconnected world;
(3) the ability of the insurance industry to
cover the unprecedented financial risks pre-
sented by potential acts of terrorism in the
United States can be a major factor in the
recovery from terrorist attacks, while main-
taining the stability of the economy;
(4) widespread financial market uncertain-
ties following the terrorist at-
tacks of September 11, 2001, including the ab-
sence of information from which financial institu-
tions can make statistically valid esti-
mates of the probability and cost of future
terrorist events, and therefore the size, fund-
ing, and allocation of the risk of loss caused by
such acts of terrorism;
(5) a decision by property and casualty in-
surers to deal with such uncertainties, either
by terminating property and casualty cov-
erage for losses arising from terrorist events,
or by radically escalating premium coverage
to compensate for risks of loss that are not readily predictable, could seriously hamper
ongoing and planned construction, property
acquisition, and other business projects, gen-
erate a dramatic increase in rents, and oth-
erwise suppress economic activity; and
(6) the United States Government should
provide temporary financial compensation to
insured parties, contributing to the sta-
bilization of the United States economy in a
time of national crisis, while the financial
services industry develops the systems,
mechanisms, products, and programs nec-

cessary to create a viable financial services
market as a means of mutualizing terrorism risk insurance.

(b) PURPOSE.—The purpose of this Act is to
establish a temporary Federal program that
provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism in
order to—

(1) protect consumers by addressing mar-
ket disruptions and ensure the continued wide-
spread availability and affordability of property and casualty insurance for ter-
norism risk; and
(2) allow for a transitional period for the
private markets to stabilize, resume pricing
of such insurance, and build capacity to ab-

ibly deal with the risk of terrorism.

SEC. 3. DEFINITIONS.
In this Act, the following definitions shall apply:

(1) ACT OF TERRORISM.—
(A) CERTIFICATION.—The term ‘‘act of ter-
orism’’ means is certified by the Secretary, in concurrence with the Sec-

tary of State, and the Attorney General of
the United States—

(i) to be a violent act or an act that is dan-
gorous to—

I. human life;
II. property; or
III. infrastructure;
(ii) to have resulted in damage within the
United States, or outside of the United
States in the case of an air carrier described in
paragraph (3)(A)(ii); and
(iii) to have been committed by an indi-

dividual or individuals acting on behalf of any
foreign person or foreign interest, as part of
an effort to coerce the civilian population of
the United States or to influence the policy or
affect the conduct of the United States
Government by any means short of war.

(B) LIMITATION.—No act or event shall be

i certified by the Secretary as an act of ter-
orism if—

(i) the act or event is committed in the
course of a war declared by the Congress;

(ii) losses resulting from the act or event,
in the aggregate, do not exceed $5,000,000.

(C) DETERMINATIONS FINAL.—Any certifi-
cation of, or determination not to certify,
an act or event as an act of terrorism under this
paragraph shall be final, and shall not be
subject to judicial review.

(2) BUSINESS INTERRUPTION COVERAGE.—The

term ‘‘business interruption coverage’’ means
coverage of losses for temporary
relocation expenses and ongoing expenses,
including ordinary wages, where—

(i) there is physical damage to the business
premises on which the business does not
open for business;

(ii) there is physical damage to other prop-

erty that totally prevents customers or em-

ployees from gaining access to the busi-

ness premises; or

(iii) the Federal, State, or local govern-

ment shuts down an area due to physical
or environmental damage, thereby preventing
customers or employees from gaining access
to the business premises; and

(B) does not include lost profits, other than
in the case of a small business concern as
de fined in section 3 of the Small Business
Act (15 U.S.C. 632) and applicable regulations
thereunder) in any case described in clause
(I), (ii), or (iii) of subparagraph (A).

(3) INSURED LOSS.—The term ‘‘insured

loss’’—

(A) means any loss resulting from an act of
terrorism that is covered by any type of com-

mercial or personal property and cas-

uality insurance policy or endorsement, in-
cluding business interruption coverage, issued by a participating insurance company if such

I. occurs within the United States; or
II. occurs otherwise (as defined in section
40102 of title 49, United States Code),
regardless of where the loss occurs; and

(B) does not include any loss covered by any
other insurance policy.

(4) PARTICIPATING INSURANCE COMPANY.—The

term ‘‘participating insurance com-

pany’’ means any insurance company, in-
cluding any subsidiary or affiliate thereof
that—

(A) is licensed or admitted to engage in
the business of providing primary insurance in
any State; or

(B) on or after the date this Act takes
effect, is listed on the Quarterly Listing of
the National Association of Insurance Com-

missioners, or any successor thereto;

(C) that offers property and casualty insur-
ance coverage for insured losses that does
not differ materially from the terms,
amounts, and other coverage limitations ap-

tlicable to losses arising from acts other than acts of terrorism; and

(D) that meets any other criteria that the
Secretary may reasonably prescribe.

(5) PERSON.—The term ‘‘person’’ means any
individual, business or nonprofit entity (in-
cluding those organized in the form of a
partnership, limited liability company, cor-

poration, or association), trust, estate, or
political subdivision of a State or other
governmental unit.

(6) PROGRAM.—The term ‘‘Program’’ means the

Terrorism Insured Loss Shared Com-

pensation Program.

(7) SECRETARY.—The term ‘‘Secretary’’ means the

Secretary of the Treasury.

(8) STATE.—The term ‘‘State’’ means any
State of the United States or the District of
Columbia, the Commonwealth of Puerto
Rico, the Commonwealth of the Northern
Mariana Islands, American Samoa, Guam,
and the National Apocalypse and the United
States Virgin Islands.

(9) UNITED STATES.—The term ‘‘United States’’ means
all States of the United States.

SEC. 4. TERRORISM INSURED LOSS SHARED COM-
pensation Program.

(a) ESTABLISHMENT OF PROGRAM.

(1) IN GENERAL.—There is established in the
Department of the Treasury the Terrorism
Insured Loss Shared Compensation Program.

(2) AUTHORITY OF THE SECRETARY.—Not-
withstanding any other provision of State or
Federal law, the Secretary shall administer the
Program, and shall pay the Federal share of
compensation for insured losses in accord-

ances with subsection (b).

(b) CONDITIONS FOR FEDERAL PAYMENTS.—No
payment may be made by the Secretary
under subsection (c), unless—

I. a policyholder that suffers an insured loss, or a person acting on behalf of that pol-

icyholder, files a claim with a participating insurance company;

II. at the time of offer, purchase, and re-

newal of each policy covering an insured

loss, the participating insurance company

provides, as soon as practicable following the
date of the enactment of this Act, a con-

spicuous disclosure in the policy to the

policyholder of the premium charged for insured losses covered by the Program and the Fed-

eral share of compensation for insured losses
under the Program;

(3) the participating insurance company

processes the claim for the insured loss in
accordance with its standard business prac-
tices, and any reasonable procedures that
the Secretary may prescribe; and

(4) the participating insurance company
submits to the Secretary, in accordance with
such reasonable procedures as the Secretary
may establish—

I. a claim for payment of the Federal

share of compensation for insured losses
under the Program;

II. written verification and certification

of—

(i) the underwriting of the policy;

(ii) of all payments made to policyholders

for insured losses; and
(C) certification of its compliance with the provisions of this subsection.

(1) SHARED INSURANCE LOSS COVERAGE.—

(a) FEDERAL SHARE.—Subject to the limitations of paragraph (2), the Federal share of compensation for insured losses under the Program shall be

(1) the Federal share of compensation for insured losses that will be paid under the Program, including payments based on estimates of or actual aggregate insured losses; and

(2) the Federal share of compensation for insured losses will be paid under the Program, including payments based on estimates of or actual aggregate insured losses; and

(b) for insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending on December 31, 2002, 90 percent of the aggregate amount of all such losses in excess of $10,000,000,000; and

(c) for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003 and ending on December 31, 2004, 90 percent of the aggregate amount of all such losses in excess of $10,000,000,000; and

(d) the Secretary shall determine any final netting of payments for actual insured losses under the Program, including payments owed to the Federal Government from any participating insurance company and any Federal share of compensation for insured losses owed to any participating insurance company, to effectuate the insured loss sharing schedule and limitations contained in section 4.

(2) DETERMINATION OF INSURANCE COVERAGE.—(A) the Secretary shall not make any payment under this Act for any portion of the amount of such losses that exceeds $20,000,000,000; and

(B) any participating insurance company shall not be liable for the payment of any portion of the amount that exceeds $20,000,000,000.

(3) NOTICE TO CONGRESS.—The Secretary shall notify the Congress if estimated or actual aggregate insured losses exceed $100,000,000,000 in any period described in paragraph (1), and the Congress shall determine the procedures for the source and the source of any such excess payments.

(4) FINAL NETTING.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

(5) PAYMENT AUTHORITY.—This Act constitutes payment authority in advance of appropriation Acts and represents the obligation of the Federal Government to provide for the Federal share of compensation for insured losses under the Program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to pay the administrative expenses of the Program.

SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF CLAIMS.

(a) GENERAL AUTHORITY.—The Secretary shall have the powers and authorities necessary to carry out the Program, including authority—

(1) to investigate and audit all claims under the Program; and

(2) to prescribe regulations and procedures to implement the Program.

(b) INTRAMURAL RULES AND PROCEDURES.—The Secretary shall issue interim final rules or procedures specifying the manner in which—

(1) participating insurance companies may file, verify, and certify claims under the Program; and

(2) the Secretary shall publish or otherwise publicly announce the applicable percentage of insured losses to be paid by participating insurance companies and the Federal share of compensation for insured losses under the Program;

(c) finding.—A determination under subsection (a) to extend the Program shall be based on a finding by the Secretary that—

(1) widespread market uncertainties continue to disrupt the ability of insurance companies to price insurance coverage for losses resulting from acts of terrorism, thereby resulting in the continuing unavailability of affordable insurance for consumers; and

(2) extending the Program for an additional year would likely encourage economic stabilization and facilitate a transition to a viable market for private terrorism risk insurance.

(d) CONTINUING AUTHORITY TO PAY OR ADJUST COMPENSATION.—Following the termination of the Program under subsection (a), the Secretary may take such action as may be necessary to ensure payment, reimbursement, or adjustment of compensation for insured losses arising out of any act of terrorism occurring during the period in which the Program was in effect under this Act and as to which a determination has been made in accordance with the provisions of section 4 that such losses warrant continuation.

(e) STUDY AND REPORT ON SCOPE OF THE PROGRAM.—(1) the Program shall be extended for one year after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under subsection (b)(1).
aggregated risk to provide affordable property and casualty coverage for terrorism risk.

SEC. 9. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—There shall exist a Federal cause of action for property damage, personal injury, or death arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for claims for property damage, personal injury, or death otherwise arising out of or resulting from an act of terrorism. All State causes of action of any kind for property damage, personal injury, or death otherwise arising out of or resulting from an act of terrorism, are hereby preempted, except as provided in subsection (f).

(b) GOVERNING LAW.—The preemptive law for deciding actions in property for property damage, personal injury, or death arising out of or resulting from an act of terrorism under this section shall be derived from the law, including applicable choice of law principles, of the State, or States determined to be required by the district court assigned under subsection (c), unless such law is inconsistent with or otherwise preempted by Federal law.

(c) FEDERAL JURISDICTION.—(1) IN GENERAL.—Subject to other provisions of law, not later than 90 days after the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall select a Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for property damage, personal injury, or death arising out of or resulting from that act of terrorism.

(2) SELECTION CRITERIA.—The Judicial Panel on Multidistrict Litigation shall select the single Federal district court to conduct pretrial and trial proceedings under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) JURISDICTION.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1) that are filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(d) REMOVAL OF CASES FILED IN STATE COURTS.—(1) Any civil action for property damage, personal injury, or death arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(2) TRANSFER OF CASES FILED IN OTHER FEDERAL COURTS.—Any civil action for property damage, personal injury, or death arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(e) APPROVAL OF SETTLEMENTS.—Any settlement between the parties of a civil action described under paragraph (1) shall be transferred to the Federal court for approval by the Secretary after consultation with the Attorney General.

(f) LIMITATION ON DAMAGES.—(1) Punitive or exemplary damages shall not be available in any civil action described under paragraph (1).

(2) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way limit the ability of any plaintiff to seek any form of recovery from terrorists, governments, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) OFFSET.—In determining the amount of money damages available under this section, the court shall offset any compensation or benefits received or entitled to be received by the plaintiff from any collateral source, including the United States or any Federal agency thereof, in response to or as a result of the act of terrorism.

(h) EFFECTS OF CIVIL ACTIONS.—(1) Appropriate civil actions shall apply only to actions for property damage, personal injury, or death arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including, if applicable, any extension period under section 6.

SEC. 10. REPEAL OF THE ACT.

This Act shall cease to have effect at the close of business on the termination date of the Program under section 6(a), but the provisions of this section shall not be construed as preventing the Secretary from taking, or causing to be taken, such actions under sections 4(c)(4), (5), sections 5(a)(1), (c), (e), section 6(d), and section 9(d) of this Act and applicable regulations promulgated thereunder.

Further, the provisions of this section shall not be construed as preventing the availability of funding under section 4(d) during any period in which the Secretary's authority under section 6(d) is in effect.

KEY PROVISIONS OF THE TERRORISM RISK INSURANCE PROGRAM OF 2001

All property and casualty policyholders are covered, including those insured under workers compensation policies and those with business interruption coverage.

