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

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

I hereby appoint the Honorable Gil GUTKNECHT 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:

Lord God of the ancient covenant with Abraham, be with us now. You spoke to the man of faith and broke the silence of human history. You said to Abraham:

"I am God Almighty. Live always in my presence and be perfect, so that I may set my covenant between myself and you and multiply your descendants."

As God Almighty, in personal relationship with the human family, You become the God of the living, the God of our father Abraham, Isaac, Jacob, and their descendants in faith.

Because of this relationship with You, people even to this day stay in dialogue with You. By prayer, living in Your presence, and daily efforts to being faithful to Your covenant, Your people themselves change. Although You the Almighty do not change, You perfect Your people of faith according to Your design, Your call, and Your purpose.

Renew today Your covenant with Your people. Make of us a people of promise and hope, a people bound to be faithful to their commitments, a people who respect all the living. As descendants of Abrahamic faith, believing in a living God, may all Your people come together in peace through justice and compassion, both 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 Pennsylvania (Mr. GEKAS) come forward and lead the House in the Pledge of Allegiance.

Mr. GEKAS 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 ten 1-minute speeches on each side.

LACK OF PERFORMANCE IS REFLECTED IN OUTCOME

(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, we are here on December 13 in our Nation’s Capitol awaiting some progress from the other Chamber. The economy is in trouble. Joblessness is increasing. Unemployment and layoffs are occurring around our Nation. It seems like on the other end of this wonderful, majestic building are people that do not get it. They do not understand the pain and anguish of Americans who are suffering. They do not recognize as we head into the holidays that people need some hope in the economy and the stock market needs a little boost.

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 symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in **this** **typeface** indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Now, I pray over the next couple of days that they find their direction and find their way to assist average Americans in making a more secure future for themselves and their families. They can leave this Capitol without doing anything, and they will be the do-nothing, other body. I am trying to avoid using the term, because I do not want to be admonished by the Chair. But I think most Americans are disgusted by their lack of performance, and it will be reflected.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must admonish the Member that it is a violation of House rules to speak disparagingly about Members of other body.

HAPPY 70TH BIRTHDAY TO MITZIE WILSON, A PILLAR OF THE COMMUNITY

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

Mr. MASCARA. Mr. Speaker, I rise today to pay tribute to Mitzie Wilson, an outstanding American, friend and neighbor from Charleroi, Pennsylvania, my hometown. She, her husband, Don, and her son, Glenn, are considered pillars of the community. She will celebrate her 70th birthday on January 17, 2002. We wish her a happy birthday and many more to come.

While many of us in Congress talk about the importance of family values, Mitzie and her family serve as a model that every American should emulate. They are the first to offer to take neighbors for doctor visits, pick up prescriptions at a drugstore, and shovel walks for elderly neighbors. As if that were not enough, her son is a volunteer firefighter in Charleroi, Pennsylvania. Mrs. Mascara and I have been the recipients of their kind acts.

Finally, Mitzie served our country as a member of the Air Forces, United States Air Force serving in Guam. Happy birthday, Mitzie. We are proud to know you and to be considered your friend.

TERRORISM IN INDONESIA MUST BE ADDRESSED AS PART OF WAR ON TERRORISM

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

Mr. PITTS. Mr. Speaker, I rise today out of concern over the serious internal terrorist attacks occurring in Indonesia.

A terrorist extremist group, Laskar Jihad, led by a man by the name of Jafar Umar Thalib, has caused tremendous destruction, death, and internal displacement of the Indonesian people. In Poso, Central Sulawesi, villagers are presently fleeing in terror as Laskar Jihad attacks and burns their homes and kills innocent people.

Credible reports in the news media have revealed links because the Laskar Jihad and the al Qaeda organization. During the attacks in Poso, foreigners from countries like Pakistan and Afghanistan have been seen among the terrorists. There is not only a strong ideological link, but also an important financial link between al Qaeda and Laskar Jihad.

Mr. Speaker, it is vital that we work proactively with the Indonesian Government as their officials seek to appropriately respond to terrorism and as they continue to establish democracy and stability in their Nation.

This is another front in the international war on terrorism that should be addressed.

BIN LADEN CANNOT HIDE MUCH LONGER

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

Mr. TRAFICANT. Mr. Speaker, Osama bin Laden is holed up in Tora Bora. Reports say that bin Laden is near the precinct of his great demise. The cornerstone of his condominium is crumbling, and they predict he will fall.

Think about it. Bin Laden was always one who was flexing his muscles, strutting his stuff, scaring people to death.

Beam me up, I now officially deem bin Laden as “bin hiden.” This gutless coward from Tora Bora has no balsam, period.

I yield back with a famous quote of Mohammed Ali. Bin Laden can run, but bin Laden cannot hide much longer.

STAFF DESERVE RESPECT AND APPRECIATION

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

Mr. PENCE. Mr. Speaker, the Bible tells us that the testing of our faith develops perseverance, and perseverance must finish its work that we might be mature, complete, not lacking in anything.

At this hour, Mr. Speaker, as every day since the emergency adjournment of the Congress on October 17, my Washington staff labors on card tables and folding chairs in the relative obscurity of a Rayburn office building banquet hall. These dedicated young people have been exiled from our Washington office ever since we learned that trace elements of anthrax were discovered, and they have been laboring, Mr. Speaker, with astonishing integrity and astonishing commitment and dedication to the thousands of people we serve across east central Indiana. Bill Smith, Ron Arnold, Jennifer Marsh, Patrick Wilson, Stephen Piegrass, Ryan Fisher, Andrew Kincaid, Chris Kiefer, and Mary Breeding all deserve recognition for their patient endurance in the trial of serving and especially for their patience in putting up with me.

When I asked each one of them whether or not they might talk with their parents about a better place to work after 9-11 and even after the anthrax scare, I told them there was only one family that had to be in Washington, D.C. to serve the people in this district and that was mine; and to their undying credit, every one of them stayed. They labor at this very hour on behalf of the people of the second district, and they deserve our respect and appreciation.

THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Ms. WOOLSEY. Mr. Speaker, I rise today to urge the Republican leadership to bring the bill of the gentleman from Michigan (Mr. CONyers), H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, to the House floor before we leave next week.

Communities across the Nation, including Marin and Sonoma Counties, where I work and that I am privileged to represent, are horrified by the brutal crimes committed against innocent Sikhs, Arabs, Indians, and people of Muslim faith. Our children are watching in horror as their moms, their dads, brothers, sisters and close friends are being harassed, spit on, beaten, and, even worse, killed.

These hate crimes are happening in their neighborhoods, their schools, and their places of worship. Does this Congress want to stand by and let our children be subjected to this kind of hate, or will the 107th Congress recognize the problem at hand and take the action necessary to reverse this trend by bringing H.R. 1343 forward?

Mr. Speaker, we must past this bipartisan bill now.

LACK OF ACTION IS DISAPPOINTING

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

Mr. RYUN of Kansas. Mr. Speaker, in the aftermath of the September 11 attacks, we saw our Nation unite as never before. For a time this unity exhibited itself in Washington in a refreshing spirit of bipartisanship.

Unfortunately, today while the American people remain united behind the majority leader in their desire to obstruct certain important pieces of legislation. Here in the
House we passed an economic stimulus package, a ban on human cloning, a faith-based bill, an energy bill, just to name a few. What action has the other body taken on these items in response? Absolutely none.

To borrow a word from the majority leader in the other body, this lack of action is disappointing.

All of us in Congress are sent here to get a job done. The leader of the other body should not be allowed to single-handedly derail the people’s business.

Mr. Speaker, I urge the people on the other side of the Capitol to put business over politics and allow votes on these important bills.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair will admonish Members not to characterize the action or inaction of the other body.

PROTECTING OUR NEIGHBORS

(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, one of the real bright spots following September 11 in this country has been the number of times that Americans have stood up for tolerance and against hate. Last weekend I was at the Northgate Mosque north of Seattle to visit a mosque where people had actually tried to burn down the mosque. When I got there, there were four people standing out in front of the mosque waiving at people driving by, and I asked folks in the mosque what those folks were doing. They said that they were a neighborhood watch guard that had been established by the neighbors of the mosque, none of whom were Muslim, of the Muslim faith, to guard the mosque.

I think there has been a lot of good sides that we have shown the world of protecting our neighbors in this regard.

□ 1015

Now the U.S. Congress ought to do its part and pass the Local Law Enforcement Hate Crimes Prevention Act so that we can help local law enforcement help the folks in these neighborhoods protect those who are the subject of hate.

That is the American message, and I think it would be a good holiday statement by the U.S. House of Representatives.

LIFE LION 15TH ANNIVERSARY

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

Mr. GEKAS. Mr. Speaker, Hershey, Pennsylvania, of course, is known throughout the world as the chocolate capital of the world, but there is another institution in Hershey which also is well known and well accepted in the larger community. That is the Penn State Hershey Medical Center.

One of the fantastic services they provide is called the Life Lion, L-I-O-N, Life Lion service of helicopter emergency retrieval of accident victims and emergency victims of all types for transportation to the Medical Center, or for transportation from the medical center to another institution that requires the kind of medical services required. This helicopter unit is made up of a pilot, a paramedic, and a flight nurse, and is nonstop throughout all the days and all the weeks of the year.

What is important for us, and why I bring it to Members’ attention here today, is that this has been serving as a model throughout the Nation for similar types of services, and today they are celebrating 15 years of excellent service to the community.

H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2001

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

Ms. DEGETTE. Mr. Speaker, earlier this year a young man in Colorado was brutally beaten and left for dead in southwestern Colorado because he was transgendered and openly gay. His attacker left him in the cold night to die alone, and his body was later found in the advanced stages of decomposition with a broken skull and a slash on his abdomen.

Despite the fact that the attacker later bragged about “killin’ a fag,” the crime has yet to be declared a hate crime, and local prosecutors are without resources to fully investigate the crime.

That is why I rise today to call upon the House to pass H.R. 1343, the Hate Crimes Prevention Act. This bill would provide Federal financial and technical assistance to State and local governments to prosecute these horrifying hate crimes and would allow the Federal Government to prosecute crimes where State or local authorities refuse to act.

Congress must pass H.R. 1343 to bring justice for this young man’s death and the many hate crimes throughout America.

RECOGNIZING MAJOR JAMES HENSIEN OF THE UNITED STATES MARINE CORPS

(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 recognize Major James Hensien of the United States Marine Corps, who has spent the past year working in my office as Marine Corps Fellow.

As part of the fellowship program, Major Hensien has exemplified the impeccable characteristics that one would expect from an officer of the United States Marines.

Major Hensien has played a key role in my office, advising me on military affairs, both nationally and within my Virginia district.

As Major Hensien’s 1-year fellowship comes to a close, I would be doing our Nation a disservice if I failed to recognize Major Hensien and the Marine Corps Fellowship Program for their outstanding service and contributions they have given to Congress and America.

I would like to thank Major Hensien for his service this past year and extend my compliments to the United States Marine Corps Fellowship Program for their continued pursuit of excellence. Major Hensien is a credit to the Marine Corps, and an example of the quality of our men and women in uniform.

Once again, I would like to thank Major Hensien for his service and wish him God speed in all of his future endeavors.

HATE CRIME PREVENTION

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

Ms. SOLIS. Mr. Speaker, today I rise again to support the Local Law Enforcement Hate Crimes Prevention Act of 2001, introduced by my good friend, the gentleman from Michigan (Mr. CONYERS). The act promotes a strict enforcement of hate crimes, providing Federal assistance to States and local jurisdictions to prosecute these cowardly crimes.

In my own district, in the city of Azusa, we have experienced several hate crimes. In fact, in 1999, 11 hate crimes were reported, Latinos fighting with African Americans. Unfortunately, in this past year, Azusa has already experienced nine hate crimes alone, and those were the only ones that were reported. What about the ones that were not reported?

Earlier this month, a Molotov cocktail was maliciously thrown at three different homes, African American families, and almost killed a young child. In one of these outrageous attacks, the bomb landed in the bedroom of a 6-year-old boy.

We must stand to protect our children and communities from these hateful actions. I want to be able to tell the people in my district that here in Washington, D.C. we are doing something about hate crimes. We need to empower our law enforcement and give more support to combat hate crimes.

AMERICA’S BLOOD SUPPLY READINESS MUCH IMPROVED

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

Mr. FLETCHER. I would like to recognize the outstanding service and contributions made by the United States Marine Corps Fellowship Program for their continued pursuit of excellence. Major Hensien is a credit to the Marine Corps, and an example of the quality of our men and women in uniform.

I would like to thank Major Hensien for his service this past year and extend my compliments to the United States Marine Corps Fellowship Program for their continued pursuit of excellence. Major Hensien is a credit to the Marine Corps, and an example of the quality of our men and women in uniform.

Once again, I would like to thank Major Hensien for his service and wish him God speed in all of his future endeavors.
minute and to revise and extend his remarks.

Mr. FLETCHER. Mr. Speaker, I rise to draw my colleagues’ attention to largely overlooked yet significant accomplishments on the homeland security front.

Before the tragic events of September 11, the United States had a blood inventory of about 2 to 3 days. Critical blood shortages often meant cancellation of elective surgery and a national vulnerability to any sudden and widespread need for blood.

Today, thanks to hundreds of thousands who have donated blood, and to the American Red Cross working tirelessly to collect it, we have tripled our supply to a 10-day national inventory of liquid red cells. This means enough blood to treat the immediate needs of 50,000 critically injured patients; and as a physician, I understand just how important that is.

However, blood is a perishable commodity, and sustaining an adequate supply will require 25,000 donations a day. That is why it is critical to our homeland health security that we encourage the national habit of giving blood twice a year.

I hope all of us will encourage our friends and family to do so by calling 1-800-GIVE LIFE.

CALLING FOR A VOTE ON H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2001

Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. CARSON of Indiana. Mr. Speaker, before September’s explosions of hatred, we needed hate crimes legislation to help local jurisdictions across the country deal with crimes motivated by prejudice. After, as we experienced the hate-filled behavior of some of our own people, the need is underscored.

Since this has come to us at home and on the Hill of wanton attacks upon Americans of Arab and Muslim descent. In my hometown, young people fueled by hatred brutally attacked a young Hoosier Air Force veteran of Thai descent, intent upon vengeance.

Hatred is a thing bad in itself. Unchecked, it is our bitter enemy. When it powers violence, its reach is extended into the realm where terror is born, multiplying its victims.

202 of us have cosponsored H.R. 1343. I implore those who control the flow of business here to let us vote, Mr. Speaker, to underscore the determination of this House that hatred has no home in our land.

IT IS TIME FOR THE SENATE MAJORITY TO ACT

Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. WELDON of Florida. Mr. Speaker, last month, prior to Thanksgiving, the House passed the Economic Security Recovery Act. The other body has yet to act on this important legislation.

The Associated Press recently quoted the Senate majority leader as saying an economic growth bill is “not as front burner an issue” as other important business.

I beg to differ. The House has done its work. We passed a solid bill to jumpstart America’s economy: create jobs, and restore consumer confidence; and that spending puts more money in the pockets of working Americans.

Mr. Speaker, President Bush has asked the Congress to get to work and get something done on this important issue. So far the leaders in the Senate majority have failed to heed the call and are refusing to act on this legislation.

To ignore the plight of millions of Americans who are hurting right now because they are unemployed is wrong and irresponsible.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would once again admonish Members that it is a violation of House rules to disparage or inaction by the other body.

LET US PASS A REAL ECONOMIC STIMULUS PACKAGE WHICH HELPS HARD-WORKING AMERICANS AND THEIR FAMILIES

Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but join my colleagues in asking that the Local Law Enforcement Hate Crimes Prevention Act of 2001 be brought to the floor of the House immediately. There is a need for this Nation to stand up against hateful acts.

But I come this morning to speak about something that I think is overwhelming to many Americans. It is the season to be jolly, but not for all. Unemployment is at a 6-year high.

I want to join the gentleman from Kansas (Mr. MOORE) in asking for an immediate freestanding bill to help the now 8 million unemployed Americans, families like those in my district, whose only breadwinner earned $75,000. He took care of a family of eight. Now he earns zero because he has lost his job.

We need a bill now that extends unemployment insurance benefits, that provides help for health insurance coverage. We do not need the Republican large corporate tax cut of $26 billion.

Let us pass a real economic stimulus package that stimulates the economy for hard-working Americans who have now lost their jobs.

Let this truly be a season to be jolly for all of the children and hard-working Americans that have made this country great.

WE MUST PRIORITIZE SPENDING TO AVOID LEAVING A BIGGER DEBT FOR OUR CHILDREN

Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. SMITH of Michigan. Mr. Speaker, this is a great opportunity for me to talk about spending because one of this body’s most capable chairs of the Appropriations Committee on Appropriations, Bill Young, is here before us. I see a great challenge facing us next year. With revenues down and spending for the aftermath of Sept. 11 up, it is going to be a challenge to hold the line on a budget.