Federal tax dollars will be paid as compensation to insured victims of terrorist attacks, not to insurance companies.

The insurance industry is fully covered losses arising from certified acts of terrorism, up to $10 billion in each year. The government will provide compensation for 90 percent of the losses, with the insurance industry continuing to pay for 10 percent of the losses.

The program is temporary, expiring after two years. The Treasury Secretary has the option to extend the program for one additional year.

The Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General, will determine whether an event qualifies as a terrorist attack.

In order for property and casualty insurers to participate in the program, insurers are required to offer terrorism coverage to all of their policyholders under terms that are consistent with their other property and casualty policies.

Insurance companies are required to disclose to customers which portion of their premiums they are paying for terrorism risk coverage, apart from other property and casualty coverages.

Careful, narrow restrictions on lawsuit liability are included to protect taxpayer funds from being exposed to opportunistic, predatory assaults on the U.S. Treasury.

The State insurance regulation of terrorism is preserved with very few exceptions. First, the definition of an “act of terrorism” under the bill will become the definition in every state. Any, the small number of states that require pre-approval of rate will be restrained from doing so far terrorism risk coverage during the first year. This does not, however, preempt a state insurance regulatory’s ability to review and revise the rates once they are in effect. Finally, the Secretary of the Treasury would have access to the books and records of participating insurers in all States.

Mr. ENZI. Mr. President, today I join with Senators GRAMM, BUNNING, and BENNETT in introducing legislation that provides a temporary public-private partnership for terrorism insurance in the wake of the September 11 attacks. This bill provides a joint partnership between insurance companies and the Federal Government for the next 3 years in cases of terrorist attacks.

September 11 has proven to be the most expensive disaster to ever take place on American soil. With cost estimates ranging from $40 to $60 billion, the attacks have drained the capital reserves of some of the largest insurance companies in the world. In addition, as we know all too well, the risk for future attacks is very high. In the absence of this legislation, the insurance industry would be unable to pay the potentially extraordinary costs, and the Federal Government would likely be responsible for the entire costs. This is preemptive legislation.

After that, we agree the Federal Government should pay 90 percent of the remaining costs up to a $100 billion threshold. After the first 2 years, the insurance industry is responsible for up to $5 billion of the costs. By spending $10 billion, the Secretary of the Treasury will decide whether the insurance industry should once again begin offering this type of coverage. If he believes they are not prepared, he may extend the program for 1 additional year.

This legislation also includes special provisions for small businesses which might be affected by terrorist attacks. A small business that is located in a building that is destroyed requires different treatment than a global corporation. Whereas a large, multinational corporation has access to the world with different lines of revenue, a small business could be eliminated by a single incident that would likely destroy all their equipment, possibly kill personnel, and virtually make it impossible for the business to continue. This bill allows for small businesses to recover lost profits and receive funding for business interruptions due to an attack.

I am sure that many of my colleagues have heard from their State insurance regulators the same as I have. My State insurance commissioner informs me that, if any, of the new policies being submitted for next year’s cost of terrorism insurance. With insurance being primarily regulated by the States, this has caused a backlog of filings from being approved and paperwork is quickly accumulating at the State level. We must act quickly to alleviate this backlog that will lead to uncertainty in the marketplace. The legislation also includes very targeted liability provisions. These
provisions are extremely narrow and directed only at this specific program. Without these limitations, we would open the Federal Government’s checkbook to every trial lawyer in America, and the American taxpayers would have unlimited liability. The trial lawyers needed to their years pursuing frivolous claims that resulted from September 11, and I certainly hope that they would continue their commitment if America is attacked again.

In closing, I would only like to add that I believe the insurance industry should be commended for the way in which they’ve handled the September 11 crisis. Despite losing many employees in the bombing, they were one of the first groups at the front of the line offering their assistance and support for the victims. To my knowledge, not a single company has attempted to withhold payment from this disaster. They have been most cooperative in working through the myriad proposals that have been circulated and their support has expedited this process.

I look forward to working with my colleagues to move this legislation before we adjourn.

BY MR. CORZINE (for himself, Ms. SNOWE, Ms. CANTWELL, Mr. DODD, Mr. LEAHY, and Mrs. MURRAY):

S. 1752. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Microbicides Development Act of 2001. I am very pleased to be introducing this bipartisan bill along with my colleagues, Senators SNOWE, CANTWELL, DODD, LEAHY, and MURRAY. I applaud the efforts of my colleague in the House of Representatives, Republican Congresswoman CONNIE MORELLA of Maryland, for her leadership on this important issue. We all believe this initiative is vital to the pursuit of combating the global HIV/AIDS crisis.

As you know, tomorrow, December 1, is World AIDS Day. Twenty years ago, the Centers for Disease Control became aware of a virus that was claiming the lives of thousands of gay men in the United States. Throughout most of the 1980s, we thought of AIDS purely as a gay man’s disease. Twenty years later, we find that we couldn’t have been more wrong, as we have seen this disease spread globally to women, children, and heterosexual men, infecting and killing millions.

Today, women and children are being impacted by this epidemic at alarming rates. Every day, 6,300 women worldwide become infected with HIV. In fact, women now represent the fastest growing group of new HIV infections in the United States. AIDS is the fourth leading cause of death among women aged 25 to 44 in this country. Unfortunately, I have seen the devastation that this disease has wrought in New Jersey. New Jersey has the Nation’s fourth highest HIV/AIDS infection rate among women, and the second highest infection rate among all adults.

Despite the progress made, however, there exists absolutely no HIV or STD prevention method that is within a woman’s personal control. Condom use must be negotiated with a partner. We are all aware that for too many low-income women in the developing world who reply upon a male partner for economic support, there is no power of negotiation. We know these women are at risk, yet, we expect them to protect themselves with condoms.

Today we have the opportunity to invest in groundbreaking research that can produce these tools, and ultimately, empower women. Microbicides are sexual aids or products that women could use to prevent transmission of STDs, including HIV/AIDS. I say “could,” because due to insufficient research investments, no microbicides have been brought to market. This legislation would encourage federal investments for microbicide research through the establishment of programs at the National Institutes for Health, NIH, and the Centers for Disease Control and Prevention, CDC.

In addition to investing new resources in microbicide research, the Microbicides Development Act will expedite the implementation of the NIH’s 5-year strategic plan for microbicide research, as well as expand coordination among Federal agencies already involved in this research, including NIH, CDC, and the United States Agency on International Development, USAID. The bill also establishes Microbicide Research and Development Teams. These teams will focus on linking together public and private scientists and resources to research and develop microbicides for the prevention of HIV and STD infection.

The Microbicides Development Act of 2001 has the potential not only to save millions of lives, but also to save billions in health care costs. Every year, 15 million new HIV and other STD infections occur among Americans aged 15 and older. The direct cost to the U.S. economy of STDs and HIV infection is approximately $8.4 billion. When the indirect costs, such as lost productivity, are included, that figure rises to an estimated $20 billion.

While microbicides are being developed to prolong the lives of individuals infected with HIV/AIDS—and we must continue developing new therapies—only prevention can truly ensure the safety and health of those vulnerable to infection. If we do not pay a small price now to invest in new prevention methods, we will pay a much higher price later.
and treatment for employees and the wider community. Foundations are making increasingly imaginative and generous contributions, both financial and intellectual—in particular, in funding mother-child transmission, in the search for a vaccine.

In a growing number of countries, effective prevention campaigns have been launched. There has been an increasing recognition, among both donors and the most affected countries, of the link between prevention and treatment. There has also been a new understanding in particular to the AIDS epidemic is taking on women—and of the key role they have in fighting the disease.

The entire United Nations family is fully engaged in working to achieve a comprehensive strategic plan and supporting country, regional and global efforts through our joint program, UNAIDS. Perhaps most important, a new awareness and commitment have taken hold among governments—notably in Africa.

Last June the membership of the United Nations met in a special session of the General Assembly to devise a comprehensive and coordinated global response to the AIDS crisis.

They adopted a powerful declaration of commitments, calling for a fundamental shift in our response to HIV/AIDS as a global economic, social and development challenge of the first magnitude. They reaffirmed their pledge, made by world leaders in their Millennium Declaration, to halt and begin to reverse the spread of AIDS by 2015. And they set out a number of further ambitious but realistic time-bound targets and goals. Among them were commitments to reach, by 2005, an overall target of annual expenditure on AIDS of $1 billion to $10 billion per year in low- and middle-income countries; to ensure, by 2005, that a wide range of prevention programs are available in all countries; and to support and coordinate a fund to help finance an urgent and expanded response to the epidemic.

Only seven months after I proposed this new international facility to support the global fight against AIDS and other infectious diseases, pledges to the fund stand at more than $1.5 billion. The fund cannot be the only source of a full-scale global response to AIDS. But what is most heartening is the range of pledges that have been made by governments all around the world—starting with the founding contribution from the United States last May—but also from some of its poorest, as well as from foundations, corporations and private individuals.

It is clear that we have the road map, the tools and the knowledge to fight AIDS. What we must sustain now is the political will. Life after Sept. 11 has made us all think more deeply about the kind of world we want for our children. It is the same world we wanted on Sept. 10—a world in which a child does not die of AIDS every minute.

Ms. CANTWELL. Mr. President, I rise today with my colleagues Senators CORZINE and SOWE to introduce the Microbicides Development Act of 2001, and to recognize tomorrow, December 1, as AIDS Day. As we reflect on the last 20 years of battling this disease, we need to remember the thousands of people here in the United States and the millions worldwide afflicted by HIV and AIDS.

It is hard to believe that it has been 20 years since we first learned of the disease that would come to be known as Acquired Immune Deficiency Syndrome or AIDS. In those 20 years medical and pharmaceutical advancements have made HIV/AIDS more manageable for some, but a cure is yet to be found. And in those 20 years since we first learned of AIDS we have begun to see a changing face of AIDS across the country, as well as in my home State of Washington.

Consider these facts.

Twenty years ago, HIV infections attributed to sex between gay men accounted for nearly all HIV/AIDS cases in the country—more than half—54 percent—of HIV infections are in different population groups: straight or bisexual women, or straight men. In fact, between the beginning of the AIDS epidemic and today, the proportion of women newly infected with HIV has increased from 7 percent to 23 percent.

Twenty years ago, HIV infections were primarily appearing in Caucasians. Today, HIV/AIDS is disproportionately affecting communities of color. Nearly one-third of all women and over 40 percent of all men reported with AIDS were black. Although Hispanics represent 13 percent of the population, they accounted for 19 percent of new HIV infections in 1999.

And one in four Washingtonians infected with HIV is under aged 22. Half are under 25. These are people that have grown up with the disease—they should be educated on prevention and they should know how to take care of themselves. But somehow complacency—who from the new drugs and medical treatment—or from disease ennui—has replaced the message we want to be sending.

We have long known that the only way to stop the advance of this terrible disease is through a coordinated and comprehensive approach to education, prevention and treatment. As a community we need to refocus our efforts on prevention first and foremost—especially in those areas that are increasingly at risk for HIV/AIDS—women in particular, and motivated populations not traditionally associated with HIV/AIDS—to dictate the future. There must be a continued commitment to eradicate this disease.

Before the end of today, several hundred people will become infected with AIDS. In these days of fear of Anthrax and discussions of bioterrorism we should not lose sight of the worst natural pandemic in human history. Twenty years after the U.S. Centers for Disease Control and Prevention first identified AIDS, I am afraid that this vast tragedy has become a little too familiar, and we may have become a little too complacent.

The HIV/AIDS epidemic rages on, from Asia to Eastern Europe to the Caribbean and most tragically Africa. As AIDS has become an international crisis, its face has become that of humanity itself. I fear that AIDS may become the single greatest obstacle to global development humanity has ever faced.

And while it is easy to become discouraged in the face of such a huge, heartbreaking calamity—the truth is we know how to stop the spread of AIDS. Through a coordinated and comprehensive program of education, prevention and treatment, we know that the epidemic can be greatly reduced in scope.

To that end, I’m proud to join Senator CORZINE in sponsoring the Microbicides Development Act of 2001. This bill increases authorization of funding for microbicide research at the National Institutes of Health and the CDC.

Microbicides represent a novel and virtually unexplored area in STD/HIV research. Microbicides can kill or inactivate the bacteria and viruses that cause STDs and AIDS. Despite their huge potential, microbicide research is underrepresented in the federal HIV research portfolio. Currently, Microbicide development represents only one percent of federal research in HIV/AIDS.

Microbicides are unique in that they are under development as topical products—a cream or gel. This gives them a high degree of versatility and user control. This is especially important for women who are unable to or cannot ask their partner to use a condom to prevent spreading HIV. Development of a dependable, affordable and easy to use microbicide would represent a major breakthrough in AIDS prevention—allowing populations like commercial sex workers, husband over control over their own bodies. It is extremely important to prevent HIV transmission and serve women, a population increasingly at risk for HIV infection.

Microbicide development is a fertile but unexplored anti-HIV research area. Pharmaceutical companies have generally concentrated on high return disease treatments and government-sponsored vaccine programs. While there are potential microbicides in the research and development pipeline, this bill encourages the pursuit of these promising compounds by increasing authorization for the current federal investment in microbial research in the next fiscal year.

Through this bill, we will emphasize the work at the National Institutes of Health and the Centers for Disease Control and Prevention to develop products to prevent the transmission of AIDS for women. I can think of no new direction in AIDS prevention that has a larger potential—we know that the best preventative must be easy to use and controlled by the user. I expect that microbicides will fill a new role in preventing the spread of HIV and AIDS. I thank Senator CORZINE for his leadership on this issue and urge my colleagues to support this bill.

By Mr. BINGAMAN (for himself, Mr. CAMPBELL, and Ms. CANTWELL).

S. 1753. A bill to amend title XIX of the Social Security Act to include medical assistance furnished through
just referral services, to urban Indians, many of whom are eligible for Medicaid. In FY 2001, Congress appropriated $29.9 million, or just 1 percent of the Indian Health Service budget, in discretionary funding to these programs. These programs are expected to supplement revenues from third party payers, such as private insurance and Medicaid.

Urban Indian health programs may participate as providers in their state’s Medicaid program for reimbursement of services covered by Medicaid that are furnished to Medicaid-eligible urban Indians. Whatever amount the state pays the urban Indian program for a Medicaid patient visit, the Federal Government will match the State’s expenditure at the State’s regular Federal Medicaid matching rate, or FMAP.

In contrast, if an American Indian or Alaska Native who is eligible for Medicaid receives primary care services covered by Medicaid at an outpatient facility operated by the IHS or by a tribe or a tribal organization under contract with the IHS, the Federal Government will pay 100 percent of the cost of the services. This policy rationale for this enhanced matching rate is that because Indian health is a Federal responsibility, states should not have to share in the costs of providing Medicaid services to Native American beneficiaries receiving care at facilities operated directly by the Federal Government’s IHS or by tribes or tribal organizations on behalf of the IHS. This same rationale applies to Medicaid-covered services provided by urban Indian programs funded by the IHS to deliver services to Medicaid-eligible Native Americans residing in urban areas. Unfortunately, the Medicaid statute does not reflect this policy. This legislation would address this inequity. Moreover, as a report by the Kaiser Family Foundation that was released this month adds, “The purpose of the Title V program is to make outpatient health services accessible to urban Indians, either directly or by referral. These services are provided through non-profit organizations, controlled by urban Indians, and receive funds under contract with the IHS.”

In fact, the Federal Government, through the IHS, currently funds 36 urban Indian health programs in 20 states: Arizona, 3; California, 8; Colorado, 1; Connecticut, 1; Kansas, 1; Massachusetts, 1; Michigan, 1; Minnesota, 1; Montana, 5; Nebraska, 1; Nevada, 1; New Mexico, 1; New York, 1; Oklahoma, 2; Oregon, 1; South Dakota, 1; Texas, 1; Utah, 1; Washington, 2; and Wisconsin, 2.

These programs are nonprofit organizations that provide outpatient primary care services, and in some cases, by referral services, to urban Indians, many of whom are eligible for Medicaid. In FY 2001, Congress appropriated $29.9 million, or just 1 percent of the Indian Health Service budget, in discretionary funding to these programs. These programs are expected to supplement revenues from third party payers, such as private insurance and Medicaid.

Urban Indian health programs may participate as providers in their state’s Medicaid program for reimbursement of services covered by Medicaid that are furnished to Medicaid-eligible urban Indians. Whatever amount the state pays the urban Indian program for a Medicaid patient visit, the Federal Government will match the State’s expenditure at the State’s regular Federal Medicaid matching rate, or FMAP.

In contrast, if an American Indian or Alaska Native who is eligible for Medicaid receives primary care services covered by Medicaid at an outpatient facility operated by the IHS or by a tribe or a tribal organization under contract with the IHS, the Federal Government will pay 100 percent of the cost of the services. This policy rationale for this enhanced matching rate is that because Indian health is a Federal responsibility, states should not have to share in the costs of providing Medicaid services to Native American beneficiaries receiving care at facilities operated directly by the Federal Government’s IHS or by tribes or tribal organizations on behalf of the IHS. This same rationale applies to Medicaid-covered services provided by urban Indian programs funded by the IHS to deliver services to Medicaid-eligible Native Americans residing in urban areas. Unfortunately, the Medicaid statute does not reflect this policy. This legislation would address this inequity. Moreover, as a report by the Kaiser Family Foundation that was released this month adds, “The purpose of the Title V program is to make outpatient health services accessible to urban Indians, either directly or by referral. These services are provided through non-profit organizations, controlled by urban Indians, and receive funds under contract with the IHS.”

In fact, the Federal Government, through the IHS, currently funds 36 urban Indian health programs in 20 states: Arizona, 3; California, 8; Colorado, 1; Connecticut, 1; Kansas, 1; Massachusetts, 1; Michigan, 1; Minnesota, 1; Montana, 5; Nebraska, 1; Nevada, 1; New Mexico, 1; New York, 1; Oklahoma, 2; Oregon, 1; South Dakota, 1; Texas, 1; Utah, 1; Washington, 2; and Wisconsin, 2.

These programs are nonprofit organizations that provide outpatient primary care services, and in some cases,
Authorization Act of 2002, Senator Hatch and I, as leaders of the Judiciary Committee, have had great success in working together to protect America’s innovators and to protect our patent and trademark system.

This is an example of our bipartisan effort to strengthen America’s future. By joining with Senators Reid and Bennett, this bill will send a strong message to America’s innovators that this Congress intends to protect and enhance our patent system. The PTO serves a critical role in the promotion and development of commercial activity in the United States by granting patents and trademark registrations to our nation’s innovators and businesses.

The costs of running the PTO are entirely paid for by fees collected by the PTO form users, individuals and companies that seek to benefit from patent and trademark protections. However, since 1992 Congress has diverted over $800 million of those fees for other government programs unrelated to the PTO.

This bill sends a strong message that Congress should appropriate to the PTO a funding level equal to these fees. The reason for this is simple: the creation of intellectual property by Americans, individuals and businesses, is a massive positive driving force for our economy and is a huge plus for our trade balance with the rest of the world. In recent years, the number of patent applications has risen dramatically, and that trend is expected to continue. Our patent examiners are very overworked, and emerging areas such as biotechnology and business method patents may overwhelm the system.

If fully implemented as intended, this bill can greatly assist the PTO in issuing quality patents more quickly which means more investment, more jobs and greater productivity for American businesses. Similarly, early federal registration of the name, logo, or symbol of a company or product is necessary to protect rights and avoid expensive litigation. Section 2 of the bill thus authorizes Congress to appropriate to the PTO, in fiscal years 2002 through 2007, an amount equal to the fees estimated by the Secretary of Commerce to be collected in each of the next five fiscal years. The Secretary shall make this report to the Congress by February 15 of each such fiscal year.

Section 3 of the bill directs the PTO to develop, in the next three years, an electronic system for the filing and processing of all patent and trademark applications that is user friendly and that the Office to process and maintain electronically the contents and history of all applications. Of the amount appropriated under section 2, section 3 authorizes Congress to appropriate not more than $50 million in fiscal years 2002 and 2003 for the electronic filing system.

Third, the bill requires the PTO to develop a strategic plan to set forth for the methods by which the PTO will enhance patent and trademark quality, reduce pendency, and develop an effective electronic system for the benefit of filers, examiners, and the general public regarding patents and trademarks.

I am pleased that my colleagues in the other body, Congressmen Coble and Berman, have introduced similar legislation. I am very concerned that the Bush Administration budget for FY 2002 plans to divert $207 million in PTO fees to programs outside the PTO. This diversion takes fees paid by inventors and businesses to secure patents or trademarks and uses them to promote unrelated programs. It does this at a time when the number of patent and trademark applications has increased by 50 percent since 1996, and while the “waiting period,” or pending period, has increased 20 percent 1996. Even worse, the PTO estimates that the patent pending period could increase to 38 months by 2006. I hate to think that in-
must admit that surely it will also require resources.

As many in this body know, the costs of running the USPTO are entirely paid for by fees collected from applicants, individuals and companies that seek to benefit from patent and trademark protection. However, since 1992 Congress has authorized an amount estimated at over $800 million from those fees for other government programs unrelated to the USPTO.

At a time when our economy needs support, it seems doubly wrong to levy what amounts to a tax on innovation, a tax imposed by taking a portion of the fees American’s innovators and businesses pay to secure protection for their economy-generating products and services and spending it on unrelated government programs. I believe that fees paid to secure patent and trademark rights should be used to process those applications faster with better reliability precisely because getting the products of American ingenuity to market faster helps grow our economy faster.

That is why I am glad to join my colleagues in introducing this bill which takes the position that Congress should appropriate to the USPTO a funding level equal to the fees applicants pay. I agree with my colleagues that if fully implemented as intended, this bill can greatly assist the USPTO in issuing quality patents more quickly, which will lead to more investment, job creation, and productivity for American businesses.

In addition to establishing the principle that user fees collected by the USPTO should be used to serve those who pay them, the bill makes additional improvements to the way the USPTO processes applications and to its services. I am pleased to submit today, along with my other colleagues on this important legislation.

STATMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE 100TH ANNIVERSARY OF KOREAN IMMIGRATION TO THE UNITED STATES

Mr. ALLEN (for himself, Mr. HELMS, Mr. CAMPBELL, Mr. WARNER, Mr. ALLARD, Mr. INSLEE, Mrs. FEINSTEIN, Mr. BIDEN, Mr. DODD, Mr. GRASSLEY, Mr. SESSIONS, Mr. FITZGERALD, and Mr. GRAMM) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 185

Whereas missionaries from the United States played a central role in nurturing the political and religious evolution of modern Korea, and directly influenced the early Korean immigration to the United States; and

Whereas in December 1902, 56 men, 21 women, and 25 children left Korea and traveled across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii on January 13, 1903; and

Whereas the early Korean-American community was united around the common goal of attaining freedom and independence for their colonized mother country; and

Whereas members of the early Korean-American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the Korean Conflict; and

Whereas on June 25, 1960, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the involvement of approximately 5,720,000 personnel of the United States Armed Forces who served during the Korean Conflict to defend the spread of communism in Korea and throughout the world; and

Whereas casualties in the United States Armed Forces during the Korean Conflict included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action; and

Whereas the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities; and

Whereas Korean-Americans, like waves of immigrants to the United States before them, have taken root and thrived in the United States, forming vibrant communities throughout the world; and

Whereas the contributions of Korean-Americans to the United States include, the invention of the first beating heart operation for coronary artery heart disease, the development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing; and

Whereas Korean-Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership; and

Whereas the United States-Korean partnership helps maintain stability in the Asia-Pacific region and provides economic benefits to the people of the United States and Korea and to the rest of the world; and

Whereas beginning in 2003, more than 100 communities throughout the United States will celebrate the 100th anniversary of Korean immigration to the United States; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of Korean-Americans to the United States over the past 100 years; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the anniversary with appropriate programs, ceremonies, and activities.

Mr. ALLEN. Mr. President, I am pleased to submit today, along with the Chairman of the Foreign Relations Committee, Senator BIDEN, the Vice Chairman of the Armed Services Committee, Mr. WARNER, and the Vice Chairman of the Indian Affairs Committee, Mr. CAMPBELL, and many of our colleagues, a Senate resolution recognizing the historical significance of the 100th anniversary of Korean-American immigration to the United States in 1903.

In December of 1902, 56 men, 21 women and 25 children traveled from Korea across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii on January 13, 1903, marking the first entry of Korean immigrants to the U.S. territories. The year 2003 will be the 100th anniversary of that immigration. With that anniversary looming, interest in this historic celebration is growing in Korean communities in the United States and worldwide, including events within the vibrant Korean-American communities in the Commonwealth of Virginia.

A century is more than a convenient marker for Korean-Americans: It celebrates Korea’s prominent place in the broad narrative of America. Judging by their achievements over these past 100 years, theirs is an American story that confirms the opportunity for individual initiative, creativity, hard work and success in these free United States.

Both individually and as a community, Korean-Americans have much to be proud of in 2003. They have made areas as commerce and finance, technology, medicine, education, and the arts, Korean-American contributions are being widely acknowledged and recognized. Even the Korean culture, uniquely shaped, inspired, and nurtured by life in America, is becoming part of the vernacular. From Hawaii to California to New York, and in Annandale in Fairfax County, VA, Korean-American communities are vibrant and vital leaders throughout the United States.

It is worth noting that apart from the many achievements by Korean-Americans, unique among all immigrant communities in the United States, the early Korean-American community was united around the common goal of attaining freedom and independence for their colonized mother country. Like many immigrant groups, Korean-Americans embraced the basic principles of democracy in our Constitution. It is a goal that continues to this day, when one considers
that one out of four Korean-Americans still has relatives and other loved ones trapped in North Korea.

Starting in the early 1960s, thousands of immigrants, fleeing from war, poverty and desolation came to the United States. They have taken root and thrived in our free American soil.

Crucial to Korean-Americans' success was their ability to organize themselves for mutual support and assistance through associations, churches and other organizations. This success has translated itself, according to the 2000 U.S. Census, into 135,571 businesses owned and operated by Korean-Americans across the country with gross sales and receipts of $46 billion. These businesses employ 333,649 men and women with an annual payroll of $5.8 billion.

The contributions to this country by early Korean-Americans include the invention of the first beating heart operation, the first heart disease diagnosis, the development of the nectarine and a four-time Olympic gold medalist. In the modern era, there have been notable achievements by engineers, architects, doctors, actors, singers, sculptors and novelists, among others. With more than 100 communities throughout the United States preparing to celebrate the 100th anniversary of Korean-American immigration to the United States, it is appropriate and deserving to recognize the historical significance of this milestone.