Increasing our debt means that we are leaving a larger mortgage to our kids and our grandkids.

With any emergency, whether a business, or a family, or a government, we should start prioritizing. The family or business would reduce unnecessary spending so as to have money for the emergency.

Here in Washington we should look at some less-important expenditures of the Federal Government or those that can be delayed. Use the money saved for the important things Congress should do to help strengthen the economy and fight the war on terror.

Mr. Speaker, I would conclude by reporting that our current debt is $5.879 trillion; our debt limit is $5.95 trillion.

If we do not prioritize, we are going to be increasing our debt and leaving a greater burden for our kids.

AMERICA IS FIRING THE STARTING GUN ON A NEW ARMS RACE

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

Mr. MARKEY. Mr. Speaker, this Administration has Arms Control Amnesia. The President has decided to unilaterally withdraw from the Anti-ballistic Missile Treaty. He and his administration do this without really fully understanding what the response from China will be.

In fact, if we decide that we are going to attempt to deploy a system, by the way, one on which we have already spent $50 billion without any real success, then there is a very high probability that there will be a dramatic increase in Chinese expenditures on their missiles that will be pointed at the United States. We have already been through that arms race for generations. It is time for us to end that race.

The ostensible justification for pulling out, however, is September 11. That event was not caused by the absence of a missile defense; it is because we did not have a policy of thinking about
thoroughly the terrorist threats that could in fact jeopardize the lives of ordinary Americans.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. J. Res. 78, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H. J. Res. 78) making further continuing appropriations for the fiscal year 2002 and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 78 is as follows:

H.J. RES. 78
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-44 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof “December 21, 2001.”

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, December 12, 2001, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) will each control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

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

Mr. Speaker, the legislation before the House, House Joint Resolution 78, will extend the current continuing resolution until December 21, at which time we hope to have all of the appropriations bills completed and on the President’s desk.

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. YOUNG) has expired.

Mr. Speaker, this is a noncontroversial CR. The terms and conditions of the previous continuing resolution will remain in effect. All ongoing activities will be continued at current rates, under the same terms and conditions as fiscal year 2001, with the exception of the agencies covered by the fiscal year 2002 appropriations bills that have already been enacted into law.

Nine of the fiscal year 2002 13 appropriations bills have already been signed, plus two supplemental appropriations bills. One more 2002 bill is awaiting the President’s signature. That is the District of Columbia appropriations bill.

Most of the government agencies are already operating at fiscal year 2002 levels. We are prepared to present the three remaining bills, the Foreign Operations bill, the Labor-HHS bill and the Defense bill when the House reconvenes next week, and we expect those bills to be completed and ready to go through the Senate and the President.

I urge the House to move the CR to the Senate and so we can get on with the rest of the business of the day.

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

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, I certainly want to rise in support of this continuing resolution. I think the gentleman is correct. We are hoping that by a week from now the House and Senate will be able to actually pass it and shut it down for the Christmas season. Things can always get in the way, but I hope that they do not.

As the gentleman indicated, there are about three major impediments to our continuing resolution. One is the Labor, Health, Education appropriation bill. We are very close to agreement on that. The second is the Defense appropriations bill, to which has been attached the anti-terrorism supplemental. And then we have the potential for a stimulus package which could either wind up being a true stimulus to the economy or just another tax boondoggle. This committee (and let me point out over what is produced on that score.

Let me simply say, I want to take a couple of minutes because of remarks made by previous speaker about what we face next year. I think it is useful to note that while this House has had many a fight this year, that all but one of the appropriation bills, that this House passed, passed with broad bipartisan support, and the Chairman of the committee and I, I think, have developed a very good working relationship on those bills.

I have noted with considerable frustration the fact that some people in this institution manage with spectacular frequency to aim at the wrong targets in blaming, or in trying to assess blame for the loss of the surplus or for the fact that the House has not been able to shut down.

Willie Sutton, the famous bank robber, used to say that the reason he robbed banks is that he knew where the money was. The problem is that we have too many people in this institution and elsewhere, including some who make their business with a pen or a computer, there are too many people who blame the appropriations process, which, in fact, in terms of budget problems, that is where the gnat’s are. And as a result, we keep making the same mistakes and recreating deficits all over again.

Someone once said, I do not remember if it is my favorite philosophy, Archie the cockroach, or if it was Will Rogers, one of the two, who said that experience is that quality that enables you to recognize a mistake when you make it again, and that is what I think this Congress will go down in history as being noted for.

In 1981, this Congress passed President Reagan’s budgets, and those budgets essentially quadrupled our deficits over the next few years because they separated consideration of tax matters from budget matters, and they wound up blowing a huge hole in the side of the deficit by promising very large tax cuts, which had to be paid for by borrowing a huge amount of money and at the same time the defense budget was being doubled.

It took us 20 years to dig out from those deficits. We finally reached the point just 3 years ago where, I think, every American and certainly most people in this institution, if not all, took great pride in the fact that we had actually turned the corner and appeared as though we would be facing a string of surpluses. Some of us thought that the string of those surpluses would be more modest than others, but nonetheless, we faced a string of surpluses, and now, this Congress, in one short year, has blown them all.

Mr. Speaker, I am inserting in the Record that this afternoon an analysis prepared by the House Committee on the Budget minority staff which is entitled “What Happened to the Surpluses,” and if you look at that, you will see that we started this year with huge expectations, huge surpluses for as far as the eye could see, but by the end of the year, they are gone for three reasons essentially.

THE DISSIPATION OF THE BUDGET SURPLUS, 2001

EXECUTIVE SUMMARY

1. On November 28, 2001, President Bush claimed that his Administration “brought sorely needed fiscal discipline to Washington.” On the same day, OMB Director Mitchell Daniels warned that we would not expect another budget surplus until 2005—a term of office in which we hope to have the President’s term of office is up.

The unified budget surplus of $304 billion projected for FY 2002, and the projected surplus of $5.62 trillion projected over ten years, which this Administration inherited, are gone. Director Daniels blamed the economy and the fight against terrorism, and absolved the President’s tax cuts. In fact, last June’s tax cut is most responsible for wiping out the surplus, and the Republican stimulus plan, with further permanent tax cuts, would only dig the hole deeper.

2. The Republican tax cut contributed more than half—54.7 percent—of this year’s dissipation of the surplus, based on the bipartisan, bicameral estimates of the Budget Committee staffs.

3. The worsening of the economy, which began well before September 11, has had a significant impact in the near term (2001 to 2003). But, beyond those next few years, the effects of the economy fades as recovery takes hold. The role of increased spending—to counter terrorism and to address other priorities—is not significant.

On net, virtually all of today’s estimated cumulative ten-year surplus of $2.604 trillion comes from the Economic Security Trust Fund surplus, and is concentrated in the future years where the outlook is uncertain.

5. These events and estimates prove even more that the tax cut was irresponsible. It
made the budget more vulnerable to unforeseen crises, economic misfortune, and ultimately the burdens of the baby boomers’ retirement.

OMB Director Mitchell Daniels has warned the country not to expect another budget surplus before President George Bush’s term of office is up. Director Daniels blamed the economy and the fight against terrorism; he absolved the President’s tax cuts. In fact, the Administration advocates further permanent tax cuts in its economic stimulus plan. The Administration’s June tax cut wiped out most of the surplus and now they want to dig the hole deeper.

From May to October of this year—a period of five months—the projected 2002 unified budget surplus of $504 billion disappeared. The projected year-end surplus this year dropped from $5,629 trillion to $2,604 trillion. More bad news is sure to come with the economic and budget updates next January. Furthermore, all of today’s estimated cumulative ten-year surplus of $2.604 trillion comes from the Social Security and Medicare Trust Fund surpluses. What little surplus remains is concentrated in the future years, where the outlook is most uncertain.

How did this happen? Economic cycles and the terrorist attacks surely contributed. But there is no doubt that the greatest part of this fiscal injury was self-inflicted—through an excessive tax cut.

After the Congressional Budget Office (CBO) significantly increased its projections of the budget surplus over the ten-year horizon at the beginning of this year, the Administration and Congressional Republicans proceeded to commit virtually every scrap of revenue to the tax cut. When the Congress passed, and the President signed, the tax cut over the eleven fiscal years 2001-2011. With an additional $0.386 trillion due to increased debt service, the total budgetary hit from the tax cut alone exceeds $5 trillion.

However, the tax cut did leave an ostensible $0.386 trillion due to increased debt service, the total budgetary hit from the tax cut alone exceeds $5 trillion. When the President’s $18 billion defense budget amendment to his original placeholder request has been built into the appropriations process, and further contributions from other Administration and Congressional Republicans in fact did was to pass the tax cut first. The Congress passed, and the President made in August.

Again, on a bipartisan, bicameral basis, the staffs of the two Budget Committees have concluded that the total costs of these initiatives (discounting the programs plus the economic reestimates) will reduce the surplus by $124 billion in 2002, and by $793 billion over 2002-2011. And these estimates suggest that the stimulus bill is working its way through the Congress, and other unaddressed priorities such as the farm bill, education, expiring tax provisions, and the bloating individual alternative minimum tax.

The President’s enacted tax cut remains by far the most disturbing element to the deterioration of the budget outlook over the next ten years. Not including the stimulus bill or any other pending tax initiatives, the tax cut contributed more than half—54.7 percent—to the depletion of the surplus over the ten years 2002-2011.

The worsening of the economy (including technical reestimates) has had a significant impact in the near term (2001 to 2003 or so). Economic and technical factors dominate the figures (62.8 percent) in 2002. However, the impact of this effect on the deficit is expected to diminish as recovery is projected to take hold, for the last five years of the budget window, the share of the tax cut in the total worsening—enough to boost the surplus by $80 billion is not comforting on the disaster as well. The President’s $18 billion defense budget amendment to his original placeholder request has been built into the appropriations process, and further contributions from other Administration and Congressional Republicans who are now promoting a second tax cut which will dig the hole even deeper—a fact which should inform future policy choices, lest budget outcomes prove even worse.

This document demonstrates that the tax cut that passed earlier in the year contributed to more than half of the erosion of the surplus, 54.7 percent. It points out that another significant portion was caused by the events in the aftermath of the September 11 attack on this country. And it also describes the remaining factors that led to the total disappearance of those surpluses. Not only are we facing the likelihood of no surpluses for the next few years, we are facing the likelihood of substantial deficits.

This Congress after they passed the first tax cut, this House again went on to authorize, promising what it could not responsibly deliver, and wound up offering the largest corporations in this country more than $25 billion cumulatively in 15-year retroactive tax cuts in the form of the repeal of the minimum corporate income tax. The White House has not only gone on to similar spending binges on the tax side of the ledger. And the tragedy, in addition to the loss of the surplus, has been that those tax cuts have been primarily directed at the people who need them least: and, therefore, they are tax cuts which are unlikely to have the least stimulative effect on the economy.

If you provide additional unemployment compensation to people, if you help them to pay for their health insurance if they have been laid off, they will spend, they will spend that money immediately and that will stimulate the economy. But the tax cut passed

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earlier in the year by our majority friends in this House, when fully effective, will provide a $52,000-a-year tax cut to the wealthiest people in this country. They will not spend most of this money. They will bank it. They will pocket it. That will not stimulate the economy. I regret that dichotomy be-
gaged war and a very poorly managed
which has provided a very well man-

...ness that the gentleman has tried to stick to the facts. He has been victorious sometimes and he has been overrun sometimes. And I know if his judgment were allowed to prevail, this Congress could have ended a whole lot sooner with really very minor adjust-
ments that nonetheless would have been very important in strengthening the security of this country. And I re-
gregate on those matters that we will have to address them at a later day.

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

Mr. YOUNG of Florida. Mr. Speaker, I
yield myself such time as I may con-
sume.

Mr. Speaker, I want to thank my
friend and colleague, the gentleman
from Wisconsin (Mr. OBEY), the rank-
ing member on the Committee on Ap-
propriations because he is right. When
he pointed out how well the appropria-
tions process has worked this year, he
is exactly right; and that is because we
had a good working relationship. We
had some differences but we worked
them out. And we got, except for one
bill, we got very substantial votes on
the other bills and I think that is a
very good sign.

We got off to a little late start this
year because the President was late
getting started since it took a while to
decide who was going to be President. So
we were fairly late in getting the
detailed appropriations request from
the administration. As we got started,

...of the subcommit-
and I thank all Members for that. I
thank Members for the support and
correction that they have given us on
both sides of the aisle. We have worked
around our differences, and un-

Mr. Speaker, I want to thank the
gentleman from Wisconsin (Mr. OBEY)
correct. This resolution needs to be passed. I hope that it will be
the last one that needs to be passed
and that we can produce these two or
three bills that remain on the docket
when the Congress reassembles on
Wednesday next, as I understand the
plan.

I do want to thank the gentleman. I
hope this is the last time we are going
to be on the floor with one of these. I
do want to thank the gentleman for
doing his duty. When you are the Chair
of the Committee on Appropriations or,
for that matter, any member of the
Committee on Appropriations, it is
your job to expose the entire institu-
tion to reality. Everyone can have po-
litical philosophy. Everyone can have
their ideology. Everyone can have their
political views. But in the end, numbers do not lie. Members of Con-
gress can lie about the numbers, but
the numbers themselves do not lie.

The fact is that the gentleman has

...cess, and Members ought to be proud
of that.

There is another reason we have had
to have several continuing resolutions. If Members remember, one of the big-
gest complaints in previous years was
that at the end of the process, we

...ers. But in the end, num-
bers do not lie. The

Mr. Speaker, when people here say
that the staff has worked 24 hours
around the clock, I think they think
that is just figuratively. That is not
the case. There are a number of occa-
sions when many staffers on this com-
mittee have had to work for literally 2
to 3 days without ever having an hour of sleep. They have worked straight through. That will have to happen again if we are to finish the defense bill and the Labor-HHS bill in accordance with the schedule.

I do want to issue one warning because we have been told with respect to homeland security items, strengthening the FBI, giving greater security at the border, providing greater assistance to local public health officials in the event of an outbreak of biological or chemical attacks on this country by terrorists, we have been told do not worry, we can do that in March. There is plenty of time to do that in March. Members said that again to me yesterday.

If we look at the calendar for next year, this Congress is scheduled in January to have exactly 1 full day of session on January 24 and one-half day on January 25. The following week we will meet only after 5 p.m., and the next day there will be no votes after 2. So that is about 2 legislative days in the entire month of January.

If we look at the calendar for February, I see there are 6 full legislative days scheduled in February, and 3 other days where there will be no real activity until the evening. Give or take, that is about 7 working days.

In March, the same thing, about 7 1/2 full working days. If the Congress is to sit and deliberate and appropriate for defense and for homeland security, to expect this Congress with that few number of working days to actually get something from the President, hold hearings, produce a bill in the House, send it to the Senate, have the Senate pass it and have those differences worked out, it would be phenomenally rare if Congress were able to act that quickly. For those who say “Do not worry about any security [39954–1146a; CO–001–0045; CO–001–0046; CO–001–0052; CO–001–0045; CO–001–0046; CO–001–0047; CO–001–0052; CO–001–0053; CO–001–0054; CO–001–0055; CO–001–0056; CO–001–0057] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4832. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promotion of State Plans for Designated Facilities and Pollutants: Vermont; Negative Declaration Pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4837. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promotion of Implementation Plans; State of Kansas [KS 0140–1140a; FRL–7116–3] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


4839. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promotion of Implementation Plans; Illinois [IL213–1a; FRL–7117–7] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4840. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promotion of Implementation Plans; Illinois [IL210–1a; FRL–7111–1] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


4842. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promotion of Implementation Plans; Illinois [IL210–1a; FRL–7111–1] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
H.R. 3480. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin; to the Committee on Resources.

By Mr. LANGEVIN (for himself, Mr. BAIRD, Mr. PASCHIELLI, Mr. SANDLIN, Mr. TOWN, Mr. ÚDALL of Colorado, Mr. BILENTJEWSKI, Mr. KAPUTR, Mr. McDERMOTT, Mrs. THURMAN, and Mr. LIPINSKI):

H.R. 3481. A bill to require the National Institute of Standards and Technology to investigate the feasibility and costs of implementing a secure computer system for remote polling and communication for the Congress and establishing a system to ensure business continuity for congressional operations; to the Committee on House Administration.

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H.R. 3482. A bill to provide greater cybersecurity; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. SHAYS, Ms. SCHAKOWSKY, and Mrs. MALONEY of New York).

H.R. 3483. A bill to amend title 31, United States Code, to provide for intergovernmental cooperation to enhance the sharing of law enforcement information; to the Committee on the Judiciary.