It is my hope that this resolution will encourage appreciation, pride, and self-awareness among Korean Americans, and I encourage schools, organizations, and Federal, State, and local governments to plan activities and programs together with the many Korean-American organizations that are currently preparing for this wonderful anniversary of the living American Dream.

I respectfully ask for the support of my colleagues on both sides of the aisle for this resolution, and urge the Senate to pass this historic resolution.

SENATE CONCURRENT RESOLUTION—SUPPORTING the Korean-American Congr. of American Airlines Flight 587

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 87

Whereas American Airlines Flight 587 on route from Kennedy Airport in Queens County, New York to Santo Domingo, Dominican Republic crashed on the Rockaway Peninsula in Queens County, New York on November 12, 2001;

Whereas the crash resulted in the tragic loss of life by an estimated at 266 persons, including passengers, crew members, and people on the ground;

Whereas New York City has strong cultural, familial, and historic ties to the Dominican Republic;

Whereas many of the passengers were of Dominican origin residing in the Washington Heights community, a vibrant neighborhood that is an integral part of our national cultural mosaic;

Whereas the Rockaway community has already suffered greatly as a result of the terrorist attacks on the World Trade Center in New York City on September 11, 2001, as the Rockaway community has long been home to one of the highest concentrations of the fire-fighters of New York City, many of who lost their lives responding to those attacks on the World Trade Center;

Whereas many Rockaway residents, ignoring the risks of being harmed by fire or other hazards at the site of the plane crash, rushed to the site in an effort to help;

Whereas the people of Rockaway have served as an inspiration through their resilience in the face of adversity and their faith in and practice of community; and

Whereas the professional emergency personnel of New York ground at the crash site performed emergency services valiantly, thereby limiting the devastation of this tragedy; Now, therefore, be it

RESOLVED by the Senate (the House of Representatives concurring).

SECTION 1. SENSE OF CONGRESS.

The Congress—

(1) sends its heartfelt condolences to the families, friends, and loved ones of the victims of the crash of American Airlines Flight 587 on November 12, 2001;

(2) sends its sympathies to the people of the Dominican Republic and to the Dominican community in the City of New York who have been so tragically affected by the loss of loved ones and property;

(3) sends its sympathies to the people of the Rockaway community who have suffered immense personal loss as a combined result of the crash on November 12, 2001, and the terrorist attacks on the World Trade Center on September 11, 2001; and

(4) commends the heroics of the rescue workers, volunteers, and State and local officials of New York who responded to these tragic events with courage, determination, and skill.

SEC. 2. TRANSMISSION OF THE ENROLLED RESOLUTION.

The Clerk of the Senate shall transmit an enrolled copy of this resolution to the President of the Dominican Republic and to the Mayor of New York City.

AMENDMENTS SUBMITTED AND PROPOSED

SA 275. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2176. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2177. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2180. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2181. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2183. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2186. Mr. BOND submitted an amendment intended to be proposed to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2187. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2188. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2189. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2190. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2191. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2192. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2194. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2195. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2196. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2197. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2198. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.
SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2197. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2198. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2200. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2201. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2202. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2203. Mr. DOMENICI submitted an amendment intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2204. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table. SA 2205. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2206. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2209. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table. SA 2212. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table; as follows:

On page 41, after line 16, insert the following:

**SEC. 205. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS WHICH RECEIVED IN GENERAL FUND.**

(a) **TAXES ON TRAINS.**

(1) **In general.**—Subparagraph (a) (relating to tax on diesel fuel in certain cases) is amended—

(A) by striking “or a diesel-powered train” in clauses (i) and (ii), and

(B) by striking “or train” in clause (i).

(2) **Conforming amendments.**—

(A) Subparagraph (C) of section 4041(a)(1) is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(B) Subparagraph (C) of section 4041(b)(1) is amended by striking all that follows “section 6221(e)(2)” and inserting a period.

(C) Subsection (d) of section 4041 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083) —

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed on the sale or use of any liquid if tax was imposed on such liquid under section 4081.”.

(D) Subsection (f) of section 4082 is amended by striking “section 4041(a)(1)” and inserting “subsections (d)(3) and (a)(1) of section 4041, respectively”.

(E) Paragraph (3) of section 4083(a) is amended by striking “or a diesel-powered train”.

(F) Paragraph (3) of section 6241(f) is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081.”.

(G) Paragraph (3) of section 6241(f) is amended to read as follows:

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN TRAINS.—For purposes of this subsection, the term ‘non-taxable use’ includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 with respect to fuel sold for exclusive use by a State or any political subdivision thereof.”.

(b) **Effectivc Date.**—The amendments made by this section shall take effect on January 1, 2002.

SA 2177. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 106(c).

SA 2178. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 8, strike “transfer” and insert “transfer, but only if there was an un-budget surplus in the most recent fiscal year ending prior to such transfer”.

SA 2180. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 107, add the following:

(b) **No General Revenue Spending To Pay Benefits.**—Beginning on the date that amounts are transferred to the National Railroad Retirement Investment Trust pursuant to the amendments made by this section—

(1) no transfers from the general fund in the treasury may be used to pay benefits under the Railroad Retirement Act of 1974; and

(2) such benefits shall only be payable to the extent that sufficient funds exist in the appropriate accounts under such Act or the National Railroad Retirement Investment Trust to make such payments.

SA 2181. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—REPLACEMENT PENSION PLAN**

**SEC. 301. REPLACEMENT PENSION PLAN.**

(a) **In General.**—Notwithstanding any other provision of law, any employer (as defined in section 1(a)(1) of the Railroad Retirement Act of 1974), including the National
Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating contributions by the Corporation.

(b) Certification of Plan.—If the plan described in subsection (a) is certified by the Secretary of Labor and the Secretary of the Treasury as a multiemployer plan that meets the criteria of the Employee Retirement Income Security Act of 1974 for pension funds, then, notwithstanding any other provision of law, the amounts described in subsection (a) shall not longer be entitled to benefits under the Railroad Retirement Act of 1974.

(c) Technical and Conforming Changes.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of the Treasury, as soon as practicable but in any event not later than 180 days after the date of enactment of this Act, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Social Security Act, the Railroad Retirement Act of 1974, and the Internal Revenue Code of 1986 which are necessary to reflect the amendment of section 401(a)(1) of this Act and other provisions of this Act.

SEC. 2. EXPANSION OF WIDOW’S AND WIDOWER’S BENEFITS.

(a) In General.—Section 402(b)(2)(A) of the Railroad Retirement Act of 1974 (42 U.S.C. 231c(g)) is amended by striking "120 per centum" and inserting "130 per centum".

(b) Effective Date.—This subsection takes effect on the date of enactment of this Act.

SEC. 3. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE USED IN DIESEL-POWERED TRAINS.

(a) Taxes on Trains.—

(b) Effective Date.—

(1) General.—In the Railroad Retirement and Survivors’ Improvement Act of 2001 (Public Law 106-557), tax on any燃料 used in a diesel-powered train (as defined in section 2(d)(7) of such Act) for the purpose of eliminating or reducing contributions to the National Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating contributions by the Corporation.

(c) Technical and Conforming Changes.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of the Treasury, as soon as practicable but in any event not later than 180 days after the date of enactment of this Act, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Social Security Act, the Railroad Retirement Act of 1974, and the Internal Revenue Code of 1986 which are necessary to reflect the amendment of section 401(a)(1) of this Act and other provisions of this Act.

SEC. 2. EXPANSION OF WIDOW’S AND WIDOWER’S BENEFITS.

(a) In General.—Section 402(b)(2)(A) of the Railroad Retirement Act of 1974 (42 U.S.C. 231c(g)) is amended by striking "120 per centum" and inserting "130 per centum".

(b) Effective Date.—This subsection takes effect on the date of enactment of this Act.

SEC. 3. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE USED IN DIESEL-POWERED TRAINS.

(a) Taxes on Trains.—

(b) Effective Date.—

(1) General.—In the Railroad Retirement and Survivors’ Improvement Act of 2001 (Public Law 106-557), tax on any fuel used in a diesel-powered train (as defined in section 2(d)(7) of such Act) for the purpose of eliminating or reducing contributions to the National Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating contributions by the Corporation.

(c) Technical and Conforming Changes.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of the Treasury, as soon as practicable but in any event not later than 180 days after the date of enactment of this Act, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Social Security Act, the Railroad Retirement Act of 1974, and the Internal Revenue Code of 1986 which are necessary to reflect the amendment of section 401(a)(1) of this Act and other provisions of this Act.

SEC. 2. EXPANSION OF WIDOW’S AND WIDOWER’S BENEFITS.

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(b) Effective Date.—This subsection takes effect on the date of enactment of this Act.

SEC. 3. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE USED IN DIESEL-POWERED TRAINS.

(a) Taxes on Trains.—

(b) Effective Date.—

(1) General.—In the Railroad Retirement and Survivors’ Improvement Act of 2001 (Public Law 106-557), tax on any fuel used in a diesel-powered train (as defined in section 2(d)(7) of such Act) for the purpose of eliminating or reducing contributions to the National Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating contributions by the Corporation.

(c) Technical and Conforming Changes.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of the Treasury, as soon as practicable but in any event not later than 180 days after the date of enactment of this Act, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Social Security Act, the Railroad Retirement Act of 1974, and the Internal Revenue Code of 1986 which are necessary to reflect the amendment of section 401(a)(1) of this Act and other provisions of this Act.

SEC. 2. EXPANSION OF WIDOW’S AND WIDOWER’S BENEFITS.

(a) In General.—Section 402(b)(2)(A) of the Railroad Retirement Act of 1974 (42 U.S.C. 231c(g)) is amended by striking "120 per centum" and inserting "130 per centum".

(b) Effective Date.—This subsection takes effect on the date of enactment of this Act.

SEC. 3. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE USED IN DIESEL-POWERED TRAINS.

(a) Taxes on Trains.—

(b) Effective Date.—

(1) General.—In the Railroad Retirement and Survivors’ Improvement Act of 2001 (Public Law 106-557), tax on any fuel used in a diesel-powered train (as defined in section 2(d)(7) of such Act) for the purpose of eliminating or reducing contributions to the National Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating contributions by the Corporation.

(c) Technical and Conforming Changes.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of the Treasury, as soon as practicable but in any event not later than 180 days after the date of enactment of this Act, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Social Security Act, the Railroad Retirement Act of 1974, and the Internal Revenue Code of 1986 which are necessary to reflect the amendment of section 401(a)(1) of this Act and other provisions of this Act.

SEC. 2. EXPANSION OF WIDOW’S AND WIDOWER’S BENEFITS.

(a) In General.—Section 402(b)(2)(A) of the Railroad Retirement Act of 1974 (42 U.S.C. 231c(g)) is amended by striking "120 per centum" and inserting "130 per centum".

(b) Effective Date.—This subsection takes effect on the date of enactment of this Act.

SEC. 3. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE USED IN DIESEL-POWERED TRAINS.

(a) Taxes on Trains.—

(b) Effective Date.—

(1) General.—In the Railroad Retirement and Survivors’ Improvement Act of 2001 (Public Law 106-557), tax on any fuel used in a diesel-powered train (as defined in section 2(d)(7) of such Act) for the purpose of eliminating or reducing contributions to the National Railroad Passenger Corporation, may enter into negotiations with employee representatives with respect to a new pension plan for its employees for the purpose of terminating contributions by the Corporation.
(2) COVERED AIR CARRIER.—The term “covered air carrier” means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term “covered employee” means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term “covered transaction” means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(5) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(A) sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(B) in any covered transaction involving a covered air carrier by September 11, 2001.

(c) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier;

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(d) ENFORCEMENT.—Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2187. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. LOTTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. FAIR AND EQUITABLE RESOLUTION OF LABOR INTEGRATION ISSUES.

(a) PURPOSE.—The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) DEFINITIONS.—In this Act:

(1) AIR CARRIER.—The term “air carrier” means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term “covered air carrier” means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term “covered employee” means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term “covered transaction” means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

SA 2188. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, the $15,000,000,000 transfer authorized under section 107(a) shall not take effect unless the Secretary of the Treasury finds that no portion of the transferred funds are attributable to the surplus in Social Security.”.”

SA 2190. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 204(d) and insert the following:

(d) DETERMINATION OF RATE.—Chapter 22 is amended by adding at the end the following new subchapter:

“Subchapter E—Tier 2 Tax Rate Determination

“Sec. 3241. Determination of tier 2 tax rate based on account benefits ratio.”
On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, the Board of Trustees created under section 105 shall invest the funds of the Trust only in a manner that maximizes the return on investment, consistent with prudent risk management. Any railroad employee, retiree, survivor, or company may bring a civil action to enforce this section.”

SA 2194. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

In the table on page 39, line 9, strike 22.1 and insert such percentage as the Secretary determines is necessary to restore the average account benefit ratio to 2.5.”

SA 2195. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike Sec. 107(c).

SA 2196. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 40 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act.”

SA 2200. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 75 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act.”

SA 2201. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 75 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act.”

SA 2202. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:
SA 2203. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. EFFECTIVE DATE REQUIRES BALANCED BUDGET.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on the first day of the first fiscal year with respect to which the President submits a budget pursuant to section 1105 of title 31, United States Code, the President submits a budget pursuant to this Act, this Act and the amendments made as follows:

At the appropriate place, insert the following:

SA 2204. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 2205. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 2206. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 2207. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. SENSE OF THE SENATE REGARDING ACCELERATION OF RAIL TO WASHINGTON DULLES INTERNATIONAL AIRPORT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) Act expeditiously to facilitate the extension of rail service to Washington Dulles International Airport.

(2) Encourage the Administrator of the Federal Transit Administration to work with the Commonwealth of Virginia, Northern Virginia municipalities, and the Metropolitan Washington Area Transit Authority to develop and implement a financing plan for the Dulles Corridor rapid transit project.

SA 2210. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. NATIONAL EMERGENCY GRANTS.

In section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(4)), add after (3):—

"(4) to provide assistance to the Governor to provide personal income compensation to an unemployed worker if—

(A) the worker is unable to work due to direct Federal intervention, as a result of a direct response to the terrorist attacks which occurred on September 11th, 2001, leading to—

(i) closure of the facility at which the worker was employed, prior to the intervention; or

(ii) a restriction on how business may be conducted at the facility; and

(B) the facility is located within an area, which not later than October 1, 2001, was declared a major disaster area or an emergency by the President, pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5170 and 5191), due to a terrorist attack on the United States on September 11, 2001.

(5) to provide assistance to the Governor to provide business income compensation to an independently owned business or proprietorship if—

(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention, as a result of a direct response to the terrorist attacks which occurred on September 11th, 2001, leading to—

(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

(ii) a restriction on how customers may access the facility; and

(B) the facility is located within an area, which not later than October 1, 2001, was declared a major disaster area or an emergency by the President, pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5170 and 5191), due to a terrorist attack on the United States on September 11, 2001.

SA 2211. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Terrorist Response Tax Exemption Act”.

SEC. EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting “or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)” after “United States”.

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 1272 the following new item:

“Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 2209. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. SENSE OF THE SENATE REGARDING ACCELERATION OF RAIL TO WASHINGTON DULLES INTERNATIONAL AIRPORT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) Act expeditiously to facilitate the extension of rail service to Washington Dulles International Airport.

(2) Encourage the Administrator of the Federal Transit Administration to work
uniformed employee for any month during any part of which such employee provides security, safety, fire management, or medical services in a terrorist attack zone.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CIVILIAN UNIFORMED EMPLOYEE.—The term ‘civillian uniformed employee’ means any individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to medical emergencies.

"(2) TERRORIST ATTACK ZONE.—The term ‘terrorist attack zone’ means any area designated by the President or any applicable State or local authority (as determined by the Secretary) to be an area in which occurred a violent act or acts which—

"(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

"(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

"(3) COMPENSATION.—The term ‘compensation’ does not include pensions and retirement pay.

"(b) CONFORMING AMENDMENTS.—(1) Section 3403(a)(1) of the Internal Revenue Code of 1986 is amended by inserting ‘or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)’ after ‘(United States)’.

"(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

‘Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.’

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 2213. Mrs. FEINSTEIN submitted an amendment intended to be proposed to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —HUMAN CLONING PROHIBITION

SEC. 01. SHORT TITLE.

This title may be cited as the ‘Human Cloning Prohibition Act of 2001’.

SEC. 02. FINDINGS.

Congress finds that—

(1) the National Bioethics Advisory Commission (referred to in this title as the ‘NBAC’) has reviewed the scientific and ethical implications of human cloning and has determined that the cloning of human beings is morally unacceptable;

(2) the NBAC recommended that Federal legislation be enacted to prohibit anyone from conducting or attempting human cloning, whether using Federal or non-Federal funds;

(3) the NBAC also recommended that the United States cooperate with other countries to enforce any mutually supported prohibitions on human cloning;

(4) the NBAC found that somatic cell nuclear transfer (also known as nuclear transplantation) may have important applications in medical research;

(5) the Institute of Medicine has found that nuclear transplantation may enable stem cells to be obtained in a manner that will permit such cells to be transplanted into a patient without being rejected;

(6) the NBAC concluded that any regulatory or legislative actions undertaken to prohibit human cloning should be carefully written so as not to interfere with other important areas of research, such as stem cell research; and

(7)(A) biomedical research and clinical facilities engage in and affect interstate commerce;

(B) the services provided by clinical facilities move in interstate commerce;

(C) patients travel regularly across State lines in order to access clinical facilities; and

(D) biomedical research and clinical facilities engage scientists, doctors, and other staff in an interstate market, and conduct research and purchase medical and other supplies in an interstate market.

SEC. 03. PURPOSES.

It is the purpose of this title to prohibit any person, derived from or used to commit a violation or attempted violation of the provisions of section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel), from conducting or attempting human cloning.

SEC. 04. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

‘chapter 16—PROHIBITION ON HUMAN CLONING

Sec. 301. Prohibition on human cloning.

Sec. 302. Definitions.

‘(1) HUMAN CLONING.—The term ‘human cloning’ means asexual reproduction by implanting or attempting to implant the product of nuclear transplantation into a uterus.

‘(2) HUMAN SOMATIC CELL.—The term ‘human somatic cell’ means a mature, diploid cell that is obtained or derived from a human being at any stage of development.

‘(3) NUCLEAR TRANSPLANTATION.—The term ‘nuclear transplantation’ means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

‘(4) NUCLEUS.—The term ‘nucleus’ means the cell structure that houses the chromosomes, and thus the genes.

‘(5) OOCYTE.—The term ‘oocyte’ means the female germ cell, the egg.

(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or legal entity, public or private—

(1) to conduct or attempt to conduct human cloning;

(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere;

(3) to use funds made available under any provision of Federal law for an activity prohibited under this section, including research or practices that involve the use of—

(A) nuclear transplantation to produce human stem cells;

(B) techniques to create exact duplicates of molecules, DNA, cells, and tissues;

(C) mitochondrial, cytoplasmic or gene therapy;

(D) nuclear transplantation techniques to create nonhuman animals.

(c) PENALTIES.—(1) IN GENERAL.—Whoever intentionally violates any provision of this section shall be fined not more than $1,000,000.

(2) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 66 of title 18, United States Code.

(3) ADVISORY OPINIONS.—The Attorney General, upon request, shall, under binding advisory opinions regarding the scope, applicability, interpretation, and enforcement of this section with regard to specific research protocols or practices—

(4) COOPERATION WITH FOREIGN COUNTRIES.—It is the sense of Congress that the
President should cooperate with foreign countries to enforce mutually supported restrictions on the activities prohibited under subsection (b).

"(f) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.

"(g) PREEMPTION OF STATE LAW.—The provisions of this section shall preempt any State or local law that prohibits or restricts research regarding, or practices constituting, nuclear transplantation, mitochondrial or cytoplasmic therapy, or the cloning of molecules, DNA, cells, tissues, organs, plants, animals, or humans.

(b) ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION.—Part H of title IV of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

"SEC. 498C. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.—

"(a) DEFINITIONS.—In this section:

"(1) HUMAN SOMATIC CELL.—The term ‘human somatic cell’ means a mature, diploid cell that is obtained or derived from a living human being at any stage of development.

"(2) NUCLEAR TRANSPLANTATION.—The term ‘nuclear transplantation’ means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

"(3) NUCLEUS.—The term ‘nucleus’ means the cell structure that houses the chromosomes, and thus the genes.

"(4) OOCYTE.—The term ‘oocyte’ means the female germ cell, the egg.

"(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with the applicable provisions of part 46 of title 45, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Prohibition Act of 2001).

"(c) CIVIL PENALTIES.—Whoever intentionally violates subsection (b) shall be subject to a civil penalty of not more than $250,000.

"(d) ENFORCEMENT.—The Secretary of Health and Human Services shall have the exclusive authority to enforce this section.

AGRICULTURAL, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Motion To Proceed

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 599 through 605; the nominations on the Secretary’s Desk; that the nominations be confirmed, the motion to reconsider be laid upon the table, that any statements be printed in the Record, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE
Edward Hachiro Kubo, Jr., of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.
Sheldon J. Sperling, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.
David R. Dugas, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.
David E. O’Melia, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.
Johnny Keane Sutton, of Texas, to be United States Attorney for the Western District of Texas, for the term of four years.
Richard S. Thompson, of Georgia, to be United States Attorney for the Southern District of Georgia, for the term of four years.
Thomas L. Sansometti, of Wyoming, to be an Assistant Attorney General.

DEPARTMENT OF COMMERCE
James Edward Ragan, of California, to be Under Secretary of Commerce for Intellec- tual Property and Director of the United States Patent and Trademark Office. Arden Bement, Jr., of Indiana, to be Director of the National Institute of Standards and Technology. Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere.

DEPARTMENT OF TRANSPORTATION
William Schubert, of Texas, to be Administrator of the Federal Aviation Administration. R. David Paulison, of Florida, to be Director of the United States Fire Administration, Federal Emergency Management Agency.

NOMINATIONS PLACED ON THE SECRETARY’S DESK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 599 through 605: the nominations on the Secretary’s Desk; that the nominations be confirmed, the motion to reconsider be laid upon the table, that any statements be printed in the Record, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that when the Senate considers the nomination of John Walters to be Director of National Drug Control Policy, it be considered under the following time limitation: 30 minutes for Senator LEAHY; 30 minutes for Senator HATCH; 10 minutes for Senator KENNY; and 10 minutes for Senator LOTT, or his designee; that when the debate has been used or yielded, the Senate vote on the confirmation of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.

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

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following calendar items en bloc: Calendar No. 231, H.R. 1766; Calendar No. 232, H.R. 2261; and Calendar No. 233, H.R. 2454.

The PRESIDING OFFICER. The clerk will read the bill en bloc.

The legislative clerk read as follows:

A bill (H.R. 1766) to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Ammandale, VA, as the "Stan Parris Post Office Building." A bill (H.R. 2261) to designate the facility of the United States Postal Service located at 2833 Candler Road in Decatur, GA, as the "Earl T. Shinhoster Post Office." A bill (H.R. 2454) to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, CA as the "Congressman Julian C. Dixon Post Office." There being no objection, the Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read three times and passed, the motions to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the Record, and that any statements be printed in the Record, with no intervening action or debate.

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

The bills (H.R. 1766, H.R. 2261, and H.R. 2454) were read the third time and passed.
Mr. REID. Mr. President, I ask unanimous consent that Calendar Nos. 229 and 230 be indefinitely postponed.

The PRESIDENT PRO Tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENTCONFERENCE REPORT TO ACCOMPANY H.R. 2299

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican minority, turn to the conference report to accompany H.R. 2299, the Transportation Appropriations Act, and that it be considered under the following limitations: there be a time limitation of 95 minutes for debate with the time controlled as follows: 30 minutes equally divided between the chair and ranking member of the subcommittee; 20 minutes equally divided between the chair and ranking member of the full committee; and 15 minutes each under the control of Senators DORGAN, MCCAIN and GRAMM of Texas; that upon the use or yield back of time, with no further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

The PRESIDENT PRO Tempore. Is there objection?

Without objection, it is so ordered.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CRASH OF AMERICAN AIRLINES FLIGHT 587

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 272, which is at the desk.

The PRESIDENT PRO Tempore. The clerk will report the concurrent resolution by title.

The legislative clerk reads as follows:

H. CON. RES. 272

Whereas at the commencement of World War II, when most colleges suffered from a lack of available students and the demise of Morehouse College in Atlanta, Georgia, and 27 years later, Dr. Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African Americans;

Whereas at the commencement of World War II, when most colleges suffered from a lack of available students and the demise of Morehouse College in Atlanta, Georgia, and 27 years later, Dr. Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African Americans;

Whereas as dean of the School of Religion of Howard University and later as President of Morehouse College, Dr. Benjamin Mays, for 27 years, Benjamin Mays prevented the college from permanently closing its doors by vigorously recruiting potential students and thereby aiding in the development of future generations of African American leaders;

Whereas Benjamin Mays was instrumental in the elimination of segregated public facilities in Atlanta and promoted the cause of nonviolence through peaceful student protests during a time in this Nation that was often marred by racial violence;

Whereas Benjamin Mays received numerous accolades throughout his career, including 56 honorary degrees from universities across the United States and abroad and the naming of Morehouse College buildings and a street in his honor; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or national interests of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved. That it is the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian.

The PRESIDENT PRO Tempore. Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be layed upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDENT PRO Tempore. Without objection, it is so ordered.

The resolution (S. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 23

Whereas Dr. Benjamin Elijah Mays, through his distinguished career of more than half a century as an educator, civil and human rights leader, and public theologian, has inspired people of all races throughout the world by his persistent commitment to excellence;

Whereas Benjamin Mays persevered, despite the frustrations inherent in segregation, to begin an illustrious career in education;

Whereas as dean of the School of Religion of Howard University and later as President of Morehouse College, Dr. Benjamin Mays, for 27 years, Benjamin Mays prevented the college from permanently closing its doors by vigorously recruiting potential students and thereby aiding in the development of future generations of African American leaders;

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 272, which is at the desk.

The PRESIDENT PRO Tempore. The clerk will report the concurrent resolution by title.

The legislative clerk reads as follows:

H. CON. RES. 272

Whereas at the commencement of World War II, when most colleges suffered from a lack of available students and the demise of Morehouse College in Atlanta, Georgia, and 27 years later, Dr. Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African Americans;

Whereas as dean of the School of Religion of Howard University and later as President of Morehouse College, Dr. Benjamin Mays, for 27 years, Benjamin Mays prevented the college from permanently closing its doors by vigorously recruiting potential students and thereby aiding in the development of future generations of African American leaders;

Whereas Benjamin Mays was instrumental in the elimination of segregated public facilities in Atlanta and promoted the cause of nonviolence through peaceful student protests during a time in this Nation that was often marred by racial violence;

Whereas Benjamin Mays received numerous accolades throughout his career, including 56 honorary degrees from universities across the United States and abroad and the naming of Morehouse College buildings and a street in his honor; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or national interests of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved. That it is the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian, and his many contributions to the improvement of American society and the world.