By Mr. TAURIN (for himself, Mr. SENENRENNER, Mr. THOMAS, and Mr. CONVERSE):

H.R. 3494. A bill to resolve administrative disputes regarding certain spectrum licenses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, 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. ANDREW:

H.R. 3485. A bill to authorize the Secretary of Transportation to make grants for projects to purchase or installation of barriers to prevent public access to tracks and other hazards of fixed guideway systems in residential areas; to the Committee on Transportation and Infrastructure.

By Mr. BALLENGER (for himself, Mr. PETRI, Mr. GRAHAM, Mr. GREEN of Wisconsin, Mrs. MYRICK, and Mr. BURK of North Carolina):

H.R. 3486. A bill to amend the Fair Labor Standards Act of 1938 to clarify that Christmas tree farming is agriculture under that Act; to the Committee on Education and the Workforce.

By Mr. BILLIKAS (for himself, Mrs. CAPPS, Mrs. KELLY, Mr. BROWN of Ohio, Mr. DINELLA, Mr. WHITFIELD, Mr. WAXMAN, Mr. EHRLICH, Mr. RUSE, Mr. FICKERING, Mr. SCHILLER, Mr. BURNT of North Carolina, Mr. JOHN, Mr. NORWOOD, Mr. PALLONE, Mr. SHUMKUS, Mr. TOWNS, Ms. HART, Mr. MCGOVERN, Mr. WICKER, Mrs. MCCARTHY of New York, Mr. REYNOLDS of Georgia, Mr. MARKET, Mr. LOBIONDO, Mrs. THURMAN, Ms. DELAURO, and Mr. BARRETT):

H.R. 3487. A bill to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing; to the Committee on Energy and Commerce.

By Mr. COYLE (for himself, Mr. RANGEL, and Mr. MATSUJI):

H.R. 3488. A bill to amend the Internal Revenue Code of 1986 to expand pension benefits to those without retirement plans and provide additional protections to those who participate in the Voluntary Employee Benefit Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. GOODE:

H.R. 3489. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from retirement plans during periods of unemployment; to the Committee on Ways and Means.

By Mr. GOODEN:

H.R. 3490. A bill to make amounts provided under the Operation Safe Home and New Approach Anti-Drug programs available for use to control and provide security for housing assisted by the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. HART:

H.R. 3491. A bill to conduct a study on the effectiveness of technologies and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 3492. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the Medicare Program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. HUNTER:

H.R. 3493. A bill to amend the Internal Revenue Code of 1986 to expand the renewable energy sources production tax credit to include additional forms of renewable energy, and to expand the investment tax credit to include equipment used to produce electricity from renewable resources; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself, Mr. WAXMAN, Mr. SHAYS, Mr. MOHAN of New York, Mr. KEENEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. SCOTT, Ms. WATSON, Ms. TAUSCHER, Mr. KOSMENSKY, Mr. BLAGOJEVICH, Mr. WEXLER, Mr. CLAY, Mr. PASCHIELLI, Mr. NEAL of Massachusetts, Mr. LANGIRVIN, Mr. FRANK, Ms. MCCOLLUM, Mr. LOPREGNAN, Ms. MALONEY of New York, Mr. MEYERS of New York, Mr. ISRAEL, Mr. ABERCROMBIE, Ms. MINK of Hawaii, Mr. WEAVER, Mr. FARR of California, Ms. SLAUGHTER, Mr. PAYNE, Mrs. CAPPS, Mr. DICKS, and Mr. ROTMAN):

H.R. 3494. A bill to give the Federal Bureau of Investigation access to NICS records for law enforcement investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. TERRY):

H.R. 3495. A bill to prohibit Federal payments to any individual, business, institution, or organization that enforces or participates in the unauthorized copying; to the Committee on Energy and Commerce.

By Mr. REYNOLDS:

H.R. 3496. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. WELLER, Mr. FOLEY, and Mr. LEWIS of Kentucky):

H.R. 3497. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of personal Social Security guarantee accounts for military and civilian victims of terrorist or military action; to the Committee on Ways and Means.

By Mr. SHOWS:

H.R. 3498. A bill to urge the President to establish the White House Commission on National Military Appreciation month, and for other purposes.

By Mr. SIMPSON (for himself, Mr. COOPER, and Mr. REHBERG):

H.R. 3499. A bill to expand the Farm Storage Facility Loan Program of the Department of Agriculture by making loans available to assist producers in providing storage for hay; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3500. A bill to amend the Internal Revenue Code of 1986 to provide income and employment tax relief for military and civilian victims of terrorist or military action; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. DOOLEY of California, Mr. MORAN of Virginia, Ms. HARMAN, Mr. MALONEY of Connecticut, and Mr. INSLEE):

H.R. 3501. A bill to amend the Internal Revenue Code of 1986 to provide for economic recovery; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, 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. SOUDER:

H.R. 3502. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rates during 2001 for certain deductions for use of a passenger automobile to 50 cents per mile; to the Committee on Ways and Means.

By Mr. SWENNEY:

H.R. 3503. A bill to indemnify contractors for World Trade Center recovery efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP:

H. Con. Res. 289. Concurrent resolution directing the Senate to make a technical correction in the enrollment of S. 1438; considered and agreed to.

By Mr. ROEHNER:

H. Con. Res. 289. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 1; considered and agreed to.

ADDITIONAL SPONSORS

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

H.R. 168: Mr. HORN.

H.R. 179: Mr. TURNER.

H.R. 292: Mrs. LOWEY.

H.R. 397: Mr. REYES, Ms. VELAZQUEZ, Mr. MCGOVERN, Mr. HALL of Ohio, Mr. ISRAEL, Mr. FEIX, Mr. CHOW, Mr. TOM DAVY of Virginia, and Mr. GORDON.

H.R. 488: Mrs. JOHNSON of Connecticut.

H.R. 510: Mr. KIND.

H.R. 526: Mrs. NAPOLITANO and Mr. ETHERIDGE.

H.R. 782: Ms. ESHOO.
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H. Res. 1109: Mr. Ehrlich.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. R. 3129

OFFERED BY: Mr. Traficant

AMENDMENT NO. 1: Sec. __. No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

H. R. 3129

OFFERED BY: Mr. Traficant

AMENDMENT NO. 2: Sec. __. None of the funds made available by this Act may be used to award a contract to a person or entity whose bid or proposal reflects that the person or entity has violated the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

H. Con. Res. 196: Mr. Thompson of California.

H. Con. Res. 249: Mr. Udall of New Mexico, Mr. Smith of New Jersey, Mr. Simmons, and Mr. Shays.


H. Con. Res. 273: Mr. Scott.

H. Con. Res. 279: Mr. Pickering and Mr. Kennedy of Minnesota.

H. Con. Res. 285: Mr. Sanders, Mrs. Mink of Hawaii, Mr. Stark, Mr. Larsen of Washington, Ms. Rivers, Mr. Farr of California, Ms. Eshoo, Mr. Frank, Ms. Woolsey, Mr. Waxman, and Mr. Berman.

H. Res. 18: Ms. McCollum.

H. Res. 259: Mr. Stehman.

H. Res. 260: Mr. Rohrabacher, Mr. Royce, Mr. Houghton, and Mr. Cox.

H. Res. 281: Mr. Pascrell and Mr. Wexler.

H. Res. 306: Mr. Udall of New Mexico, Mr. Ackerman, Mr. Cummings, Mr. English, Mr. Berman, Mr. Meeks of New York, and Mr. Evans.

H. Res. 313: Ms. Slaughter, Ms. Degette, Ms. Solis, Mr. Udall of Colorado, Mr. Kucinich, Mr. Jackson of Illinois, Mr. Hoeffel, Mrs. Mink of Hawaii, and Mr. Owens.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. R. 1089: Mr. Abercrombie.

H. R. 902: Mr. Acevedo-Vila.

H. R. 951: Mr. Farr of California, Ms. Lofgren, Mr. Watt of North Carolina, Mr. Kucinich, and Mr. King.

H. R. 1097: Mr. Smith of New Jersey.

H. R. 1170: Mr. Condit.

H. R. 1198: Mr. Gutierrez.

H. R. 1307: Mr. Oliver.

H. R. 1322: Mr. Lampson.

H. R. 1331: Mr. Goode.

H. R. 1343: Mr. Pomeroy and Ms. Watson.

H. R. 1360: Mr. Bonior and Mr. Ackerman.

H. R. 1391: Ms. Lofgren.

H. R. 1421: Mr. Price of North Carolina.

H. R. 1432: Mr. Chablis, Mr.inder, Mr. Bar, Ms. Kucinich, and Mr. Isakson.

H. R. 1475: Mr. Lucas of Kentucky, and Mr. Gucci.

H. R. 1520: Mr. Evans.

H. R. 1536: Mr. Davis of Illinois.

H. R. 1671: Mr. Filner.

H. R. 1794: Mr. Borelli and Mr. Blumewau.

H. R. 1816: Mr. Kucinich.

H. R. 1839: Mr. Foley.

H. R. 1919: Mr. Dingell.

H. R. 1978: Mr. Coyne and Mr. Lantos.

H. R. 1993: Mr. Doglitte, Mr. Taitet, and Mr. Platt.

H. R. 2012: Mr. Petri.

H. R. 2116: Mr. Pascrell.

H. R. 2164: Mr. Platts.

H. R. 2173: Mr. Hall of Texas.

H. R. 2219: Mr. English, Mr. Evans, and Mr. Lampson.

H. R. 2220: Mr. Fattah and Mr. Hastings of Florida.

H. R. 2348: Mr. Mendez and Ms. Baldwin.

H. R. 2349: Mr. Lampson.

H. R. 2351: Ms. Escho.

H. R. 2442: Mr. Platts.

H. R. 2446: Mr. Bonior and Mr. Kucinich.

H. R. 2578: Ms. Schakowsky.

H. R. 2592: Ms. Lee.

H. R. 2629: Ms. Norton and Mr. Markey.

H. R. 2630: Mr. Abercrombie and Ms. Woolsey.

H. R. 2695: Mr. Camp.

H. R. 2733: Ms. Rivers.

H. R. 2830: Mr. Schwarrsky.

H. R. 2901: Mr. Langvin.

H. R. 2980: Mr. Ferguson.

H. R. 3011: Ms. DeLauro.

H. R. 3654: Mr. Clay, Mr. Bonior, Ms. Mendez, Mr. Herrman, Mr. Kanjorski, Mr. Price of North Carolina, Mr. Inslee, Mr. Hall of Texas, Mr. Clement, Mr. Crowley, Mr. Schiff, and Mr. Larsen of Washington.

H. R. 3662: Mr. Berman, Mr. Frost, Mr. Thompson of California, and Mrs. Davis of California.
The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

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

Almighty God, You have blessed this Nation with truly great leaders in each period of our history. In Your providential care, You choose them, nurture their characters, hone their minds, and sharpen their convictions. You give them opportunities to serve You by caring for the needs of society. You allow their hearts to be broken by what breaks Your heart so that they can heal wounds, right wrongs, and lead others to grasp their full potential.

Today, we thank You for such a leader. You have placed Your hand of blessing on Senator BARBARA MIKULSKI. With Your endowed gifts of leadership, she has become a lodestar leader in her state and in her party, in the Senate, and in the Nation. Thank You for her intellectual acumen, her ability to get to the point, her loyal faithfulness, and her lively sense of humor. The Senator has the courage of her convictions and says what she means and means what she says. She is a patriotic American who is proud of her Polish heritage. We rejoice with Senator MIKULSKI today as she is given one of the highest honors ever bestowed by the Polish Government, the Commanders’ Cross with Star of the Order of Merit of the Republic of Poland. May this be a truly memorable day for her, her family, all Polish-Americans, and all of us here in the Senate family who are privileged to be her friends. Amen.

PLEDGE OF ALLEGIANCE
The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE
Mr. REID. Madam President, pursuant to the order entered last evening, there will be 90 minutes of debate equally divided and controlled in the usual form on the Bond amendment prior to a vote in relation to that amendment. There will be no intervening amendment in order prior to that vote.

The majority leader also announced last night that, after having filed a cloture motion on this legislation, there would be a cloture vote on that matter either today or tomorrow, whatever the two leaders work out. There will be votes throughout the day, and we will await further word from the leader as to what is going to transpire this evening.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report. The legislative clerk read as follows: A bill (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, to ensure consumers abundant food and fiber, and for other purposes. PENDING:

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

These “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.
Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture, through the National Agricultural Advisory Service, to provide financial assistance to agricultural producers.

The Acting President pro tempore. Under the previous order, there will now be 90 minutes debate, equally divided and controlled in the usual form, on the Bond amendment, No. 2513.

The Senator from Missouri.

CONGRATULATING SENATOR MIKULSKI

Mr. BOND. Madam President, I yield myself such time as I may require.

First, before I get into the discussion of this amendment, which I think is very important, I want to add an earthily endorsement to the holy blessings that our Chaplain just brought upon our very good friend and colleague, Senator Barbara Mikulski.

It is a great honor she receives today. We all have the pleasure of working with her on the Veterans Affairs, HUD, Independent Agencies appropriations subcommittee. I can tell you there is no finer, more dedicated servant in the Senate. It is with great joy that we congratulate her on the very good and generous award made to her today by the land of her forefathers, the Government of Poland.

With that, we say good wishes and congratulations, Barbara. It is a well deserved honor.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Continued

AMENDMENT NO. 2513

Mr. BOND. Madam President, may I inquire what is the pending business?

The Acting President pro tempore. The Senator’s amendment is the pending question.

Mr. BOND. I thank the Chair.

Last night I laid down an amendment which I think enhances this farm bill and focuses on what is important for agriculture. We have had a lot of discussion about how we have to help farm families. Clearly, they are struggling.

This country has been in a recession for about 15 months. We have been under attack by terrorists for about 3 months. But farmers across this country and their families and those with whom they work closely know they have been in recession for 4 or 5 years.

The collapse of the overseas agricultural markets has driven prices down. That is why, among other things, it is vitally important that this body pass trade promotion legislation because we must get those markets back.

In the meantime, we look for things we can do to assist farmers. We are going to send them financial assistance. In the last several years as they have suffered from low prices, we have provided very significant amounts of money to help fill in the void left by low market prices.

We can do research for them. We can see in few ways of doing business made our farmers continually more productive.

We must be sure adequate transportation exists. In the heartland that keeps the vital waterways of the Missouri and Mississippi Rivers open to transportation so we can have economical and efficient ways of getting our farm products to market.

But there is one thing farmers tell me they are concerned about, perhaps more than anything else. While they are concerned about the weather, they understand you cannot change that. They are concerned about crops and pests and their interaction. They are concerned about markets. As I said, markets have been down.

But the one thing that really frustrates them is that too often our Government seems to have farmers in their sights. They want to accomplish all kinds of good purposes, but they want the farmers who are being oppressed. Farmers who control much of the land of the United States are the ones to whom the Federal Government says: We would like to see this done, and we will have you, the farmers, who are trying to earn a living for your living, make living, changes that we think are good policy whether it be environmental policy, whether it be economic or income distribution policy, or whether it be food policy. Some farmers tell me that they spend more time preparing for public hearings than they spend on their combines.

The amendment before us today says farmers are going to get a chance to have an advocate at the U.S. Department of Agriculture.

We all know that regulatory requirements are necessary. They often carry out the purposes that have been approved by the Congress. They are authorized by law, but the problem is sometimes the regulatory agencies that are trying to carry out those purposes know nothing about agriculture or farming or how the individual farmer trying to earn a living for himself or herself and their families is affected by it.

We are trying through this amendment to give the USDA the responsibility and the tools to help farmers who are being oppressed.

This is a life preserver thrown to farmers whose livelihood or safety is threatened by health and safety regulations. I introduced last night two letters with lengthy endorsements from farm and agricultural organizations, nationally and from my home State of Missouri.

I am pleased to be joined by Senators Grassley, Enzi, Hagel, and Miller as cosponsors. I hope we will have more who will come to the floor and be willing to speak on behalf of this legislation once they understand its importance.

Let me go through the legislation very briefly. It is unlike the rest of the farm bill. A lot of people are still trying to read through the 900 pages of the overall farm bill and the various pages of the amendment that was dropped on us. This one is easy.

It says the Secretary may review any agency action proposed by a Federal agency to determine whether the action would likely have a significant adverse economic impact that would jeopardize the personal safety of agricultural producers—farmers. If the Secretary determines that it is likely to have such a significant adverse impact, the Secretary, No. 1, shall consult with the agency head, call him up on the phone, and talk with him; No. 2, advise the agency head on alternatives to the agency action which would be least likely to have a significant economic impact or jeopardize personal safety.

Then, if after a proposed agency action is finalized the Secretary thinks it would have a significant adverse impact described above, the Secretary may defer to the President, who not later than 60 days after the date on which the action is finalized reviews the determination of the Secretary. The President can reverse, preclude, or amend the agency action if the President determines that overturning that action is necessary to prevent the adverse economic impact and is in the public interest.