ACTION VITIATED—H. CON. RES. 272

Mr. REID. Mr. President, I ask unanimous consent that the action previously taken by the Senate regarding H. Con. Res. 272 be vitiated.

The PRESIDENT PRO Tempore. Without objection, it is so ordered.

PATRIOT DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 71, which designates September 11 as "Patriot Day."

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

Mr. HATCH. Mr. President, I rise to enter the admission of H.J. Res. 71, which designates September 11 as "Patriot Day." This resolution also calls on all Americans to observe a moment of silence to remember all those who lost their lives in the terrorist attack of September 11, 2001. I am the Senate sponsor of this bill along with Senators SCHUMER and SPECTER.

The events of September 11 have forever changed the lives of all Americans. We have all experienced a renewed sense of community and a sense of patriotic vigor that are the best of America. So many lives were touched by the terrorist attack—not only the thousands of heroes who lost their lives but also those they left behind. I am certain that few Americans will remain untouched by the devastation of our citizens that we saw in downtown New York, in the Pennsylvania countryside, and at our Pentagon.

These terrorists killed innocent Americans from every part of the country. We were so saddened to learn that Mary Alice Wahlstrom and her daughter, Carolyn Beug, of Kaysville, Utah, were struck down by this senseless violence. Mary Alice’s husband of 52 years, Norman, described Mary Alice as the happiest lady you ever met. As one of the LDS, “she was always with her only daughter to help her twin 18-year-old granddaughters settle in at art school on the East Coast. In this time of grief, we join Norman, her four sons, and 18 grandchildren in hoping that our love and faith will continue to sustain each of us during this tragedy.”

The grief all Americans feel today is barely speakeable. I, for one, cannot express in words the sorrow I feel for the thousands of families profoundly shattered by the acts of war perpetrated against us on September 11th. I commend my colleagues who have spoken so eloquently at such a great moment of national tragedy.
As many of my colleagues have noted, our grief is leavened by the countless stories of sacrifice and heroism. Heroes such as the policemen, firemen and emergency personnel who rushed to the buildings and entered them in a race against collapse, a race that they unfortunately lost. I hope that every American who sees a fireman or a policeman today thinks of the sacrifices that these every day individuals are prepared to make for the good of our society, for the good of ourselves, every day.

There is no calamity America will withstand that will not be met with and overwhelmed by the decency, courage and selflessness of Americans coming to the aid of their own. It will be years before we can collect all of these stories and it will be impossible to measure the courage and brave of these countless everyday heroes. As John says in the Bible, “Greater love hath no man than this; that a man lay down his life for his friends.”

I also commend my colleagues for their unanimous support for the Administration of President George W. Bush. America are not partisan when we are to face a common foe, nor are their representatives.

We will face this foe together, and together we will prevail.

We must never forget the attack on America and the mighty resolve of the American spirit that has never shown brighter than after September 11. This resolution before us today will ensure that we will never forget the events of September 11, 2001.

I commend my colleagues in the House for adopting this resolution and urge my Senate colleagues to adopt this important measure tonight. Elaine and I offer our prayers for the victims and their families, as well as the thousands of brave rescue workers, including Utah’s Urban Search and Rescue team. The team consists of fire department personnel from Salt Lake City and County. Our prayers go to the member of our armed forces, the greatest defenders of freedom a nation has ever known. And our prayers go to President Bush and his Administration, who are dedicated to peace and must now respond to war.

May God Bless America.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 71) was agreed to.

The preamble was agreed to.

MEASURES READ THE FIRST TIME—H.R. 3210 AND S. 1748

Mr. REID. Mr. President, I understand that H.R. 3210, which was just received from the House, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

Mr. REID. Mr. President, I ask for the second reading of this legislation and object to my own request on behalf of a number of colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will be read a second time on the next legislative day.

Mr. REID. Mr. President, it is my understanding that S. 1748, introduced by Senator Gramm of Texas earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1748) to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read a second time on the next legislative day.

ORDERS FOR MONDAY, DECEMBER 3, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1 p.m. on Monday, December 3; that immediately following the prayer and the pledge, the Journal of proceedings be approved to close, and that the Senate stand in adjournment under the previous order.

Mr. REID. Mr. 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.

There being no objection, the Senate, at 1:54 p.m., adjourned until Monday, December 3, 2001, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate therefore, 2001:

OVERSEAS PRIVATE INVESTMENT CORPORATION


C. WILLIAM SWANCE, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002. VICE ROBERT MAY LYPFORD.

DEPARTMENT OF JUSTICE

SCOTT A. ADDARALL, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE KAREN ELIZABETH SCHREIBER, RESIGNED.

HARRY E. CUMMINS, II, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE PAUL M. KAGAN, RESIGNED.

MICHAEL TAYLOR SHELBY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE MARY M. MOSBACHER, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 30, 2001:

DEPARTMENT OF COMMERCE

ABRAHAM BERNEGHI, JR., OF COLORADO, TO BE COMMISSIONER OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY FOR A TERM OF FOUR YEARS, VICE ROBERT R. SULLIVAN, RESIGNED.

CONRAD LAUTENBACHER, JR., OF VIRGINIA, TO BE UNDER SECRETARY FOR COMMERCE FOR OCEANS AND AT- MOSPHERIC SCIENCE.

DEPARTMENT OF TRANSPORTATION

WILLIAM SCHUBERT, OF TEXAS, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION.

FEDERAL EMERGENCY MANAGEMENT AGENCY

R. DAVID PAULISON, OF FLORIDA, TO BE ADMINISTRATOR OF THE UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY.

FEDERAL EMERGENCY MANAGEMENT AGENCY

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES COMPLYING WITH THE REQUEST TO APPEAR AND TESTIFY BEFORE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.
EDWARD HACHIRO KUBO, JR., OF HAWAII, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

SHELDON J. SPERLING, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

DAVID R. DUGAS, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

DAVID R. O’MELIA, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

JAMES A. MCDERMOTT, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON, FOR THE TERM OF FOUR YEARS.

JOHNNY KEANE SUTTON, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS, FOR THE TERM OF FOUR YEARS.

RICHARD S. THOMPSON, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA, FOR THE TERM OF FOUR YEARS.

THOMAS L. SANSONETTI, OF WYOMING, TO BE AN ASSISTANT ATTORNEY GENERAL.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.


HONORING THE DEDICATED SERVICE OF LOUIS FINKEL

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. GORDON. Mr. Speaker, I rise today to bid farewell to Louis Finkel, my legislative director. Louis has been an invaluable member of my staff for almost six years. Replacing him will be a daunting task.

Louis has mastered every task and legislative priority I have assigned to him over the years. His hard work, loyalty and dedication have been instrumental in my work as a Congressman. I, along with every other member of my staff, will miss his contribution.

Louis’ insight and analysis were key ingredients in every major legislative initiative with which I have been involved over the past six years. He has helped my efforts to finance a world class system of greenways and river trails in Middle Tennessee, expand and renovate the Stones River National Battlefield, re-store environmentally sensitive wetlands, and begin a critically needed commuter rail system linking Nashville, Tennessee, with the surrounding suburban and rural populations.

Louis, like many bright and talented congressional staff members, is moving on to a career in public affairs. I’m confident his career there will be as successful as his career as a congressional aide. He undoubtedly will serve his clients as well as he has served me and my constituents in Middle Tennessee. I wish him well.

HONORING J&L VINEYARDS AS AG BUSINESS OF THE YEAR

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize J&L Vineyards as Baker, Peterson & Franklin, Certified Public Accountants’ Ag Business of the Year. J&L Vineyards is honored for its contributions to the ag industry and the Central San Joaquin Valley.

J&L Vineyards was selected by a committee of representatives of the Ag-Fresno Advisory Board, National Ag Marketing Association, and the BP&F Ag Department. The family business is owned and operated by Don Laub and his daughter Debbie Jacobsen. Don’s wife, Clara; son, David; daughter Diane Tavares; and Debbie’s husband, Ray are also involved with the company. What began in the late 1930’s as a 20-acre raisin farm has expanded to ten varieties of table, raisin, and wine grapes on 1,050 acres. J&L Vineyards has also grown beyond the Laub family to include ten full-time employees.

It is J&L Vineyards’ efficiency and innovation that has earned it this recognition. These commitments can be seen by the business’ integrated pest management, trellis design for table grapes, and higher yield with fewer inputs. Beyond agriculture and business, J&L Vineyards has exemplified a commitment to the community in which it has thrived. Family members have served on many boards including the Allied Grape Growers, California Foundation for Ag in the Classroom, California Women in Agriculture, and Greater Fresno Area Chamber of Commerce.

Mr. Speaker, I rise to acknowledge J&L Vineyards as the recipient of the 2001 Ag Business of the Year. I urge my colleagues to join me in honoring this company and wishing it many more years of continued success.

HONORING THE COBB COUNTY, GEORGIA, CHAPTER OF KEEP AMERICA BEAUTIFUL

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. BARR of Georgia. Mr. Speaker, since 1953 one organization in particular has been striving to bring communities together, by developing proactive projects that encourage responsibility for environment enhancement and encompass the values of community pride. Keep America Beautiful has become an international organization that seeks to empower our citizens, by implementing programs ranging from litter prevention to improving cities through training, education, and action.

Keep America Beautiful has almost 500 local, state, and international affiliates in 40 states, and is continuing to grow every day.

I stand today, to recognize Keep America Beautiful’s chapter in Cobb County, Georgia, as the winner of this year’s affiliate award in the category for population of more than 500,001.

Cobb County has excelled with programs such as on-line litter reporting service, the Litter Line, where residents can report illegal dumps, excessive trash, or graffiti. This initiates a faster clean-up response time, and provides a useful tracking device for area officials. Keep Cobb Beautiful also stood out with its Cobb Trees program in which over 90 trees were planted at five different sites, incorporating over 150 volunteers.

I ask my fellow Members of the House to join me in congratulating, Keep Cobb Beautiful’s progress and hard work. May the example they have set for the state of Georgia and the country as a whole continue to spread.

HONORING SOUTH SALT LAKE MAYOR RANDY G. FITTS

HON. JIM MATHESON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. MATHESON. Mr. Speaker, I rise today to honor Mayor Randy G. Fitts for his tireless efforts in representing the City of South Salt Lake.

Mayor Fitts served on the City Council of South Salt Lake from January 1978 to December 1989, and has been Mayor since 1992. He will retire on January 7, 2002, and his leadership and diligent work have been greatly appreciated.

Throughout his tenure as a public servant, Mayor Fitts focused on issues that would increase the quality of life for the residents of South Salt Lake. Some of the projects he worked on include completion of the Jordan River Parkway, and the renovation of the historic Columbus School, by transforming it into a senior citizens...
Mr. ENGLISH. Mr. Speaker, today I will introduce the Medicare Laboratory Services Access Act of 2001. I am pleased to be joined in introducing this important legislation by my colleague from Florida, Representative Peter Deutch. Laboratory testing is an essential component of the health services we provide to our seniors. The health care needs of Medicare beneficiaries require them to have assured access to the full range of diagnostic laboratory tests. This measure would help ensure that the community laboratories that serve our nation’s seniors have the resources necessary to continue to provide life-saving laboratory services. This legislation also seeks to ensure that community laboratories are reimbursed by new regulations requiring safe needles and related practices.

Laboratory tests facilitate early detection and accurate diagnoses which in turn result in more effective and less costly treatment. As a matter of fact, laboratory tests can diagnose and treat diseases in the Medicare population involve taking and analyzing a specimen—or sample—from the beneficiary for laboratory analysis, health care providers rely on the accurate and timely collection of specimens to ensure adequate diagnosis and treatment. In fact, laboratory tests only account for 1.6% of the total Medicare budget but are used in 70% of medical decision-making. Yet, underpayment for specimen collection currently threatens the ability of community laboratories to continue to provide this much-needed service.

In 1984, Congress established a policy to provide for a “nominal fee” that was to cover the costs associated with collecting the sample on which a clinical diagnostic laboratory test was performed and paid for under the Medicare program. That fee was established 17 years ago at a rate of $3.00 and has not been increased, even for inflationary factors since that time.

Our nation has seen amazing medical breakthroughs in technology while simultaneously the environments in which health care providers work has become more and more regulated. Further exacerbating the pressures on laboratories is that the available population of phlebotomists—the folks trained to draw blood—continues to shrink.

The combination of increasing costs, eroding reimbursement levels, fewer available health care workers with a growing population of Medicare beneficiaries threatens the Medicare program’s ongoing ability to provide essential laboratory services, especially in rural areas and remote sites such as nursing homes. In January 2001, the Occupational Safety and Health Administration (OSHA) implemented new blood borne pathogen rules designed to improve worker safety. Yet, no additional funds have been provided to implement these requirements.

While I fully support new requirements for hospitals and other health-care facilities to identify and provide safer sharps systems as these policies help protect public health, we need to assist laboratories with these additional costs. This legislation would provide a modest increase in the specimen collection fee—an increase that would help offset the costs of these important new regulations and recognize inflationary increases over the past 17 years.

The Medicare Laboratory Services Access Act of 2001 increases the Medicare specimen collection payment for FY 2002 to $5.25—the amount the payment would be today had it been indexed annually to the CPI-U. For subsequent years, the bill allows for an annual adjustment based on the CPI-U. I urge my colleagues to join us in the effort to bolster our community-based system of care for Medicare beneficiaries. I am pleased that my bill is supported by a number of national organizations, including the leading providers of clinical laboratory services. Groups endorsing this legislation include: American Association of Bioanalysts, the American Association for Clinical Chemists, the American Association of Occupational Health Nurses, the American Medical Technologists, the American Society for Clinical Laboratory Science, the American Society of Clinical Pathologists, the American Society for Microbiology, the Becton Dickinson, and Quest Diagnostics. This important legislation would help ensure Medicare beneficiaries access to the quality laboratory services they need and deserve.

HON. PHIL ENGLISH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. ENGLISH. Mr. Speaker, today I will introduce the Medicare Laboratory Services Access Act of 2001. I am pleased to be joined in introducing this important legislation by my colleague from Florida, Representative Peter Deutch. Laboratory testing is an essential component of the health services we provide to our seniors. The health care needs of Medicare beneficiaries require them to have assured access to the full range of diagnostic laboratory tests. This measure would help ensure that the community laboratories that serve our nation’s seniors have the resources necessary to continue to provide life-saving laboratory services. This legislation also seeks to ensure that community laboratories are reimbursed by new regulations requiring safe needles and related practices.

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HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. GORDON. Mr. Speaker, I rise today to recognize the good deed of Justin Bramel, a Murfreesboro, Tennessee, eighth-grade student who helped his school bus driver in her time of need.

Justin’s bus driver, Sally Brown, became sick one recent afternoon after finishing her route. Fortunately for Mrs. Brown, Justin spotted the bus parked on the side of a road. He realized something was wrong and investigated the situation. He found Mrs. Brown to be very ill.

Justin calmly used the bus transceiver to advise school officials about the situation and direct emergency personnel to the location. Thanks to Justin’s concern and levelheaded actions, Mrs. Brown is now recovering and should be back to work soon.

I want to salute Justin for his quick actions and his concern for his fellow human being. People like Justin epitomize the spirit of this nation and make it a better place to live.

COMMEMORATING 2001 DINNER OF CHAMPIONS
HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to celebrate the 2001 Dinner of Champions being put on by the Central California Branch of the Mountain Valley California Chapter of the National Multiple Sclerosis Society. The first of these annual events will honor racing legends Blackie Gejeian, Joe Boghosian, and the late Fred Gerhardt.

The Dinner of Champions made its national debut in 1972 and honors local public leaders and personalities for their efforts to champion the fight against multiple sclerosis. The National MS Society strives to reach out to those affected by the crippling disease and raise awareness for MS.

Mr. Gejeian’s involvement in racing began in 1949 and he won championships all over the Central Valley. Blackie was presented the Most Popular Driver award four years in a...
row. After his retirement in 1958, Blackie continues contributing to racing by promoting auto races including the Autorama for the past 40 years.

Mr. Boghosian was first exposed to racing in 1949. He earned many honors including the Northern Championship in 1965 he moved from California to Indianapolis. Joe actually built the engine that put Mario Andretti in the Indy 500 winner’s circle in 1969. He is still building engines and anything else that needs reliable power today.

Mr. Gerhardt was involved in auto racing from the 1950s until his passing. He and his good friend, the late Bill Vukovich, raced hot rods and midget cars in the 1930’s and 40’s. Fred built his first Indy car in 1956 and continued fielding Indy cars through 1976.

Mr. Speaker, I am privileged to acknowledge and honor the efforts of the National Multiple Sclerosis Society and these honorees. I invite my colleagues to join me in congratulating and thanking this organization and these racing legends.

**BUNNY LOVE FOUNDATION**

**HON. PETE SESSIONS**

**OF TEXAS**

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2001

Mr. SESSIONS. Mr. Speaker, today I would like to recognize the Bunny Love Foundation. An event will be held on December 5th in Dallas, to raise the level of awareness of efforts to eliminate domestic violence against children. Awareness will be accomplished through fundraising efforts, affiliations with prevention programs, and events designed to educate the public about the extent of the crisis.

The Bunny Love Foundation is a Dallas-based non-profit organization founded in 1997 by Anne Davidson with a mission of helping children in need. The Foundation’s model for giving is extremely effective and can be used as a model for other charities because it addresses the needs of those affected not only on a local level, but nationally and globally as well. Ninety percent of the funds raised will go to children in Dallas through the Dallas Children’s Advocacy Center, and 10% will be given to UNICEF specifically for the humanitarian effort for children in Afghanistan.

I hope that my colleagues will join me in recognizing and supporting the efforts of the Bunny Love Foundation and their partnership with the Dallas Children’s Advocacy Center. The mission of this organization serves as a model for others to follow in the fight to eliminate domestic violence.

**BULIUMINISCENCE**

**HON. MARK FOLEY**

**OF FLORIDA**

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2001

Mr. FOLEY. Mr. Speaker, I would like to express my appreciation to the chairman for his recommendation of funding for bioluminescence measurement and signature detection in the Navy RDT&E account in this bill.

This is an evolving area of knowledge which has very important military applications.

Many of my colleagues know that plankton in the world’s oceans give off light flashes when stimulated by movement in the water by objects such as ships, submarines and swimmers. This ever-present phenomenon represents a powerful detection tool for anti-submarine and mine warfare.

We can utilize this phenomenon for detection of opposing forces—but we must also be aware of it to protect our own operations. For example—it is my understanding that—a Navy SEAL team in Operation Desert Storm was forced to alter its landing site because of concern that intended landing area would reveal the team’s presence.

At present—bioluminescence is detected and measured by a device developed at the Harbor Branch Oceanographic Institution in my district.

Because of the cost and size of this first-generation measuring equipment—only three have been produced. The funding I have requested and the Committee has approved would fund a program involving Harbor Branch scientists which would develop measuring equipment small enough to be launched from a rubber raft and inexpensive enough to be utilized in large numbers. Only such an expendable version offers the hope of accurately measuring bioluminescence in all the militarily important regions of the world.

This is an important initiative which will take advantage of the expertise at Harbor Branch for the benefit of our military.

I again thank the chairman for recommending this funding and express my hope that this item will be preserved in conference.

**THE CONSUMER AND RETAIL SALES STIMULUS ACT OF 2001**

**HON. STEVE ISRAEL**

**OF NEW YORK**

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2001

Mr. ISRAEL. Mr. Speaker, New York’s economy is in deep trouble. We lead dozens of States in economic decline. Jobs are being lost. Small businesses are going under. Municipal governments are going back into debt. Fire and police budgets are strained.

How do we stimulate an economy that was sputtering before and staggered after the September 11 attacks? Some believe the answer to recession in handing $25 billion in retroactive Federal corporate tax benefits to 13 Fortune 500 companies. Of course, there is no guarantee that largesse will work its way from corporate headquarters to working families on Long Island.

Others believe that the answer to recession is spending old fashioned Keynesian economics. But some spending proposals clearly overreach, and there is no guarantee that the spending will be targeted specifically to jumpstart the economy now, when we most need it.

The best way to stimulate the economy is to give immediate, tangible tax relief to American consumers: suspend sales taxes, and use federal resources to reauthorize state and local governments. To ensure that this tax reduction strategy does not lead to huge new deficits, such revenue loss from the Federal budget should be capped so as not to exceed the $25 billion, the corporate alternative minimum tax rebate, passed by the House of Representatives earlier this fall.

Rather than enriching only the richest, a sales tax suspension is the quickest and broadest way to boost local economies for everyone, across the board. I encourage Congress to invest in our downtown villages and towns as well as our regional malls. And because it will be temporary, it will create an incentive to buy now. A reduction in the sales tax may not mean much for the CEO of a multi national company. But it would be a huge boost to working families. It would help them with their holiday purchases, or school supplies for their kids or even make the difference in buying a new home appliance.

This House has just approved a $25 billion retroactive repeal of the alternative minimum tax for the richest corporations of America. If we can find the money for Enron and we should be able to find the money for people who have lost their jobs and their health insurance and their unemployment insurance and the small businesses who are being forced out of business in New York today.

The working families and small businesses on Long Island are hurting. They can not afford indefinite or problematic relief that might not kick in for years. Their need is immediate.

“The Consumer and Retail Sales Stimulus Act of 2001” addresses that need, it addresses it now.

**DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002**

**SPEECH OF**

**HON. JERRY F. COSTELLO**

**OF ILLINOIS**

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes:

Mr. COSTELLO. Mr. Chairman, I rise today in support of the amendment offered by my good friend Congressman VISCILOSKY.

Mr. Speaker, our Nation’s steel industry is in a crisis situation. Since 1997, 26 companies have filed for bankruptcy. Since January first of this year, 13 companies have filed for bankruptcy, and 11 have ceased operations, including Laclede Steel, which is located in the congressional district I represent.

Steel is the basic component used in the construction of every military vehicle, ship, weaponry system, and small firearm used by the U.S. military. Steel is used to build our bridges and our railroad tracks. Both the electric power and oil and gas industries are dependent on steel. America needs a strong steel industry.

Earlier this year, I testified before the International Trade Commission and asked them to find that the domestic steel industry has been severely injured by the surge of foreign imports into American markets. Under section 201 of the trade laws, the International Trade Commission found that steel industry had been damaged by foreign imports. The section 201 process will give our steel companies time
to restructure and reorganize in response to the effects of the recent import surge.

Currently, there are nearly 2 million Americans who are directly or indirectly employed by the steel industry, or receive pensions and healthcare from current and former steel companies. Because of the current crisis situation in the steel industry, it is important for me to bring this informative speech to the House in Committee of the Whole. I urge my colleagues to join me in supporting this amendment.

The rule precludes the Obey amendment, and stores of military troops and fully fund this program. The program contributes to the detection of troop and vehicle movements, the proper identification of aircraft and vehicles to prioritize fire control and to prevent friendly fire casualties. When this bill goes to conference, I urge the conferees to do it the loss of U.S. military personnel.

As we address threats on our homefront, we should also be fully prepared to fight an asymmetric war abroad. We must, therefore, address by the background acoustic signature obtained from intercepted radio transmissions or prioritize ground sensors. The program contributes to the detection of troop and vehicle movements, the proper identification of aircraft and vehicles to prioritize fire control and to prevent friendly fire casualties. When this bill goes to conference, I urge the conferees to do it.

I urge my colleagues to reject the rule. We must not fund the war against terrorism on the cheap. We must recognize our needs at home and abroad and that means adequately assisting U.S. military troops and fully fund this program.

MAKING SURE PAINFUL STORIES ARE TOLD JUST ONCE

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, November 30, 2001

Mr. JOHNSON of Texas. Mr. Speaker, it is important for me to bring this informative article to the attention of the U.S. Congress.

[From the New York Times, Nov. 12, 2001]

Making Sure Painful Stories Are Told
Just Once

(By Donna Wilkinson)

Name: Collin County Children's Advocacy Center.


Mission: To help children cope with the trauma of abuse through a team approach

-an alliance of law enforcement agencies, child protection services, legal and medical

professionals-to investigate, treat and prosecute abuse cases.

Constituency: Children under 18. Collin County, including several suburban and rural communities outside Dallas, has a population of about 800,000. A year ago, the center received 2,488 referrals of child abuse; since it opened, it has served 8,000 children.

Financing: Most of the $1,4 million annual budget comes from charities, foundations and corporations: the United Way, Meadows Foundation, Jenesis Foundation, B. B. Owen Trust, Texas Instruments and State Farm Insurance. The rest is from the Guardian Angles Society, a local group of individuals and religious and civic organizations who pledge $10,000 a year for five years.

The center was inspired by the ideas of Representative Bud Cramer, Democrat of Alabama, who, as a district attorney in Huntsville in the 1980's, found that children were being revictimized by a system that was intended to protect them. Often bounced from one agency to another, youngsters had to repeat painful experiences to police, doctors, social workers and others, compromising evidence and traumatizing them again. Representative Cramer had proposed creating one central place where children could tell their stories.

Besides filling that role, the center, which is located in a colorful 32,000-square-foot former supermarket, provides the children with immediate access to child protection services, law enforcement officials, district attorneys, sexual assault examiners, therapists and community resource representatives who all work together under one roof.

Attending to young victims requires special considerations. "Almost 70 percent of the children we see are under the age of 7," said Jane Donovan, the center's community educator. "When you ask a child that age a story over and over, the story changes." To protect the integrity of testimony for evidence, each child is interviewed by a forensic specialist and videotaped.

What distinguishes the center is the partnerships among various services. "Traditionally, there has been some contentiousness between child protection services and law enforcement," Ms. Donovan said. "At our center, that just flat out doesn't exist." The center is not a refuge or residential facility, but placement is arranged when a child's safety is in question.

"We talk to our kids about 'stranger danger,'" said Jane Donovan, the center's community educator. "When you ask a child that age a story over and over, the story changes." To protect the integrity of testimony for evidence, each child is interviewed by a forensic specialist and videotaped.

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Jane Mayer was a dedicated activist she studied at the University of Washington before beginning a 10-year career in fashion where she became a lecturer and consultant. Appearing at Universities, Colleges and at the University of California where she lived for the past 50 years.

A dedicated activist she studied at the University of Washington before beginning a 10-year career in fashion where she became a lecturer and consultant. Appearing at Universities, Colleges and at the University of California where she lived for the past 50 years.