In considering this, the President takes into account the public record, competing economic interests, and the purposes of agency action.

The President may not overturn an agency action that is necessary to protect human health, safety, or national security, significantly limiting his options. If the President chooses to overturn an agency action, the President has to notify Congress of the decision and submit a detailed justification.

Congress then has the opportunity to review the action under the expedited procedures set forth in the bill which I was very pleased to sponsor back in 1996, the Small Business Regulatory Enforcement Fairness Act, which provides for expedited review in the Senate and the House of any regulation having significant adverse impact agency regulations could be reviewed.

That seems to me to give the President the power to step in. It is my intention to provide, first, the Secretary of Agriculture with the responsibility of looking for these agency actions that may have an adverse impact, calling them to the attention of that agency head, and working with the regulatory agencies to see what can be done to see that the protection of the proposed regulation can be achieved without imposing the burdens that the Secretary believes would be unnecessarily inflicted on farmers.
If that does not work, then the President has the discretion to resolve disputes and say in this instance the public would better be served if we overturned this regulation and issued a new one.

This amendment should force USDA to be more aggressive in protecting and fighting for farmers. It should help make other agencies more responsive to the needs of farmers.

We believe the US has $170 billion in spending that we are talking about here today. But if we really care about them, and if we really care about their economic contributions, the social value of farm families, and certainly their contribution to feeding our nation, protecting our food security, and our national security, then we ought to provide that the agency designed to serve farmers has the power and the responsibility to speak up for farmers to ensure that they are not overrun by an unthinking, ill-considered undertaking and ill-considered action.

We protect the blind mussels or other endangered species. We ought to be concerned about a farm community being flooded or endangered. I think this gives the farmers some limited leverage in assuring that they are protected.

It will not be necessary very often for the President to intervene because people know he has that power because agencies should, with this mandate to the Secretary of Agriculture, work out the problems in advance. This Presidential discretion which can be reviewed on an expedited basis by the President is a fail-safe mechanism.

This country has been in a recession for 15 months. We have given the President broad discretionary power since September 11 to conduct war and fight crime. We have appropriated tens of billions of dollars to help restore the strength of this country. We tried to help the airlines, and we are pursuing an economic stimulus package.

Parlors absolutely must pass legislation to shore up the insurance agencies to provide assurance that terrorism insurance will be available. We will have a major shutdown in our economy if we don’t get that done. I urge the majority leader to take this up immediately because we may be finding ourselves without insurance as of January 1 if we don’t. I urge him to go back to the bipartisan measure worked out by the leaders of the banking committee and to pursue that legislation.

To go back to the farmers, as part of the stimulus we are going to provide assistance to the unemployed. We should recognize that farm families in rural America have been in a recession for 4 years. One of the things we can do in addition to providing dollars is to give them some protection from their Government. That is something they told me. If you ask the farmers in your State, I assure you that you will be told it is vitally important.

There is a challenge, limited as it is, that when resource issues affect farms and their families, it is OK for the Government to fight for the farmers. In the past, the fight has always been one-sided against the farmers.

In this instance, I urge my colleagues to support the amendment and send a message to the farmers that we believe farmers are worthy of protection. We want the Government to make every sensible attempt to act as an advocate. We believe the USDA should be active and visible in fighting for farmers. We believe that the President and the Congress are capable of this and can be trusted with the public interest. This says to the administration that farmers don’t always have to be at the bottom of the food chain.

I urge support of the amendment. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JEFFORDS. Madam President, how much time do we have on our side?

The ACTING PRESIDENT pro tempore. The Senator from Iowa controls 45 minutes.

Mr. HARKIN. How much time does the Senator wish?

I yield the Senator as much time as he needs.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I rise in opposition to the amendment offered by the Senator from Missouri. Mr. BOND. This amendment gives broad authority to the Secretary of Agriculture and the President to overturn the legal responsibilities of Government agencies if they determine that an agency action might—might—have adverse economic impacts on or jeopardize the personal safety of a farmer or rancher.

While I know the Senator is concerned about the economic well-being of farmers and ranchers—and we all are—this amendment would waive many of the protections that our Federal agencies are charged with providing.

Under this amendment, if the Environmental Protection Agency sets a water quality standard to prevent degradation of a stream, and the Secretary and the President think meeting that standard may have an adverse economic impact on farmers or ranchers, the President can reverse the agency action. Or, if the Secretary of the Department of the Interior adds a species to the list of threatened or endangered species, and the Secretary of Agriculture and the President determine that recovering that species may have an adverse—may have an adverse—economic impact on a farmer or a rancher, the President can reverse that action.

When Federal agencies are considering the actions they are required to take, the President does not consider the cost, and weigh the cost with the benefits the actions will have before proposing them.

Finally, the amendment does not consider the necessity of protecting our environment when considering reversing an agency action; therefore, I oppose the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

If neither side yields time, the time will be charged equally to each side. Mr. BOND. Madam President, I suggest the absence of a quorum and ask unanimous consent that the quorum call be charged equally to both sides. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerks will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Madam President, I yield myself such time as I might consume.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I yield to no one, including my good friend from Missouri, in fighting for our farmers and people who live in small towns in rural America to ensure that they are not at the mercy of the powers of the Federal Government in any way that would act to their detriment, their safety, their security, their well-being, their ability to make a living, or their ability to live as free and independent citizens of this country.

But I have looked over this amendment. At first I thought it might be OK. I looked it over. Then it hit me that the Senator’s amendment says basically that the Secretary of Agriculture may review any action proposed by any Federal agency. That is what it says here. It says: Any. It says: The Secretary may review any agency action proposed by any Federal agency. . . .

And then it says: If the Secretary determines that a proposed agency action is going to do certain things with adverse effects on agricultural producers, then the Secretary can give it to the President for review. And then the President can reverse the agency action. Just like that. He can reverse it, preclude it from going into effect, or he can amend it.

Well now, I don’t know. I would like to ask: Why don’t we include small businesses? I know my friend from Missouri is a strong defender of small business. Why don’t we include small businesses in this? Why don’t we let the head of SBA review any agency action by any Federal agency to determine whether or not it is going to have an adverse effect on small business, and let them reverse or amend the agency action?

Mr. BOND. Madam President, may I respond?
Mr. HARKIN. Sure, I yield for a question or a response to my question.

Mr. BOND. My question is, Are you familiar with the role of the Counsel for Advocacy in Small Business? That is his job. Are you familiar with the Small Business Regulatory Enforcement Fairness Act that we have adopted in the Small Business Committee to provide teeth for that act?

Mr. HARKIN. Having served on the Small Business Committee of the Senate for 17 years, I am fully aware of all of the acts adopted in that committee. But there is nothing in the Small Business Administration Act that allows the SBA Administrator to review all these agencies' actions and then give them to the President for further review, and that lets the President amend an action or reverse an action by himself, with only a notification to Congress.

I ask the Senator from Missouri: Is there anything in the Small Business Administration Act or any law adopted by Congress, that gives the President that power?

Mr. BOND. The answer to that is not yet, but if the manager of the bill would like to come to the committee and explain why this certainly be interested in supporting it.

We are working on the farm bill here. I think most of us agree that farmers need some additional protection. They do not have a counsel for advocacy in USDA. We have not seen the Secretary of Agriculture take that role. This says specifically they should.

Mr. HARKIN. I say to my friend from Missouri, we do have a counsel at the Department of Agriculture who has every ability to do exactly what the Senator is talking about.

The Senator says, take it to committee. I say to the Senator, take this to the committee. Let's have the committee take a look at this and not do it on the floor. Just as the Senator says we ought to take it to the Small Business Committee, that is my suggestion.

And why stop with small business? Why don't we do veterans? Why don't we do the same thing for our veterans in this country, who, time and time again, are affected by agency decisions in other parts of the Government?

Why don't we have the Secretary of Veterans Affairs have the same power that the Senator from Missouri wants to give to the Secretary of Agriculture? Why not do the same thing for our veterans and give them that kind of protection that they need, so that the President, without even consulting Congress, could overturn, amend, reverse any agency decision if he believes it adversely affects veterans in this country? Why don't we give that power to the Secretary of Veterans Affairs?

Why stop there? Why not give the same power to the Secretary of the Interior to review any agency action that might adversely affect a public park or interfere with the enjoyment I might have in going to a public park? And then let the President amend it, reverse it, without ever consulting with Congress?

Why stop there? Why don't we do the same thing for the Secretary of Labor? Let the Secretary of Labor have the power to review any action by any Federal agency? And if the Secretary of Labor thinks the action will adversely affect a working person in this country, the Secretary of Labor could give it to the President and let the President do whatever he wants with it, and then just let Congress know.

That is what the amendment of the Senator from Missouri says. It says the President can do all this. He can reverse it, preclude it, amend it. All he has to do is notify Congress of the decision to reverse, preclude, or amend the action and submit to Congress a detailed justification for the decision. We don't have any power. The President can do the whole thing.

Why stop there? Let's think about other things, like, for instance, it, might sound good. Then you start thinking about it and you say: Wait a second; we could do this for everything. What it means is that we would give the President of the United States the power to reverse, preclude, and agency decision without ever having to come to Congress.

We have an Administrative Procedure Act, a law passed by this Congress to provide the President and the Federal executive branch of the Government—with the guidelines under which it can operate. We amend it from time to time. This is where this amendment ought to go, on the Administrative Procedure Act. But there are in the Administrative Procedure Act certain things that have to be done. One of the things that is most important is to insist that Congress play its constitutional role and exercises its constitutional right. The President may not want to do those things without letting Congress have the power to say whether he can do it or not. Otherwise, we might as well shut our doors and go home; let the White House run everything in this country.

This amendment on its face kind of sounds good. It sounds good. But I wonder if supporters of this amendment have really thought through all the implications of it and what it may mean. The farmers I talk to don't think it would be well received by these things without letting Congress have the power to preclude any agency action.

And keep in mind, it could be something that maybe a farm group or a farm organization might want but the Secretary of Agriculture or the President may not like it. This is a two-edged sword.

My friend from Missouri would say: Well, but it has to have an adverse economic impact on, or jeopardize the personal safety of, agricultural producers. That is pretty broad. I am sure any smart Secretary of Agriculture or President could say: We have this agency action out there, and we can interpret it so that it has an adverse economic impact on farmers. Therefore, we are going to reverse it willy-nilly because we, the President and the Secretary of Agriculture, have decided this has an adverse economic impact on farmers. But the agency action may be in the best interest of farmers according to what some of us may think. Maybe some of us here may think that agency action may actually benefit farmers. Others may not. This amendment says the President of whatever party may not think so. He can just reverse it. What power do we have?

I guess we have to go through the legislative process of having a bill and getting it through committee. We have no say-whatsoever in the President's decision to reverse, preclude or amend the agency action.

I always say at this time of the year, when people come around with nice packages for you, just unwind the present and take a good look at it. Just because it has a fancy bow and fancy paper doesn't necessarily mean it is a gift. I say to my farmers and my friends in rural American farmers, if you go and amend this amendment, my friend from Missouri is not a gift. This is a two-edged sword. It may help sometimes, but it may hurt. It may also open the floodgates for a lot of mischief in other Federal agencies that may adversely affect our farmers.

Unwrap this package and take a look at it. You will see it is not what it is touted to be.

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

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Missouri.

Mr. BOND. Madam President, I yield myself such time as I may require.

I certainly accept the manager's invitation to unwrap this package. I only wish we could do this on the southern border of Iowa and the northern border of Missouri, out where farmers live, away from the rarified atmosphere of this Chamber, and ask the farmers of Iowa and Missouri, the farmers of any other State, is this really a two-edged sword? Are you as a farmer really worried that the Fish and Wildlife Service is going to put out a regulation that would help farmers and the Secretary of Agriculture would oppose it and try to overturn it and get the President to overturn it?

That one won't meet the laugh test. The other one won't hunt in farm country. People know what is going on out there. It is not a danger to farmers that we have too much regulation. Actually, when regulations are overturned, it is usually when a regulation is not large enough. It is not building a bridge, something like that. Maybe if there are a lot of people around who are affected, then they can get some relief. When it is just a few farmers, when they need some irrigation water, then other things come to the fore.

Ask the farmers on the Klamath River about the sucker fish. Ask the
Mr. HARKIN. Madam President, I yield myself such time as I may consume.

This is a good debate. I enjoy my friend from Missouri, south of the Iowa border. I would be glad to meet on the dais with him and Iowa and have a debate. We will invite the farmers in and talk to them about this because this is a double-edged sword. What happens if this power goes to the Secretary of Agriculture? This is a dangerous road—say this is extended to the Interior. Can the President of the United States or the Interior get the same power. Let’s say USDA makes some decision that we think is beneficial for farmers and helps farmers, and then the Secretary of the Interior says that decision affects fish and wildlife. The Secretary of Interior can just go to the President and reverse that decision. That would not be good for the farmers. He overturns it, amends it, or precludes it—those three words that the Senator has in his bill, a double-edged sword. We just can’t chance that.

The best protection our farmers have out there right now is those of us sitting on this floor today, including my friend from Missouri and the occupant of the Chair. That is the case if they are from Democrats or Republicans. The best protection for our farmers and our people in rural America is the Congress of the United States, the House and Senate, Republicans and Democrats alike—not the administration. The administration doesn’t care who they are, Republican or Democrats, at the White House—and I have seen it in my 27 years here—give scant attention to rural America.

I know this amendment by my friend from Missouri is well intentioned. I know what he is trying to do. But I have to tell you, the other edge of that sword can be mightier than the edge of the sword he is trying to give to the Secretary of Agriculture. Just look at the heavy regulations, and then ask: How often do they come down on the side of farmers? How often do they come down on the side of other interests? That ought to tell the tale right there.

No, this is not in the best interest of farmers. The best interest of farmers is to keep the power here in Congress and in committees, where we can fight for our rural people and our farmers and not give that power to the President of the United States.

Mr. BOND. Will my friend yield?

Mr. HARKIN. I am glad to yield.

Mr. BOND. I ask my colleague to read the provisions in the amendment which describe the congressional notification and congressional review, beginning on line 19 of page 4, “Reversal of preclusion, or amendment of any agency action . . . shall be subject to section 802 of title 5, United States Code.”

We did not spell it out there, but that is the expedited congressional review procedure. Again, I apologize for the way this is drafted. Legislative counsel has said to get to expedited congressional review on page 4, lines 19 through 22, do that job.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged to each side equally.

Mr. BOND. Madam President, I yield 5 minutes to Senator Thomas.

Mr. THOMAS. Madam President, I have been listening to the conversation and debate here. Although I am, frankly, not as familiar with the details of it as I might be, I am sympathetic to what the Senator from Missouri is seeking to do. I deal, of course, as most of us do, with agriculture at all times in my State, where agriculture, public lands, and grazing are very much an integral part of our economy and indeed our society.

So regulations have a great deal to do with the opportunities we have, for instance, for multiple use of public lands. They have had a great deal of impact on what we have done with clean water and nonpoint source water propositions, and so on. Regulations are put out there, quite often, without a real evaluation of what impact they have. We have been dealing with one for a long time on the endangered species. I think this species was nominated before it was implemented. I think the conclusion was that this was not a legitimate listing.
Mr. BOND. I ask my good friend from Iowa if he has read on page 4, line 13:

Limitation.—The President shall not reverse, preclude, or amend an agency action that is necessary to protect—
(A) human health;
(B) safety; or
(C) national security.

The manager has raised an excellent question. I believe we have totally addressed it in this bill.

Further, the President, before he takes action, must find that it is in the public interest. I believe the protection is built in.

Mr. HARKIN. I appreciate what my friend has said. To a certain degree, the rest of this, when one reads it, sounds OK, but that is pretty vague—human health or safety or national security. It is vague. Who decides what that is?

Now I think we get to the nub of what is wrong with this amendment. Under the Administrative Procedure Act, any agency, if the agency is promulgating a rule, has to allow time and opportunity for public comment on the proposed rule. Under the Administrative Procedure Act, the public must be involved in the development of the record, and the agencies have to take the public’s input into account when they are promulgating the rule.

The amendment of the Senator from Missouri does not allow for that. This says that the Secretary makes these decisions, there is no public comment, and then it goes to the President. Did I miss a part of it?

Mr. BOND. Madam President, may I call the attention of my friend and colleague to the top of page 4 which says that before the President takes any action in conducting a review, “the President shall consider (A) the determination of the Secretary under subsection (c)(1) that he reverse it and do away with it.”

Mr. BOND. Madam President, I am sitting here thinking about this amendment my friend from Missouri has offered. I thought of another instance of how it might affect farmers. I forgot about the Secretary of Transportation. I forgot there are safety rules that the Department of Transportation promulgates for farm equipment on highways. There are weight limits, head lights, taillights, and other safety regulations that the Department of Transportation has mandated for farm equipment on highways.