She married Robert Scully in 1940 and later in 1947 married Milton Mayer known to local
kids as Uncle Miltie. Together they produced the Voices of Europe radio broadcasts, which included commentary of the events of the time by people throughout Europe. For many years they co-led Great Books Discussion Seminars in both America and Europe.

Jane and Mike were life long civil libertarians and pacifists, fighting intolerance, bigotry, racism and overzealous nationalism. Jane was an activist for peace and disarmament during the Cold War, representing the American Friends Service Committee to the World Council of Churches and at many international peace conferences.

Jane Mayer adopted Carmel-By-The-Sea as the city to protect from commercial exploitation. She was a tireless advocate for the conservation of Carmel's unique character, becoming founding member of the Carmel Residents Association and member of the Carmel General Plan Committee, the Historic Preservation Committee and board member of the Cherry Foundation.

I grew up with her two sons Rock and Dicken Scully and knew her two step daughters Julie Mayer Vogman of Berkeley and Amanda Mayer Stinchecum of Brooklyn, N.Y.

Her son Rock Scully became the first manager and Milton died in 1986.

Jane lived her life as a teacher of good— and in doing so empowered others to fight against the ignorance of intolerance and unjust laws. She taught by example and by introducing American youth to cross-cultural experiences. My one summer in Europe in 1958 along with her sons Rock and Dicken, Frank Wallace, Adrian Benett and Ann McConnel led us all to pursue a Dead band and song. Dicken a popular and respected psychologist. Both sons now live in Carmel, her husband Milton died in 1986.

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HIGHLIGHTS

The House agreed to the conference report on H.R. 2299, Department of Transportation and Related Agencies Appropriations for FY 2002.

Senate

Chamber Action

Routine Proceedings, pages S12219–S12274

Measures Introduced: Seven bills and two resolutions were introduced today, as follows: S. 1748–1754, S. Res. 185, and S. Con. Res. 87.

Measures Reported:


Measures Passed:

- Stan Parris Post Office Building Designation: Senate passed H.R. 1766, to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the “Stan Parris Post Office Building”, clearing the measure for the President.

- Earl T. Shinhoster Post Office Designations: Senate passed H.R. 2261, to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the “Earl T. Shinhoster Post Office”, clearing the measure for the President.

- Congressman Julian C. Dixon Post Office Building Redesignation: Senate passed H.R. 2454, to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the “Congressman Julian C. Dixon Post Office Building”, clearing the measure for the President.


Subsequently, adoption of the resolution was vitiated.

Presidential Medal of Freedom Award: Senate agreed to S. Res. 23, expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian.

Patriot Day Designation: Committee on the Judiciary was discharged from further consideration of H.J. Res. 71, amending title 36, United States Code, to designate September 11 as Patriot Day, and the resolution was then passed, clearing the measure for the President.

Measures Indefinitely Postponed:

- Earl T. Shinhoster Post Office Designations: S. 1184, to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the “Earl T. Shinhoster Post Office”.

- Congressman Julian C. Dixon Post Office Building Redesignation: S. 1381, to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the “Congressman Julian C. Dixon Post Office Building”.

Federal Farm Bill: Senate began consideration of the motion to proceed to the consideration of S. 1731, 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, and to ensure consumers abundant food and fiber. A motion was entered to close further debate on the motion to proceed to consideration of the bill (listed above).
Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy, with a vote on confirmation of the nomination to occur thereon.

Department of Transportation Appropriations Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, upon consent of the Majority Leader, following consultation with the Republicans Leader, with a vote on adoption of the conference report to occur thereon.

Comprehensive Retirement Security and Pension Reform Act—Agreement: A unanimous-consent-time agreement was reached providing for further consideration of H.R. 10, to provide for pension reform, at 4:45 p.m., on Monday, December 3, 2001, with a vote on a motion to close further debate on Lott/Murkowski/Brownback Amendment No. 2171 (to Amendment No. 2170), to occur at 5:15 p.m.

Nominations Confirmed: Senate confirmed the following nominations:

- Thomas L. Sansonetti, of Wyoming, to be an Assistant Attorney General.
- James Edward Rogan, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.
- Edward Hachiro Kubo, Jr., of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.
- Sheldon J. Sperling, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.
- David E. O'Meilia, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.
- David R. Dugas, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.
- Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere.
- William Schubert, of Texas, to be Administrator of the Maritime Administration.
- Arden Bement, Jr., of Indiana, to be Director of the National Institute of Standards and Technology.

Nominations Received: Senate received the following nominations:

- James A. McDevitt, of Washington, to be United States Attorney for the Eastern District of Washington, for the term of four years.
- Johnny Keane Sutton, of Texas, to be United States Attorney for the Western District of Texas, for the term of four years.
- Richard S. Thompson, of Georgia, to be United States Attorney for the Southern District of Georgia, for the term of four years.

A routine list in the Coast Guard.

Nominations Received: Senate received the following nominations:

- Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.
- C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.
- Scott A. Abdallah, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.
- Thomas P. Colantuono, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.
- Harry E. Cummins III, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years.
- Michael Taylor Shelby, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Messages From the House:

Measures Placed on Calendar:

Measures Read First Time:

Enrolled Bills Presented:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Adjournment: Senate met at 9:30 a.m., and adjourned at 1:54 p.m., until 1 p.m., on Monday, December 3, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12273.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

Measures Introduced: 4 public bills, H.R. 3387–3390 were introduced. Page H8746

Reports Filed: Reports were filed today as follows:

- H.R. 3030, to extend the “Basic Pilot” employment verification system, amended (H. Rept. 107–310, Pt. 1); and
- H.R. 64, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, amended (H. Rept. 107–311). Pages H8745–46

Transportation Appropriations Conference Report: The House agreed to the conference report on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 by a yea and nay vote of 371 yeas to 11 nays, Roll No. 465. Pages H8734–40

Earlier agreed to H. Res. 299, the rule that waived points of order against the conference report by voice vote. Pages H8733–34

Legislative Program: The Majority Leader announced the Legislative Program for the week of December 3. Pages H8740–41

Meeting Hour—Tuesday, Dec. 4: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, Dec. 4 for morning hour debate. Page H8741

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Dec. 5. Page H8741

Senate Messages: Messages received from the Senate today appear on pages H8740.

Referral: S.J. Res. 26 was referred to the Committee on House Administration. Page H8744

Quorum Calls—Votes: One yea and nay vote developed during the proceedings of the House today and appears on page H8740. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:45 a.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

TRANSPORTATION APPROPRIATIONS

Conferences on Thursday, November 29, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002.

EDUCATION REFORM

Conferences met to resolve the differences between the Senate and House passed versions of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, but did not complete action thereon, and recessed subject to call.

CONGRESSIONAL PROGRAM AHEAD

Week of December 3 through December 8, 2001

Senate Chamber

On Monday, Senate will resume consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act, with a vote to occur on a motion to close further debate on Lott/Murkowski/Brownback Amendment No. 2171 (to Amendment No. 2170), to occur at 5:15 p.m.

During the balance of the week, Senate may consider any other cleared legislative and executive business, including appropriation bills and conference reports when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: December 4, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues concerning cloning, 9 a.m., SD–192.

December 4, Subcommittee on Defense, business meeting to mark up H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, 10 a.m., SD–124.

December 4, Full Committee, business meeting to mark up H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, 3 p.m., SD–106.

Committee on Armed Services: December 4, to hold hearings on the nomination of Claude M. Bolton, Jr., of Florida, to be Assistant Secretary of the Army for Acquisition; to be followed by a business meeting to consider pending nominations, 9:30 a.m., SR–222.
Committee on Banking, Housing, and Urban Affairs: December 4, to hold hearings to examine housing and community development needs in America, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: December 5, Subcommittee on Science, Technology, and Space, to hold hearings to examine the technology sector in times of crises, 9 a.m., SR–253.

December 6, Full Committee, to hold hearings to examine the corporate average fuel economy, 10 a.m., SR–253.

December 6, Full Committee, to hold hearings on the nomination of Jeffrey Shane, of the District of Columbia, to be Assistant Secretary of Transportation, both of the Department of Transportation, 2:30 p.m., SR–253.

December 7, Full Committee, to hold hearings on the nomination of Sean O’Keefe, of New York, to be Administrator of the National Aeronautics and Space Administration, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: December 5, to hold hearings on the nomination of Margaret S.Y. Chu, of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, and the nomination of Beverly Cook, of Idaho, to be Assistant Secretary for Environment, Safety and Health, both of the Department of Energy; and the nomination of Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, and the nomination of Rebecca W. Watson, of Montana, to be Assistant Secretary for Land and Minerals Management, both of the Department of the Interior, 9:30 a.m., SD–366.

December 6, Full Committee, to hold hearings to examine negotiations for renewing the Compact of Free Association, 9:30 a.m., SD–366.

Committee on Environment and Public Works: December 4, to hold hearings to examine the remediation process of biologically contaminated buildings, 9:30 a.m., SD–406.

Committee on Finance: December 4, business meeting to mark up S. 1209, to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, 10 a.m., SD–215.

Committee on Foreign Relations: December 4, to hold hearings on pending nominations, 2:15 p.m., SD–419.

December 4, Full Committee, to hold hearings on the nomination of William R. Brownfield, of Texas, to be Ambassador to the Republic of Chile; and the nomination of Charles S. Shapiro, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, 4:30 p.m., SD–419.

December 6, Full Committee, to hold hearings to examine the political future of Afghanistan, 10:30 a.m., SD–419.

Committee on Governmental Affairs: December 5, to hold hearings to examine the local role in homeland security, 9:30 a.m., SD–342.

December 6, Full Committee, to hold hearings to assess the vulnerability of United States seaports and whether the Federal Government is adequately structured to safeguard them, 9:30 a.m., SD–342.

Committee on the Judiciary: December 4, to resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism, 10 a.m., SD–226.

December 4, Full Committee, to resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism, 2 p.m., SD–226.

December 5, Full Committee, to hold hearings to examine the nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, 10 a.m., SD–226.

December 5, Subcommittee on Youth Violence, to hold hearings to examine the future of the community oriented policing services program of the Department of Justice, 1:30 p.m., SD–226.

December 6, Full Committee, to resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism, 10 a.m., SD–106.

United States Senate Caucus on International Narcotics Control: December 4, to hold hearings to examine rave party promoters and club drugs, 2:30 p.m., SR–385.

House Chamber

To be announced.

House Committees

Committee on the Budget, December 5, hearing on Restructuring Government for Homeland Security: Nuclear/Biological/Chemical Threats, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, December 4, Subcommittee on Telecommunications and the Internet, hearing on “The Status of Competition in the Multi-Channel Video Programing Distribution Marketplace, 2 p.m., 2123 Rayburn.

December 5, Subcommittee on Oversight and Investigations, hearing titled “A Review of Security Issues at Nuclear Power Plants,” 10 a.m., 2123 Rayburn.

Committee on Government Reform, December 5, hearing on “The FBI’s Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?” 12 p.m., 2154 Rayburn.


December 5, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on “The Debt Collection Improvement Act of
1996: How Well is it Working?” 10 a.m., 2244 Rayburn.


Committee on International Relations, December 5, hearing on Bioterrorism: Potential Sources of Anthrax, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, December 4, oversight hearing on Direct Broadcast Satellite Service and Competition in the Multichannel Video Distribution Market, 10 a.m., 2141 Rayburn.

December 5, hearing on H.R. 3295, Help America Vote Act of 2001, 1 p.m., 2141 Rayburn.


December 6, Subcommittee on Commercial and Administrative Law and the Subcommittee on Courts, the Internet, and Intellectual Property, joint hearing on the Settlement Agreement by and among the United States of America, the FCC, NextWave Telecom, Inc., and certain affiliates, and Participating Auction 35 Winning Bidders, 10 a.m., 2141 Rayburn.

Committee on Resources, December 4, Subcommittee on Forests and Forest Health, oversight hearing on Conflicting Laws and Regulations—Gridlock on the National Forests, 3 p.m., 1334 Longworth.

Committee on Rules, December 4, to consider the following: Conference Report to accompany H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002; and the Conference Report to accompany H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, 5:30 p.m., H–313 Capitol.

Committee on Science, December 5, hearing on Science of Bioterrorism: Is the Federal Government Prepared?” 10 a.m., 2318 Rayburn.

Committee on Small Business, December 6, hearing on the SBA’s efforts to provide assistance to those directly and indirectly impacted by the terrorist attacks of September 11, 2001, upon the World Trade Center in New York City and the Pentagon in Arlington, Virginia, 2 p.m., 2360 Rayburn.

December 6, Subcommittee on Tax, Finance, and Exports, hearing on a number of economic stimulus proposals, and their possible impacts on the nation’s economy, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, December 6, Subcommittee on Coast Guard and Maritime Transportation, hearing on Port Security, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, December 4, Subcommittee on Health, hearing on Status of the Medicare+Choice Program, 10 a.m., 1100 Longworth.

Joint Meetings

Conference: December 5, closed meeting of conferees on H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 2 p.m., S–407, Capitol.

Commission on Security and Cooperation in Europe: December 6, to hold hearings to examine the state of human rights, democracy and security concerns in Kyrgyzstan, focusing on human rights and democracy in the Central Asian region, 2 p.m., 334 Cannon Building.
Next Meeting of the SENATE
1 p.m., Monday, December 3

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:45 p.m.), Senate will resume consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act, with a vote on a motion to close further debate on Lott/Murkowski/Brownback Amendment No. 2171 (to Amendment No. 2170), to occur at 5:15 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, December 4

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

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