Some may argue that those requirements are burdensome. I sympathize with you, but you understand it is for the public good that the Department of Transportation promulgates such rules.

Taking this example of what the Senator has said, if we give this power to the Secretary of Agriculture, the Secretary of Agriculture will say: That is burdensome, that is an economic hardship on our farmers that they have may have to change some practices; therefore, the President can reverse it.

The Secretary would find it would have a significant adverse economic impact.

Mr. BOND. May I inquire—

Mr. HARKIN. I yield to my friend.
Mr. BOND. Is the language not clear?

Mr. HARKIN. I do not know. We are going to find out.

Mr. BOND. Not later than 60 days.

Mr. HARKIN. We will find out whether or not the determination by the Secretary has to take place within that 60 days. I am not certain that it does.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged to each side equally.

Mr. HARKIN. Madam President, the Senator from Missouri is right, and I misspoke. He is absolutely right that it is 60 days. So it cannot be 5 years. He does have to do it in 60 days. But my point is still valid that there is a hearing record for an agency decision.

So, therefore, the President can wipe out whatever was done, and they do not have to have a hearing based upon what he wants to do. But the Senator from Missouri is right, it has to be done in 60 days. Five years, no. I misspoke. I was wrong on that, and I am glad to correct myself on that.

Lastly, I would like to know if the Senator from Missouri could enlighten us as to the definition of agricultural producer?

For the Record, if we could, exactly what is an agricultural producer?

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

If neither side yields time, time will be charged to each side equally.

The Senator from Iowa.

Mr. HARKIN. Madam President, the Senator from Missouri has to defend his or her judgment based on how generally it affects small and medium-sized farms and ranches, not the large ranches, and I think that test is adequate. I do not think one needs to have the technical definition of so many acres or so many hundreds of thousand dollars.

Mr. HARKIN. Again, another vagueness in this bill. For example, an agricultural producer could be Scottie Pippin who owns a horse farm of maybe 120 acres or 100 acres and he is an agricultural producer. So, again, very vague.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged to each side equally.

Mr. HARKIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes and the Senator from Missouri has 16½ minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I ask unanimous consent that I be allowed to speak for 1 minute as in morning business.

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

(The remarks of Mr. McCAIN are printed in today's RECORD under "Morning Business.")

Mr. McCAIN. Madam President, I thank my colleagues for their indulgence.

Mr. HARKIN. I yield 5 minutes to the Senator from Nevada.

Mr. REID. Madam President, this amendment is too broad, too general. It violates the canon of law that exists out of species. Threatened and endangered species are now protected.

As I discussed yesterday, the Endangered Species Act is in existence: we have acknowledged for many years there should be action taken to change it. There was a bipartisan effort a few years ago by Senators CHAFEE, BAUCUS, KEMPTHORNE, and REID to change this. We entered into an agreement in the Environment and Public Works Committee to introduce legislation that we would not accept any amendments on the floor; we would vote against any of them. It was a tremendous revision of the Endangered Species Act. We had widespread support of a significant number of people in the environmental community and many people in the development community. It had the support of mayors and Governors. However, it was not brought to the floor because people were certain they could do better. Of course, the perfect got in the way of the good and nothing has happened since then.

In spite of that, the Endangered Species Act has done a great deal to salve species and prevent the wiping out of species. Threatened and endangered species are now protected.

This amendment is certainly an assault on the environmental laws of the country. It allows the President to waive the Endangered Species Act, the Clean Air Act, and the Clean Water Act in one fell swoop. It would not be one of them; he could, in fact, waive any of the three. It would set the country back at least 30 years in environmental protection.

This amendment goes far beyond environmental laws. The definition of this legislation being proposed is so vague that virtually any action can be overturned by the President, including an effort to improve the U.S. Department of Agriculture civil rights procedures, and the President can overturn laws protecting farm workers, actions to implement free trade agreements, and the Presidencies of the Environment and Public Works Committee and others will come up with an amendment to this second-degree amendment that will more directly affect the problems that are trying to be addressed in this amendment. I hope this amendment will not become part of this bill. It would be a blow to this fine piece of legislation.

This amendment would elevate the Secretary of Agriculture and the authorities of that agency over every other Federal agency and every other law passed by Congress. That is pretty broad. It allows the Secretary to stop any agency action to protect the environment, to protect food safety, to protect workplace safety if the Secretary decides action would have a negative impact on farmers. If another agency moves forward with the action to protect the environment, to protect workers or our food supply, the Secretary simply will ask the President to override these procedures and it will be complete.

This is not fair. It is wrong. I hope we can come up with something that better addresses what I think the Senator is trying to do. I hope he is not trying in one fell swoop to take out of existence the Endangered Species Act, the Clean Water Act, and the Clean Air Act.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I yield myself such time as I may require.

I welcome the distinguished majority assistant leader. He came in after we had the discussions. We have clarified the issue of whether any safety regulations can be waived. Explicitly, this law says he may not waive where safety regulations are imposed. It also includes human health or national security.

Now, the distinguished majority whip has pointed out this somehow overrides
Mr. ENZI. Madam President, I rise in support of the amendment offered by the Senator from Missouri. This amendment gives the Secretary of Agriculture the authority to review any proposed Federal agency action to determine whether the action is likely to have "significant adverse economic impact on or [could] jeopardize the personal safety of agricultural producers." 

Federal actions and regulations seriously impact the way the Wyoming agricultural producers operate. The regulations are proffered by agencies that do not often consider how their actions could harm small and medium-sized agricultural operations. These are the operations that are facing the most risk in the marketplace. These are the operations that need more protection. This amendment is important because it forces accountability before the fact. The Secretary of Agriculture would have the option of consulting with the head of the agency proposing an action and could offer advice on how to make the action less onerous to producers.

Agencies realize that their actions will be scrutinized for their impact on agriculture. Actions that could have a significant adverse economic impact on or jeopardize the personal safety of agricultural producers could be overturned or amended by the President. This amendment does not place the needs of agriculture above human health, safety, or the national security interests are involved. Then he can go back and tell the person to whom he delegated the power to make the regulation, to carry out the law in the first place: You have to do it differently.

Not only is he limited, but this law says Congress can use expedited congressional review to overturn his decision. This is strictly limited. The President has to have the power in this provision that the Director of Fish and Wildlife has to stop things that farmers want to do or that transportation officials want to do.

Incidentally, we checked with the U.S. Department of Agriculture. There is no advocacy counsel in Agriculture as there is in SBA, for small businesses. So this is giving the Secretary of Agriculture the responsibility we think should have been there in the first place, narrowly circumscribing the powers the President has to overturn it.

As my good friend from Nevada is leaving, I might say if he wishes to offer a second-degree amendment, obviously we would vote on that. But we intend to keep coming back to get a vote on this one as well. I will be happy to work with him. If he has other ideas he wants to put up as a second-degree amendment, that is fine. But we will do our best to make sure we have an up-or-down vote on this amendment.

With that, I urge my colleagues to support this amendment. I reserve the remainder of my time.

Mr. BOND. Madam President, I rise in support of the amendment offered by the Senator from Missouri. This amendment gives the Secretary of Agriculture the authority to review any proposed Federal agency action to determine whether the action is likely to have "significant adverse economic impact on or [could] jeopardize the personal safety of agricultural producers." 

Federal actions and regulations seriously impact the way the Wyoming agricultural producers operate. The regulations are proffered by agencies that do not often consider how their actions could harm small and medium-sized agricultural operations. These are the operations that are facing the most risk in the marketplace. These are the operations that need more protection. This amendment is important because it forces accountability before the fact. The Secretary of Agriculture would have the option of consulting with the head of the agency proposing an action and could offer advice on how to make the action less onerous to producers.

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With that, I urge my colleagues to support this amendment. I reserve the remainder of my time.
Mr. HARKIN. Mr. President, has all time expired?

The PRESIDING OFFICER. The Senator from Missouri still controls 3 minutes.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the previous question be dispensed with.

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

Mr. HARKIN. Mr. President, I yield whatever time I have remaining, if I have any remaining.

The PRESIDENT pro tempore. The Senator’s time has expired.

Mr. HARKIN. When all time has expired on this amendment, I ask unanimous consent to lay the amendment aside for the purpose of taking up the amendment by the Senator from Wisconsin, Mr. FEINGOLD.

On the disposition of this amendment, we will set it aside for another amendment.

But this amendment will be the pending amendment.

Mr. BOND. Mr. President, I have no objection to that. We have held discussions. I believe the majority side will propound a second-degree amendment. I have personally no objection to that. But there will be a roll-up or down on the amendment I have provided. Perhaps at that time, if less than 60 days have elapsed, we will ask for 2 minutes on each side so the distinguished manager from Iowa may reiterate his objection.

I thank the Chair.

Mr. HARKIN. I thank the Senator.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2322 TO AMENDMENT NO. 2711

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

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 2322 to amendment No. 2711.

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

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

The amendment is as follows:

(Purpose: To reform certain mandatory arbitration clauses)

Strike the period at the end of section 1021 and insert a period and the following:

SEC. 10. ARBITRATION CLAUSES.

Title IV of the Packers and Stockyards Act, 1921, is amended by inserting after section 413 (7 U.S.C. 229b–4) the following:

**SEC. 413A. ARBITRATION CLAUSES.**

Notwithstanding any other provision of law, in any contract for the sale or production of livestock or poultry under this Act that is entered into or renewed after the date of enactment of this section and that includes a provision that requires arbitration of a dispute arising from the contract, a person who seeks to resolve a dispute under the contract may not unilaterally amend the terms of the contract, elect—

(1) to arbitrate the dispute in accordance with the contract; or

(2) to resolve the dispute in accordance with any other lawful method of dispute resolution, including mediation and civil action.

Mr. FEINGOLD. Mr. President, I rise today to submit an amendment that will give farmers some options in identifying the forum to resolve disputes with agribusinesses. I, along with a number of other Members of this body, am deeply concerned that the concentration of power in the hands of a few large agribusiness firms—firms that can raise $1 billion on Wall Street at the drop of a hat—is forcing farmers and ranchers to be placed at a competitive disadvantage in the marketplace. These large corporations are using their market power to force independent producers into what is really a position of weakness through unfair concentration and other uses of market leverage.

In some cases, the domestic marketplace has become almost noncompetitive for family farmers. Farmers have few buyers and suppliers than ever before.

One indication of their dominance is the one-sided contracts that favor agribusinesses at the expense of farmers and ranchers. It is of paramount importance that we help restore competition in rural America.

I was very disappointed when I learned that the Agriculture Committee did not approve Senator HARKIN’s proposal to add a competition title to this bill.

I commend the work of the chairman, Chairman HARKIN, of the Agriculture Committee for his leadership on this issue.

When I testified at a hearing on the packers, stockyards, and processors last year, I thought a number of important reforms outlined should have been addressed in the farm bill.

Senator HARKIN’s competition title would have done a lot. It would have provided a measure of fairness and transparency and equity in America’s agricultural markets. I believe this proposal would have taken a huge step toward ensuring the prosperity of our farmers and ranchers.

One important aspect of the competition title would have provided farmers with options to resolve disputes with agribusinesses by providing farmers with a choice as to the forum for resolving disputes between parties.

I want to be clear about this. I think that alternative methods of dispute resolution such as arbitration can and often do serve a useful purpose in resolving disputes between parties.

I am extremely concerned about the increasing trend of stronger parties to a contract forcing weaker parties to waive their rights in advance and agree to arbitrate any future disputes that may arise.

It has recently come to my attention that large agribusiness companies often present producers with what is basically take-it-or-leave-it contracts which increasingly include mandatory arbitration clauses as a condition of initially entering into the contract. This practice forces farmers to submit their disputes with packers and processors to arbitration.

As a result, farmers are required to waive access completely to judicial or administrative forums, substantive contract rights, and to statutorily provided protection.

In short, this practice works and deprives dealers of their fundamental due process rights and runs directly counter to basic principles of fairness. Arbitration is also billed as an inexpensive alternative to civil action, but this is often not actually the case. Filing fees and other expenses often can result in much higher fees than actually being in a civil action. Attorney’s fees, whether hourly or contingency, can be similar regardless of the forum.

For example, in a recent Mississippi case filing fees for a poultry grower to bring an arbitration proceeding were $11,000. This is far more than the $150 or $250 cost of filing a civil suit.

It makes no sense for a farmer to seek payment for wrongdoing when he or she has lost $1,000 when it costs at least $11,000 to get the case into an arbitration proceeding.

The result of those mandatory arbitration clauses is that farmers often have no forum in which to bring their dispute against the company. Arbitration clauses often require farmers to waive their right to a jury trial. Since the arbitration itself is extremely costly, the farmer, who likely has a substantial debt due to low prices and a large mortgage on his farm, is basically left unable to access this costly arbitration process.

Since the litigation option is taken away by contract, and the arbitration forum can be taken away by its high cost, the grower has no forum in which to bring his dispute against the company.

If a poultry farmer suffers losses as a result of mis-weighed animals, the farmer should have the right to hold the company accountable. If farmers are harmed because they received bad feed, we must ensure that farmers have options to choose the forum through which they can resolve their concerns about this product they received.

If a farmer believes he or she has been provided a diseased animal from an agribusiness, the farmer should have at least a forum to address his or her concerns.

In short, we must give farmers a fair choice that both parties to an agricultural contract may willingly and knowingly select. This amendment, again, does not prohibit arbitration. It would ensure simply that the decision to arbitrate is truly voluntary and that
the rights and remedies provided by our judicial system are not waived under coercion.

Let me add that I believe two of the lead cosponsors of this amendment are the chairman of the committee, Senator HARKIN, and the distinguished senator from Wisconsin, Mr. FEINGOLD. I am also pleased to inform the Chair and my colleagues that both the Farm Bureau and the Farmers Union support that. I am sure the Senator from Indiana knows that does not always happen. But we are on the right track for America’s farmers with this amendment.

I urge my colleagues to support this amendment and give farmers options to resolve disputes in the agricultural marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am wondering if I could ask for the yeas and nays on my amendment, and I ask unanimous consent that the vote on it follow the vote on the Bond amendment.

The PRESIDING OFFICER. If the Senator will withhold, the Senator from South Dakota has the floor.

Mr. JOHNSON. Mr. President, I was unaware that the Senator from Wisconsin still had steps he needed to take relative to his amendment.

I withhold, at this point, my amendment and will allow the Senator from Wisconsin to proceed with his unanimous consent.

I ask unanimous consent that I then be in a position to offer my amendment upon the conclusion of the amendment by the Senator from Wisconsin.

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

Is there objection?

The Chair hears none, and it is so ordered.

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

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

Mr. WELLSTONE. I will take about 10 seconds.

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

Mr. REID. With respect to Feingold, that is true. And it is my understanding that debate is not going to take a long period of time. That is my understanding.

Mr. FEINGOLD. That is correct.

Mr. REID. I am delighted the Senator from Iowa, Mr. GRASSLEY, is in the Chamber and is supportive of our amendment. I hope he will offer his remarks in support of our amendment at this point.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, our Nation’s farmers and independent livestock producers are becoming increasingly subjected to vertical integration in their industry. I recall years past when family farmers had complete control over their livestock, from farrowing until marketing. Today, however, more than 30 percent of the hogs are either marketed under contract or are owned by the packer.

In my home State of Iowa, vertical integration has led to a situation in
which many farmers can’t even get a bid on their livestock from packers. Instead, they are simply forced to accept a slot when they can deliver their livestock to packers at the packer’s price. That kind of makes them a residual supplier of livestock, kind of puts them in the position of contracting those sorts of things of which he can take advantage. There are some people who ought to have the same opportunity to get the same price other people get. We are in a position now where things are somewhat different.

Mr. JOHNSON. Will the Senator yield?

Mr. GRASSLEY. Of course, I will yield.

Mr. JOHNSON. The parliamentary circumstance under which we were taking up these amendments was a bit convoluted up until the moment the distinguished Senator from Iowa came onto the floor. I would observe that the amendment pending is the Feingold amendment.

Mr. GRASSLEY. That is the one I am speaking about, the Feingold amendment.

Mr. JOHNSON. The nature and the thrust of the comments, I thought, related to packer ownership of livestock.

Mr. GRASSLEY. It is applicable to your amendment. I will speak also to your amendment at another time.

Mr. JOHNSON. Very good. I look forward to the observations of my friend and colleague from Iowa.

Mr. GRASSLEY. Maybe my own personal experiences in the way of family farming compound this problem. I will just get to the issue and leave the personal experiences I have had out of this issue.

In the year 2001, there are farmers who are in the same situation of wanting to market the same way I did the years I had livestock, from 1959 to 1974, and again from 1984 to about 1987, even since I have been in the Senate. We have a situation where you can’t deliver whenever you want to deliver. You become a residual supplier.

This is a problem Senator FEINGOLD is trying to correct. I hope I can help him. Many packers have arbitration clauses in their contracts with farmers. Arbitration clauses significantly reduce the small family farmer’s ability to get a fair shot when a dispute with packers arises. They also put them in a position economically, I believe, of getting a lower price.

When I was farming and raising pigs, it was as simple as calling up maybe an hour before you wanted to deliver your pigs, calling up the packing company in Waterloo, IA, and asking: What are you paying today for hogs? You might dicker a little bit, but you eventually reached agreement. When you wanted to sell a lot, you said: Well, I want to sell some. So you loaded up, backed up the pickup to the hog house, loaded a few pigs, and drove 15, 20 miles to deliver them. It was that simple. Today it is even worse for cattle in the sense that you might be able to have a half hour within a whole week of time to be able to sell something.

We have a terrible situation where the family farmer is kind of stuck in the sense of being a residual supplier. You can say the farmer has the option of contracting those sorts of things of which he can take advantage. There are some people who ought to have the same opportunity to get the same price other people get. We are in a position now where things are somewhat different.

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The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. GRASSLEY. Mr. President, I want our colleagues to know that what this amendment does is exactly the same as we are doing in the case of car dealerships. We have a bill, S. 1140, which has 47 cosponsors. I am not going to move this amendment, but it is a very bipartisan group of people, Democrats and Republicans. I hope that staff listening to this debate or Members listening to this debate will look at S. 1140 and remind their Members, or the Members themselves will be reminded, that they are cosponsoring legislation that does away with arbitration in car dealership contracts with major manufacturers. If it is OK for nonagricultural businesses, it even more importantly, I wish to reiterate the remarks of the Senator from Indiana. He raised a new argument which is 50 States have laws about these kinds of arbitration agreements. That is true, but we are not today invading this area. This area has already been preempted by the Federal Arbitration Act (FAA). It is already the case that the States cannot under Federal law prohibit these agreements or make the rules for these agreements. It is already up to us.

The amendment does not enter a new field. This is already a field that is clearly Federal in nature, and we are merely setting the rules, as we must, under Federal law. I do not want anyone to think we are suddenly invading a new area of State authority. I have strong feelings about avoiding that wherever possible.

This is already preempted by Federal law. We need to make a decision. I think the right approach would be to give the individual farmers the option they need and not be forced into a mandatory arbitration.

I yield the floor.

Mr. LEVIN. Mr. President, I have been reluctant to put the Federal Government in the position of judging the appropriateness of a binding arbitration clause in a private contract. However, I will support the amendment because I believe that in the case, the relevant parties to negotiate contract provisions are particularly uneven. My vote should not be interpreted as an indication of my position.

The amendment really gives the grower the absolute right to choose. He can go to arbitration or to civil court, notwithstanding what the contract may say, and it gives that grower the right to do that. In a way, it levels the field a little between the grower and the retailer, or the processor, for example.

With that, I urge adoption of the amendment. I hope all time has expired.

Mr. REID. Mr. President, it is my understanding that debate on the Feingold amendment has ceased.

Mr. LUGAR. Reserving the right to object, I would like to make one additional comment, if I may.

Mr. President, this may not be a definitive situation, but this Senator simply notes that all 50 States of the Union have adopted contract arbitration statutes that allow a provision to be placed in a written contract. I have no idea if the occupant of the chair would have a better idea from his experience as to how legislatures have dealt with this problem. But it is interesting that all 50 have, and we are on the threshold of displacing whatever judgments might have occurred in those situations. I think this is something that many Senators do not approach without some thought as to why such contract clauses may have been made an option.

I appreciate the point of the distinguished Senator from Wisconsin that in the commercial matter, farmers or ranchers dealing in these contracts have no choice; that in order to sign up at least in something that appears to be favorable, because they really would not move in that direction otherwise, they must, of necessity, accept an arbitration clause. Perhaps that is so but not necessarily.

It would be the experience of this Senator, in at least a modest management capacity of our State as to how it turns to us where we were a few years ago, I yield the floor.

Mr. HARKIN. Mr. President, I join my colleagues. I am a cosponsor of this amendment. I join my colleagues from Wisconsin and Iowa in supporting this amendment. This was part of the competition title we offered in committee, which was not accepted in committee in its totality. The only part that was accepted was the country of origin labeling. So this is a part of the competition title. There will be another amendment by Senator Johnson, also, that will fill in the picture on competition.

This is a good amendment. In a nutshell, what the Senator from Indiana kind of put his finger on it. Right now, more and more contracts between growers and producers have an arbitration clause in them. The grower is basically forced to accept that. Well, we had a situation in Mississippi where a poultry grower, in order to file for arbitration, had to plunk down $11,000; that was his cost of the arbitration side. To take that case to civil court would cost him $150 or $250. If the amount in controversy is $10,000, it makes no sense for the producer to pay $11,000 to recover $10,000, so you just lose it.
on future legislation that may be offered on the subject of the Federal Government overriding binding arbitration clauses. I would like to ask the sponsor of the amendment, my colleague from Wisconsin, whether, under this amendment, either party to a contract that contains a binding arbitration clause can choose alternatively to go to court to resolve the dispute.

Mr. FEINGOLD. Yes. Under my amendment, either party would have that option.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my understanding is all debate on the Feingold amendment has been completed; is that right? The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the Senator is correct.

AMENDMENT NO. 233

Mr. REID. Mr. President, it is my understanding we are now on the Bond amendment; is that right?

The PRESIDING OFFICER. Under the order, we vote in relation to the Bond amendment at this time.

The majority leader. Mr. President, will the Chair inform us, are we under a time agreement at this time?

The PRESIDING OFFICER. We are not.

Mr. DASCHLE. Mr. President, I want to take a couple of minutes to speak to the Bond amendment. As I understand it, we are going to be voting on it shortly.

I heard Senator Bond describe his amendment a little while ago. My immediate reaction was that I was very supportive. I thought it sounded like a reasonable amendment. Certainly we have to be concerned about the frustrations that many of our farmers have experienced with regard to the regulatory headache face, the frustrations they experience in attempting to participate in agriculture today, as complicated as it is. I am very sympathetic. I hear many of these complaints when I go home as well.

I think to whatever extent we can moderate their frustration by finding ways to reduce the regulatory anxiety, reduce the tremendous amount of paperwork they have to endure, we ought to do it. There have been efforts over the years to attempt to do so, and I think we have to continue to try to do it.

Looking carefully at the Bond amendment, what I have come to realize is this amendment really makes the President not just a friend of the farmer but king. I do not know if there is any other word for it. This would provide powers we do not give the President under any circumstances today. Only a monarch has the powers that the Senator intends to provide the President in situations such as this.

Basically, the Bond amendment grants the President authority to overturn any action by any Federal agency that he simply determines may harm producers. He can wipe out virtually any law of the land without question, with no challenge. This is an extraordinary delegation of power, not only to a President but to anybody. This would make a monarch of the President.

This amendment, what I have come to realize, is a real assault on the environmental laws of this country. It would allow the President to waive the Endangered Species Act completely, the Clean Air Act completely, and the Clean Water Act completely. Frankly, it would set this country back at least 30 years in environmental protection, but it goes way beyond environmental laws.

The definition of harm written into the Bond amendment is so vague that virtually any action by any Federal agency—it could even be a foreign action, for that matter—could be overturned by the President, but certainly efforts involving the USDA civil rights procedures, efforts involving laws protecting farm workers, efforts to implement free trade agreements—all of those—without any consultation with Congress, without any respect for due process, without any appreciation of the protections we have built in for an appreciation of the real sensitivity we must show in regulatory and statutory frameworks, all are thrown out the window with this amendment.

As I said a moment ago, should we be sensitive to the needs of farmers and ranchers as we consider their frustration in dealing with the regulatory headaches they must address? The answer is absolutely yes. Absolutely we have to find ways of doing that. We have to continue to work with the President and with the Department of Agriculture to make sure this happens. But do we want, really, to give the President unbelievable constitutional and statutory authority in this context? Do we want to say to the President: Look, if you do not like a law, just repeal it unilaterally, no votes in Congress, no consideration, no public comment. You just go do it. That is what the Bond amendment says we can do.

Frankly, we do not want to go that far. I hope people will think very carefully, as well intended as the Bond amendment is, about whether we are willing to make a President a monarch in this case, to give him the authority of fiat. Not in this democracy, not in this Republic, not in the Senate, not now, not ever. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I move to table the Bond amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SMITH of Oregon (when his name was called). Present.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY), will each vote no.

Mr. NICKLES, I announce that the Senator from New Mexico (Mr. DOMENICI), is necessarily absent.

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

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Dodd
Dayton

NAYS—43

Allard
Bennett
Bond
Boxer
Brownback
Briggs
Burns
Campbell
Carnahan
Chambliss
Craig
Craigan
DeWine
Dodd

Not Voting—3

Domenici
Kennedy
Kerry

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 352

The PRESIDING OFFICER (Ms. CANTWELL). Under the previous order, the question is on agreeing to the Feingold amendment.

Mr. FEINGOLD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SMITH of Oregon (when his name was called). Present.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.
I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

The result was announced—yeas 64, nays 31, as follows:

(Rollcall Vote No. 366 Leg.)

YEAS—44

Akaka  
Bancus  
Bayh  
Biden  
Bingaman  
Boxer  
Breaux  
Brownback  
Burns  
Byrd  
Campbell  
Campbell  
Carnahan  
Carper  
Chafee  
Collins  
Conrad  
Corzine  
Daschle  
Dennison  
DeWine  

NAYS—31

Allard  
Allen  
Bond  
Bunning  
Cleland  
Collins  
Craig  
Crapo  
Ensign  
Fitzgerald  
Frust  

SMITH (OR)

Answered “Present”—1

NOT VOTING—4

Bennett  
Domenici  

The amendment (No. 2522) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader?

Mr. DASCHLE. Madam President, I have been in consultation this morning with the distinguished Republican leader, and we have reached an agreement with regard to how the Senate may proceed over the course of the next several days. I appreciate as always his cooperation and his interest in accommodating Senators. I would like to propound a unanimous consent request, but let me explain the request briefly to Senators and then I will specifically read the unanimous consent request.

Basically, what I am about to propose is that we have a cloture vote this afternoon at 4 o’clock. While it is not in this particular unanimous consent request, we will also attempt to take up the defense authorization conference report sometime later today. That is the subject of a separate request. We would then be in session on Friday, but we would not entertain any rollcall votes.

It would be my expectation that regardless of how the cloture vote turns out this afternoon, we would remain on agriculture.

On Monday, if we can, if our colleagues will allow us, I would like to take up the conference report on education for the entire day and evening, whatever length of time it takes. We would have a vote on the conference report on education on Tuesday morning. There would be additional nominations to consider on Tuesday morning, and we would also have a cloture vote if it were required on the farm bill Tuesday morning as well.

That is the essence of the request I am about to read. I will do so at this time.

Mr. LOTT. Madam President, if Senate DASCHLE would yield before he propounds the request, I don’t intend to object. I want to make the record clear, if he would yield.

Mr. DASCHLE. I am happy to yield to the Senator from Mississippi.

Mr. LOTT. So Senators understand what has happened here and that we had a consultation, I have discussed this schedule with Senator LUGAR, the ranking member on Agriculture, and Senators COCHRAN and ROBERTS and others, to make sure there is agreement that we could and should go ahead and go forward with this vote on cloture at 4 o’clock. We could object and insist that it occur on Friday. We don’t believe anything positive would be achieved by that. This would make it possible for us to go forward and deal with other issues, hopefully the defense authorization and intelligence authorization, and then next Monday do the education conference report. That is very important.

There is a time agreement included here about how we would get to a vote on that conference report with a vote scheduled at 11. Mr. DASCHLE. The Senator is correct.

Mr. LOTT. We are obviously still very concerned about this bill. We want to have the opportunity to offer additional amendments and substitutes. We saw no reason not to have the cloture vote at this time. I wanted to get that in the RECORD before the UC was propounded.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. Under the agreement you are about to propound, we will have a cloture vote at 4 o’clock. I am assuming we will still consider agriculture-related amendments until 4 o’clock.

Mr. DASCHLE. The Senator is correct.

Mr. NICKLES. May we have an agreement that we will alternate? We only have 3 hours to do amendments. I don’t know if cloture will be invoked, but if it is invoked, that will preclude a great number of amendments. May we have an understanding that we will alternate between Democrats and Republicans?

Mr. REID. Will the majority leader yield?

Mr. DASCHLE. Let me just say to the distinguished Senator from Oklahoma, I have no reservations about suggesting that we alternate Republican and Democratic amendments.

I am happy to yield to the Senator from Nevada.

Mr. REID. That was the decision made earlier—not the decision, but Senator LUGAR and Harkin and I entered into a dialog. That would be the case. The next amendment will be offered by the Senator from South Dakota. Then we would wait for someone on your side to offer an amendment, and then we would go back and forth. That was talked about earlier today.

Mr. NICKLES. Fair enough.

Mr. DASCHLE. I would also note that if cloture is invoked, this agreement also will provide that the Cochran-Robert amendment still will be in order. It accommodates the germaneness question regarding Cochran-Roberts.

Mr. NICKLES. Before the majority leader propounds a request, would you also amend that to include the Dorgan amendment to make sure it would be available, if cloture is invoked?

Mr. DASCHLE. Senator DORGAN is not on the floor.

Mr. NICKLES. I am concerned if we get cloture, there are a lot of amendments that will fall. The Dorgan amendment happens to deal with payment limitations. I am concerned that it might fall. I have an amendment dealing with payment limitations. That is my concern. I am not a big fan of cloture, as I am sure the majority leader knows. But there may be others. I make mention of the Dorgan amendment because I am interested in that subject. If you include that, I would appreciate it.

Mr. DASCHLE. I am happy to include that.

Mr. NICKLES. Thank the majority leader.

Unanimous Consent Agreement?

Mr. DASCHLE. Madam President, I ask unanimous consent that the cloture vote on the pending substitute amendment occur at 4 p.m. today; that Members have until 11 a.m. tomorrow to file second-degree amendments; that notwithstanding rule XXII, the alternate amendment by Senators COCHRAN and ROBERTS, and the amendment offered by Senator DORGAN regarding payment limitations, still be in order if cloture is invoked on the substitute amendment; that following the cloture vote, the Senate proceed to executive session to consider executive Calendar Nos. 589, 590, and 592; that upon the disposition
of those nominations, the President be immediately notified of the Senate’s action; that any statements thereon appear in the RECORD, and the Senate return to legislative session.

I further ask unanimous consent that on Monday, December 17, at 1 p.m. the Senate receive the conference report on H.R. 1 for debate only, and that on Tuesday, December 18, there be 90 minutes remaining for debate, 60 minutes equally divided between the chairperson and ranking member of the Health, Education, and Labor Committee, or their designees, and 15 minutes each for Senators WELLS and JEFFORDS; that the Senate vote on the conference report at 11 o'clock on that day, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Oregon. Madam President, reserving the right to object, I don’t intend to object, but I wonder if I may be included on two amendments that are very important in any State with respect to crop insurance and the Klamath Falls.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I will accommodate the Senator from Oregon on his request and ask that they be included in the unanimous consent agreement.

Mr. SMITH of Oregon. I thank the leader.

The PRESIDING OFFICER. Would the Senator restate the subject matter of the amendments?

Mr. SMITH of Oregon. I have two amendments. One deals with a change in crop insurance to include farmers for coverage under crop insurance when the disaster is not natural, but Government-made.

The second one is just simply as to policy with respect to a long-term plan that Senator WYDEN and I are working on that includes as one of its goals the economic viability of the agricultural community of Klamath Falls.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized.

AMENDMENT NO. 2384

Mr. JOHNSON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from South Dakota [Mr. JOHNSON]

Mr. GRASSLEY, Mr. WELLSTONE, Mr. HARKIN, Mr. THOMAS, Mr. DORGAN, Mr. FEINGOLD, and Mr. DASCHLE, proposes an amendment numbered 2384.

Mr. JOHNSON. I ask unanimous consent that further reading of the amendment dispensed with.

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

The amendment is as follows:

(Purpose: To make it unlawful for a packer to own, feed, or control livestock intended for slaughter)

On page 866, strike line 5 and insert the following:

Subtitle C — General Provisions

SEC. 1201. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) In General. Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

(”)(a) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

(i) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

(A) own, feed, or control livestock; and

(B) provide the livestock to the cooperative for slaughter;

(ii) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packers slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or

(iii) in subsection (b) (as so redesignated), by striking “or (e)” and inserting “(e), or (f)”.

(b) Effective Date.

(1) In General. Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) Transition Rules.—In the case of a packer that is not a cooperative, the Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 60 days after the date of enactment of this Act, as determined by the Secretary of Agriculture.

Mr. JOHNSON. Madam President, the amendment pending aims to protect America’s livestock producers from the overwhelming market domination of a few packers.

My amendment is based upon bipartisan legislation I introduced earlier this year, S. 142, which strengthens the Packers and Stockyards Act of 1921, by prohibiting large packers from owning livestock prior to slaughter.

This amendment is cosponsored by my friend Senator GRASSLEY, as well as Senator WELLS, the Agriculture Committee chairman, Senator HARKIN, Senator THOMAS, Senator DASCHLE, and Senator DORGAN. All of these Senators have cosponsored my bill, which enjoys bipartisan support. I applaud my colleagues for their leadership on this issue, and especially thank Senator WELLSTONE from Farmland Industries, a cooperative working to finalize plans for the Nation’s first major pork packing cooperative, and the amendment exempts a number of modest-sized co-op lamb slaughtering projects in the Northern Plains and West. But co-ops are not the only businesses exempt from the ownership ban. Small, producer owned packing and processing facilities handling less than 2 percent of the national annual slaughter are also exempt under our amendment, whether or not they are a co-op.

Therefore, if a farmer rancher owned facility slaughters less than 1,960,000 hogs, 724,000 beef cattle, or 69,200 lambs, they are exempt from the ownership ban under our amendment. For instance, “Harris Ranch” in California is a producer-owned beef packing plant, not formed as a cooperative, which handles less than 724,000 head of beef cattle per year. As a partnership of cattlemen who own a packing plant, this facility will be exempt according to my amendment. We don’t want to see the ranching community inhibited from making a real, bottom-line difference for American livestock producers, so my amendment exempts “Harris Ranch” and all other non-cooperative, producer owned processing and packing facilities handling less than 2 percent of the overall domestic slaughter of beef cattle, lamb, and hogs.

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That’s the substance of our amendment. Here is why we need our amendment. Our amendment would take on a growing problem in livestock marketing—that of packer ownership of livestock and captive supplies of livestock that allow packers to manipulate cash prices to producers. This amendment would strengthen the 80-year-old Packers and Stockyards Act, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Our amendment also addresses a glaring deficiency in the Packers and Stockyards Act of 1921, because it has failed to prevent packers from squeezing independent producers out of the market.

Here are a few cases in point where current law—written 80 some years ago—has failed to promote competition in livestock markets. The poultry industry has been almost entirely vertically integrated for many years, and the pork industry is becoming more so. The hog industry especially has been consolidating rapidly in recent years. At the packer level, the 4 largest firms’ share of hog slaughter reached 56 percent in 1999, compared with 36 percent in 1988. In 1996, 60 percent of all hogs were marketed through some form of forward sales arrangement between producers and packers, and approximately 10 percent of all market hogs involved entire or partial packer ownership.

According to USDA’s Economic Research Service, larger producers—5,000+ head—most often aligned with large integrators and meatpackers currently account for nearly three-fourths of the hog production, compared with just over one-fourth in 1994. In the cattle sector, the 4 largest beef packers accounted for 80 percent of all steers and heifers—beef cattle—slaughtered in 1999, compared with 60 percent in 1988. According to the Federal Reserve Bank of Kansas City, the number of U.S. packing houses for beef cattle and hogs has declined by two-thirds since 1980.

Smithfield Foods has made 17 acquisitions during this time, giving Smithfield 20 percent of the domestic processing market for pork. A recent column in the “Economist” stated Smithfield would like to increase that share to 30 percent, and hopes its hiring of former Clinton administration DOJ Antitrust Field Attorney Daniel Klein as a Smithfield attorney may help them in that process. These are the facts about consolidation land market power. These are the hard cold facts that frustrate every independent farmer and rancher in the United States. The frustration grows when one considers recent profits its made by agribusinesses:

Cargill increased profits by 67 percent in the last quarter, Hormel increased profits by 57 percent, and Smithfield increased profits nearly 30 percent. Finally, Tyson, the single largest meat processor in the world with its purchase of IBP, tripled profits in its most recent quarter. Conversely, crop prices took a nose dive so severe in September that it marked the worst one-month drop in crop prices since USDA has been keeping records over the past 90 years. We must inject some real competition, access, transparency, and market forum into the market if we are to see these tragic circumstances change. Instead, agribusiness is vigorously lobbying Congress to ensure the market is noncompetitive, closed off, veiled, and unfair.

Packer ownership of livestock is a function of captive supplies. Captive supplies are livestock that are controlled by packers either through contract arrangements with producers or outright ownership. In other words, captive supplies are all cattle and swine that are not negotiated and priced within seven days of slaughter. The trend towards captive supplies and packer ownership has dramatically in- creased in the last 10 years. Here is why we need our amendment.

Banning major meatpackers from owning livestock prior to slaughter is based so much on a lack of a basis for what we are trying to do. The Packers and Stockyards Act, and its regulations, currently prohibit sale barns or auction markets from vertically integrating specifically, stockyards may not own or control buying stations, packing plants, or livestock feeding operations. The rationale is that such ownership or control creates conflicts of interest, access problems for other producers, and the antitrust opinions. In other words, self-dealing which distort the market.

Because meatpackers are similarly situated to stockyards as a market creator and market forum, the same rules should apply to them, but, unfortunately, this rule does not apply to the packers. Moreover, similar marketplace protections exist in other industries. For example, film production and movie companies cannot own local movie theaters by law. Broadcasting companies cannot own and then use their network for local television and radio stations. Why can’t similar protections apply to the family farmers and ranchers raising livestock in the United States?

Here are some of the harmful effects the packer ownership/captive supply trend: A stark increase of packer market power by allowing packers to stay out of the cash market for extended periods of time, thus reducing farm gate prices and supply to the market a severe reduction, or even elimination, of the ability of small and medium-sized producers to even access the market. An increase of packer market power by allowing packers to go to the cash market in specific instances, or time periods each week rather than bidding all week, thus resulting in panic selling by producers; a distortion of public markets because captive supply livestock are not priced at the time of the commitment to deliver them. Rather they are priced after delivery.

This means that transactions concerning these packer-owned livestock are not part of the publicly reported daily cash market. Narrowing the volume in the market makes it more subject to manipulation. Less cash market volume also increases the likelihood for reduced competition, fewer competitors, and a lower price.

In conclusion, not only must we strengthen the law, but we must also call on USDA and the Department of Justice to better enforce it. Enforcement of the Packers and Stockyards Act has been dismal, no matter who sits at the Secretary of Agriculture’s desk. We must call upon USDA and DOJ to better enforce our laws. Yet, ensuring free and fair markets is not a oneway street. This fault is not solely with USDA. We must pass stronger laws in Congress as well. Therefore, while Congress has not been successful in trying to urge our Cabinet leaders, regardless of party, to protect the market—whether it is vertically integrated—its not solely so. We must pass stronger laws to prevent further erosion of competition in livestock markets.

Our amendment would essentially update and strengthen the Packers and Stockyards Act, needed to prevent any preference and Stockyards Act, which is supposed to prevent any preference in packer procurements of livestock. The 80-year-old act was also supposed to guarantee a well functioning marketplace on fair terms for all farmers and all ranchers. Packer ownership of livestock is inherently preferential and anticompetitive. But with USDA either asleep or in the packers’ pockets, this bill is desperately needed. Conversely, while the industry currently stands, with the world’s largest poultry processor buying the world’s largest beef packer, as well as a number of other proposed mergers in the last year, I believe this amendment is vitally, vitally important to halt what is an unfair move toward vertical integration.

A ban on packer ownership of livestock would not drive packers out of business because most of their earnings are generated from branded products, and companies marketing directly to consumers. Conversely, livestock ownership by packers and further concentration in the livestock industry could drive independent livestock producers out of business, because they are at the mercy of these large corporations.

Our Nation’s farmers and ranchers want competition in the marketplace, rather than a meatpacker, that actually reduces competition. If allowed to grow unchecked, packer ownership of livestock will put a stranglehold on the Nation’s family farmers and ranchers and eventually will drive them out of business. This farm bill needs to combat marketplace concentration so that family-size farmers and ranchers are not squeezed out of business by multinational corporations.

I urge all of my colleagues to support this very important amendment that will preserve family farmers and ranchers by putting a stop to concentration
Senators WYDEN and BROWNBACK have an amendment on the Republican side. I understand that after this amendment, we will go to the Smith amendment on the Republican side. Senators WYDEN and BROWNBACK have an amendment they say will be accepted. I ask unanimous consent if then be allowed to offer my amendment after that.

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

Mr. WELLSTONE. Mr. President, I rise to support my colleague from South Dakota. I so appreciate his work. What we are saying with this amendment—and it is hard for people not in farm country to understand. The truth is, this is the most important conservation that we are saying a packer cannot own a supply of livestock during the 14 days prior to slaughter. Why? Because what is happening is these big packers are buying when prices are low, and then they hold on to the livestock which is ready for slaughter for the purpose of dumping it on the market when prices start to go up.

The IBPs or Tysons of this world are basically controlling the market. Frankly, they are jacking the independent producers around. That is exactly what is happening, I say to Senator JOHNSON. I am very proud to join him with this amendment.

Minnesota family farmers tell me the issue they are most in agreement on—which is Farm Bureau or Farmers Union—is this whole problem of concentration, these conglomerates that have muscled their way to the dinner table, they are using family farmers off the land.

There was a recent poll done by the Nebraska Institute of Agriculture: 72 percent of farm households agree that packer ownership should be prohibited. To save time, because there are other Senators who want to offer amendments and they are worried about this cloture vote, although I certainly hope we will get cloture, I will not go through the statistics on concentration. Frankly, they are jacking the independent producers, whether it is turkey processors, chicken broilers, over and over.

Everywhere farmers work, whether they buy from or sell to, they are up against large conglomerates. It is like an auction: If you have a lot of buyers, you are going to get a decent price. If you have just two people you can bid to, you are not likely to do very well.

So what this amendment is all about is trying to give some opportunities to our independent producers. These packers practice acquiring captive supplies through contracts, and then they use their ownership to reduce the number of opportunities for the small and medium-sized farmers to sell their hogs. With fewer buyers and more captive supply, there is less competition for independent farmers’ hogs, and, frankly, it is a scam. This is all about lower prices.

My colleague from South Dakota already said this, but what we are seeing is a broader trend of consolidation taking place in the food industry. We learned this summer that Tyson’s Foods has finalized its agreement to purchase IBP. The deal has merged the country’s largest poultry producer with the country’s largest processor of red meat.

We asked the Department of Justice to investigate, but I do not think the laws are strong enough, and I do not expect this Department of Justice to really take this on. We can at least say: Look, we do not want to have these packers acting to stifle competition, and that is exactly what this amendment is all about. Some are saying we are trying to stifle competition; does that mean precisely the opposite. We want to restore competition in the livestock markets, and we want to put some freedom back into the free market system.

We want to put free enterprise back into the free enterprise system. That is what this amendment is all about. Some say this concentration leads to cheaper prices for consumers, but, frankly, the farm retail spread grows wider and wider. That is the difference between what our producers make and what consumers actually pay at the grocery store.

This amendment has the support of a broad base of family farm organizations. This amendment sides with family farmers over these agriculture conglomerates, and it boils down to whether or not we want to have independent livestock producers in agriculture or we are going to yield to concentration and see farmers and ranchers become low-wage employees on their own land.

That is the trend. That is where we are going. This amendment is an effort to try to fight that. If we continue to stand idle and watch control of the food supply to the hands of the few, consumers are going to be the real losers. So I say to my colleagues from Indiana, I really could talk for hours on this, but I am trying to be brief because I know other Senators have amendments.

I will simply say two things: No. 1, this is all about assuring competition. This is an amendment for our independent livestock producers. It is a question of whether we side with them or whether we side with these huge conglomerates who have a tremendous amount of power. This whole manipulation of the market, from our point of view, outrageous. These conglomerates buy when prices are low and then they dump—basically they keep the prices low by going back to the slaughterhouse and dumping it on the market. It is absolutely outrageous, and I think that is why there is so much support for this amendment in the countryside. I hope we will vote cloture. I do not think this farm bill ought to be stopped. We are talking about a $3 billion increase of net income for our producers in this country. Time is not neutral. I think the Freedom to Farm bill became the “freedom to fail” bill.

It is time to change this farm policy, and I hope Senators will vote for cloture and we will not see a filibuster and a blocking of this bill.

People in the countryside are pretty impatient about this. Time is not on their side. They would like to see a change in agriculture policy.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, may I inquire of the distinguished Senator from Minnesota, I understand the Senator asked unanimous consent that his amendment might be debated immediately following the Johnson amendment.

Mr. WELLSTONE. No, not at all. I heard the Senator from Indiana earlier. I said my understanding was that following the Johnson amendment, we would move to the Republican side and that Senator SMITH would then submit an amendment. I was trying to accommodate the Senator from Oregon. My understanding in Senator WYDEN and Senator BROWNBACK had an amendment that was going to be taken up and they needed just a few minutes, and then I asked to follow that. That is all.

Mr. LUGAR. I thank the Senator, and I apologize for my misunderstanding because I recall we had a colloquy in which the Senator was involved earlier on.

Mr. WELLSTONE. I say to my colleagues from Indiana, would I ever do that?

Mr. LUGAR. No, and the Senator has not. I appreciate it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there any objection to setting aside the pending amendment?

Mr. SMITH of New Hampshire. I ask unanimous consent that the Johnson amendment be stricken for the purpose of offering an additional amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Reserving the right to object, if there is a further debate on the Johnson amendment, I ask for the yeas and nays on the amendment and that we proceed to the Smith amendment.
Mr. SMITH of New Hampshire. Mr. President, I did not realize there were Members who wished to speak in opposition to the Johnson amendment, so I will withdraw my request at this time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am simply suggesting we take care of the Johnson amendment before we move on to the Smith amendment. That was my only goal.

Mr. LUGAR, in response to the distinguished Senator, we have additional debaters.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. Are we on the Johnson amendment now?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Is there a time limit on the Johnson amendment?

The PRESIDING OFFICER. There is not.

Mr. HARKIN. Mr. President, how long have we debated the Johnson amendment to this point? I ask that there be one half-hour remaining on the Johnson amendment divided evenly.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object. The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. Is there any time limit the Senator will agree on?

Mr. LUGAR. Not until Senator BURNS, who wishes to be heard, comes to the Chamber to speak.

Mr. HARKIN. I think it is becoming clear what is going on.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in opposition to the Johnson amendment. There may be some understandable sympathy with respect to the amendment of Senator JOHNSON and Senator GRASSLEY. We all claim concern for the small farm and for reducing consumer prices. We are in the process of voting on numerous amendments to protect the viability of the family farm and the farmer’s ability to provide for his or her family.

Personally, Virginians have been working on a peanut provision to protect small Virginia peanut farmers from devastating radical changes proposed in this farm bill. I have heard the statistics that have been quoted by the Agriculture Committee ranking member, Senator LUGAR, in which Senator LUGAR pointed out that a large percentage of Federal farm subsidies go to a relatively small percentage of our farms. These are oftentimes larger farms, and I certainly understand his concern.

The situation being addressed by this amendment is not the same type of issue. The Johnson amendment will actually harm the small farm it intends to protect.

This amendment will prevent entrepreneurial and creative companies from achieving operational quality, efficiency, and economies of scale. This amendment will drive up consumer prices. This amendment will make the U.S. products less competitive in world markets. This amendment will drive small farmers out of the market. Here is how.

If packers are prohibited from growing their own livestock, they will see an immediate decline in futures prices. Packers who cannot both operations will have to sell their livestock, thereby, of course, driving down market prices. When prices for hogs or cattle go down, we know what the return will be. It will shrink, making it—especially for the small farmer—tougher and difficult for especially the smaller farmers with less profitmaking room to continue in business.

Excessive Federal Government regulations already threaten our farming community’s declining profit margins due to more Federal interference in the marketplace and what will hurt our hard-working farmers. Now, the long-term effect of this amendment would be to drive up costs for the processors and packers and ultimately drive up the costs for consumers. Our American farmers and packers would lose market share to international competition that isn’t restricted by their foreign governments. Indeed, many foreign governments greatly subsidize and protect their agricultural interests.

In the economic wealth of Virginia, we hold an inventory in the private sector of about 500,000 heads of hogs and cattle. We enjoy a great mix of traditional farms that sell their livestock to processors and packers who also grow their own livestock. The predictability of supply experienced by these multifaceted packers results in an efficiency that is achieved by larger operations. Multifaceted pork and beef processing companies are able to offer high-quality, specialized items, quality, low-priced products to consumers as a result of this efficiency, as well as quality assurance of the methods of raising the hogs and cattle. We understand that in some of the specialized parts of the marketplace, in the way cattle are fed, they will then be able to label that as something or some other method of product that some consumers may desire.

We are eager to finish the business of the Senate and go home to visit our families for the holiday season. Many will go to Virginia. They may get pork loin. They may get some beef roast or who knows what. But this amendment, unfortunately, will limit the ability of the efficient companies to offer these high-quality, competitive products.

While I applaud the intent of this amendment to protect both the family farm and the consumer, I disagree with the methods of achieving this goal. Efficient companies that offer high-quality, low-priced products to consumers ought to be applauded and encouraged in their efforts. Congress should be saying yes to high-quality, U.S.-produced consumer goods. We ought to be saying yes to all of these long-term viable family farms, and we ought to be saying yes to allowing strong and efficient businesses to succeed in the United States as well as internationally.

I will conclude by saying I cannot see the logic of the Federal Government telling a legitimate company in this country or even a hometown butcher shop that you can’t own a pig or you can’t own a hog or you can’t own a cow. I don’t think it is the business of the Federal Government to tell someone who can own a pig, a cow, or a calf. Therefore, I oppose this amendment and hope my colleagues will as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, simply stated, this amendment would curtail the ability of packers to have a continuous supply of meat products. Without a certain supply, packers cannot operate, as the Senator from Virginia has pointed out, in a most efficient way. Margins for packers are already tight. They would be forced to run fewer shifts and close processing lines. This would force meat prices for consumers to rise, adversely affecting the poorest Americans who spend a higher percentage of income on food. It could amplify each of these points, but they are, I believe, essential to the debate. The reason that packers attempt to make certain they have a certain supply through control of that supply is to make certain that a continuous flow of production occurs.

I appreciate the point being made by the sponsor of this amendment because, clearly, in years gone by competition in the stockyards of America made for a very lively market.

My family was involved in that business. My dad was a livestock commission man at the Indianapolis stockyards, handling the hogs while my...
grandfather handled the cattle. At 4:30 in the morning he went to the yards and did the best he could for the farmers he represented. Those stockyards long since have left our city, as they have left almost all cities of my State. It is in the past because those who are here from farmers and cattle farmers arrive at contractual arrangements that are favorable to them.

The intent of this amendment, well meaning as it may be, is to roll back two decades of history in the business. The intent will not necessarily be helpful to most Americans. It certainly will not be helpful for the price of meat or jobs of those employed by the meatpackers. These considerations have to be weighed as we evaluate the Johnson amendment.

It is for these reasons, recognizing the point my colleague is making, that I oppose his amendment. I am hopeful Senators will carefully consider each of these factors as they come to a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. Mccain. Mr. President, what is the parliamentary procedure at this time?

The PRESIDING OFFICER. The pending business is the Johnson amendment No. 2534.

Mr. McCAIN. Are there amendments made in order following the disposition of this amendment?

The PRESIDING OFFICER. Yes. In order are the Smith amendment, a Wyden-Brownback amendment, and a Wellstone amendment— in that order at the present time.

Mr. McCAIN. I ask unanimous consent of the Senate that the McCAIN amendment be made in order after the last amendment.

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

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. Thomas. Mr. President, I join my colleagues today in offering this amendment to help increase smart competition in the livestock sector. I think for a number of years we have observed changes that have taken place in agriculture.

In my State, agriculture is largely livestock, beef, and we feel strongly about that. We have more producers and fewer processing. This can cause problems. Increasingly apparent is the difference between the cost the producers receive and the retail costs. There is a great differential. One wonders if some of the prices that go to producers from processors are where they ought to be.

Additional regulation becomes necessary because of a loophole that has been there for some time. My colleague truly has been those and about that. The Packers and Stockyards Act of 1921 does not clearly define or address packers owning livestock for slaughter.

This amendment would prohibit packers, meatpacking companies, from owning and feeding livestock—with the exception of producer-owned cooperatives and small meatpackers. An exemption for cooperatives is included as recognition and reward to producers who have invested their resources to enhance their own market niche. I think we will see more of this—I hope that, indeed, we do—where producers are more involved in processing and moving their products on to the retail market. By placing a prohibition on meatpacking companies, our efforts today will be branded as anticompetitive, in support of big Government versus free market. The intentions are obviously just the opposite. Our goal is to restore competition in livestock markets. Reform, I believe, is long overdue.

Livestock markets have become increasingly concentrated. Producers have the least control in the market or over their products. Four top meatpacking firms control roughly 80 percent of today’s slaughter market. Less than 20 years ago, four top firms controlled only 36 percent of the market. So times have changed, some of the rules need to change. This is an opportunity to look at that.

We saw examples where the on-farm price of commodities goes down at the same time retail prices go up or remain constant. The problem of price disparity, I believe is somewhat, at least, attributable to market concentration and that is what this amendment addresses. This amendment should be our first step toward making fair markets for our producers.

I certainly urge support for this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. Burns. Mr. President, I thank my colleagues on the Agriculture Committee for protecting me for just a little time here. I will not take too much time on this particular issue. I do have a couple of questions, though, for the Senator from South Dakota.

How does this deal with contracts? In other words, there are some people who forward-contract, under a pricing system, on a grid or whatever. How does this affect that?

Mr. Johnson. I appreciate the inquiry, and I have a friend from Montana. This legislation does not prohibit forward contracts at all. There are some who suggest maybe we should, but we chose not to go down that road. So forward-contracting remains an option for both the producers and the livestock packers.

Mr. Burns. Do you deal with futures and options?

Mr. Johnson. This legislation does not deal with futures and options.

Mr. Burns. Mr. President, I am supporting what the Senator from South Dakota is trying to do. I associate myself with the remarks made by my good friend from Wyoming. Unless we deal with contracts, this matters not because, in other words, they will just contract the cattle. They will contract the cattle right from the cow/calf producer before they even go into the feedlot. I don’t want to get caught in the same quagmire we have had with market reporting. That has turned out to be a beast. I do not know if it has helped out in any way. But what our intent was on market reporting was that the infrastructure of the USDA Market Reporting Service was ready there and sales had to be reported. But OMB got in the middle of it and said, if only one guy was bidding on the livestock, then they can’t report that because that is a violation of privacy in business or—I don’t know, lawyers have some fancy word for it. I am not a lawyer. I have never been hinged with that title. So the OMB got in the middle of it, and they had a working sheet on why we could not have true transparency in the livestock business. It was that thick. It was just—just would blind you.

I have nothing against cooperatives either, but I have yet to see one that is managed all that well. What they are trying to do with packers is venture—and we have producers in Montana who have cattle on feed in that program. But we must not take away a producer’s right to do business with whomever he wants to do business, if he wants to do it on a private party basis. So I have some reservations about this amendment.

I appreciate the work that has been done. I don’t know of any other way. We have not been able to attract any kind of sympathy or notice from the Justice Department when it comes to antitrust in the agricultural markets, other than ADM. That is about the only one, over in soybeans.

So if we do not do anything about cooperatives or the use of futures to hedge your cattle or hogs—the same is not true in sheep. I have been looking at the sheep industry. I am still very much interested in it because we have a situation there that is completely intolerable to the lamb industry in this country. The excises they give for a market that dips so fast—I mean it went down something like $20, $30 per hundredweight on lambs in less than 2 weeks, and there was no reason for it. The Meat and Livestock slaughterer and importer in this country has that big lever and they can do it.

So I haven’t made up my mind on this, but I did want to say if there is no treatment of contracts or futures or options, then I don’t know how we close all the loopholes of packer-owned cattle. Right now packers can’t own stockyards, and there was a good reason for that. That law is being enforced. But out of these days I think we have to take into the livestock industry—and there are a lot of us in this body who do and some probably know more about it than I
do—we are going to have to take a look at packers and stockyards and maybe do some reforms in that respect. I think the total law will probably need redoing.

I just wanted to bring that to the attention of others in South Dakota and to the attention of others in this body. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, just so Member understands, we are going to arrange a vote on this at about 1:50, so everyone should be advised. When the Senator completes his statement, I will be back and propound a unanimous consent request.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I think we have had a good debate on this legislation. I think Senator BURNS, my colleague from Montana, is correct on our issues about foreign contracting and markets that need to be freed up. You can only do so much at one time, however. This addresses the most egregious of the concentration issues. That is the outright ownership of livestock on the part of the packers. That is our attempt here. There also say this bill goes too far. There are some who say the bill doesn’t go far enough. I appreciate that. But I think it is a very solid piece of legislation. I hope it will go forward.

The only other observation I have is it would not be in the business of telling someone whether or not they can own a pig. This legislation doesn’t tell anybody whether or not they can own a pig. It does place some limitations on some kinds of packing companies that wish to own 2 million pigs. But it does not tell anybody whether or not they can own a pig. I think this is solid, bipartisan legislation, and I urge my colleagues to support it.

I will ask, consistent with the request made by the Senator from Nevada, the ayes and nays at the appropriate time. I believe he indicated at about 10 minutes until 2. I will ask at that time for the yeas and nays.

Mr. LUGAR, Mr. President, I rise to raise a question with the distinguished Senator from Nevada. As I understand it, the debate is concluded. My question to the Senator is, as we do not have a vote ordered, what can we do between now and 10 minutes until 2?

Mr. REID. We have 10 minutes. I am sure you and Senator HARKIN can talk about the bill. I am sure we can do a little more talking.

We are going to vote on the Johnson amendment at 10 until 2.

Mr. HARKIN. Mr. President, I believe Senator SMITH has an amendment. Maybe we could take up his amendment.

Mr. REID. That is fine. We now have less than 2 minutes.

Mr. President, have the yeas and nays been requested by the Senator?

The PRESIDING OFFICER. No. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered. Mr. President, will that vote begin at 10 until 2 o’clock today?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. JOHNSON. Mr. President, we have before the Senate today the Senate farm bill. It is certainly my hope that a cloture motion was reached at 4 o’clock so that we may wind down the debate and go to final passage. I think this is an incredible urgency that the Senate pass the farm bill during these closing days of the first session of the 107th Congress for a number of reasons.

First, there is concern about whether there will be an erosion of the budget baseline currently afforded for agriculture.

Second, our farmers, our lenders, and our rural communities all want to know what the underlying rules are going to be in this coming crop-year.

Third, there is concern about whether there will be a change of the existing underlying farm bill. It needs replacement.

Second, our farmers, our lenders, and our rural communities all want to know what the underlying rules are going to be in this coming crop-year.

Third, there is concern about whether there will be an erosion of the budget baseline currently afforded for agriculture.

I applaud my colleague, Senator HARKIN, for his extraordinary leadership on this farm bill. It was taken up during the tumultuous times of the 107th Congress when we had a change of power midyear from one party to the other—a change of all the chairmen and a change of leadership. Under those circumstances, Senator HARKIN took up this issue. I think he has put together an excellent bill. I think there is a need to go forward.

The bill contains several provisions that are of particular importance to me. One is that unlike the bill in the House of Representatives, and the bill on the other side, this legislation contains a bioenergy title. I think that is essential.

As a member of the Energy Committee, I want to do all that I can in the coming year to move energy legislation which would incorporate incentives for greater utilization of agriculturally based renewable fuels. But it is also important that the farm bill, as well, contain support in that direction.

I am pleased that Senator HARKIN’s farm bill, unlike the House bill, contains incentives for ethanol, for soybean-based biodiesel, and places agriculture at the center of our energy debate that this Nation needs to have.

Second, the bill contains my legislation on country of origin labeling of meat, as well as fruit and vegetables. I think the total law will probably need redoing.

I think for too long the American consumers have been denied the ability to know the origins of the products they feed their families. I believe it is an outrage at a time when consumers have the opportunity to know the origins of most items they buy that for too long they have been denied the ability to know the origin of the meat, fruit, and vegetables they serve their families.

This is not a trade limitation. If people choose to buy foreign meat products or food products certainly their prerogative. But this would make those decisions a knowing decision.

I think this is helpful to a lot of American agricultural producers because I happen to believe a lot of Americans, if they have the choice, will choose an American product. It is more of a consumer issue than a producer issue because the consumers ultimately are the greatest in need of this additional information.

I applaud Senator HARKIN for including the competition title in the farm bill. Although that title was stricken in committee, it is my hope that at least components of it will find its way back into the farm bill as we engage in the debates today and this week.

Mr. President, the yeas and nays have been ordered. The Senate adjourned.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in behalf of the distinguished Senator from Arizona, Mr. MCCAIN, I request unanimous consent that in the event cloture is invoked and Senator MCCAIN has not
Mr. LUGAR. Yes. Senator MCCAIN has requested essentially the same privilege that was accorded to Senators ROBERTS and COCHRAN and to Senator GORDON SMITH by the majority leader when he made his original unanimous consent request.

Mr. HARKIN. Reserving the right to object, I am going to object for right now. I may OK it later. But for right now I object.

Mr. HARKIN. Reserving the right to objection.

I thank the Chair and yield the floor.

The amendment (No. 2534) was agreed to.

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

The motion to lay on the table was agreed to.

NOTICE
Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

NOMINATIONS
Executive nominations received by the Senate December 13, 2001:

DEPARTMENT OF TRANSPORTATION

JOHN MAGAW, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR SECURITY FOR A TERM OF FIVE YEARS, NEW POSITION.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND, III, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

ANDREA G. BAITHWELL, OF ILLINOIS, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA, RESIGNED.

DEPARTMENT OF JUSTICE

NEHMIAH FLOWERS, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE ELSIE W. DURBERRY, RESIGNED.

ARTHUR JEFFREY HEIDEN, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JOSEPH CLYDE ROWLEY, RESIGNED.

DAVID GLENN JOLLIVET, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE WILBERT J. JONES, RESIGNED.

DENNIS CLUFF MERRELL, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE RICHARD E. HOOD, RESIGNED.

MICHAEL WADE ROACH, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE PATRICK J. WILKERSON, RESIGNED.

ERIC EUGENE ROBERTSON, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE ROSA MARIA MELendez, RESIGNED.

CONFIRMATIONS
Executive confirmations confirmed by the Senate December 13, 2001:

THE JUDICIARY

WILLIAM P. JOHNSON, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

CLAY D. LAND, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA.
CONGRATULATING ERIC CROUCH ON WINNING THE HEISMAN TROPHY

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. BEREUTER. Mr. Speaker, This Member would like to congratulate Nebraska Cornhusker quarterback Eric Crouch for winning the Heisman Trophy. Throughout his career, and especially this year, Crouch proved that he deserves this recognition as the nation’s top college football player.

The numbers are indeed impressive. In 2001, Crouch became just the 13th Division I-A quarterback to rush and pass for more than 1,000 yards in the same season. He also ran for 18 touchdowns, passed for seven more, and even caught a touchdown pass while leading the Huskers to an 11–1 record and a trip to the Rose Bowl for the national championship. During his career, Crouch scored 59 rushing touchdowns, more than any other Division I-A quarterback in history.

As impressive as the statistics are, however, they only tell part of the story. Crouch is a true leader and a winner both on and off the field. Despite playing through pain much of his career, Crouch never missed a snap in his final three seasons due to injury.

Crouch, a native Nebraskan, has set a powerful example through his hard work and steadfast determination to overcome obstacles. He has matched a fierce will to win with steadfast determination to overcome obstacles. He has matched a fierce will to win with humility and strong character.

In addition to winning the Heisman Trophy, Crouch was also recently named the winner of the Walter Camp Award, given to the collegiate player of the year, and the Davey O’Brien National Quarterback Award, given to the nation’s top college quarterback.

This Member joins all Nebraskans and football fans across the nation in congratulating Eric Crouch on his success and the prestigious awards he has won.

IN SUPPORT OF AMERICA’S VETERANS

HON. J. RANDY FORBES
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. FORBES. Mr. Speaker, last week, we commemorated the 60th anniversary of the attack on Pearl Harbor. That single event changed the history of the world, and altered the paths of all Americans. No one was more affected, however, than the World War II veterans who picked up arms in response to that attack. Ceremonies all across the nation honored them for their sacrifices last Friday, including one in which I was proud to participate on the U.S.S. Enterprise.

There can be no greater exhibition of gratitude, however, than passage of legislation that improves the lives of those veterans and expands upon the benefits that they have richly earned. For months now, several bills passed by the House to help our veterans have awaited action by the other chamber. Today, I am pleased to join my colleagues in finally passing some of them and sending them to the President for his signature into law.

The first bill sets a high, but I think attainable goal, of ending chronic homelessness among veterans. Far too many of the brave men and women who fought to provide us with freedom spend their days and nights on the streets and in shelters. They returned from the battlefield but were unable to make the transition back to their civilian lives. Given the great sacrifices they have made on our behalf, we should be able to make a real effort to help them find their place in our society where they can feel welcome and comfortable. As many as 300,000 veterans sleep on the streets on any given night. The $1 billion authorized by this legislation over the next five years will go far to help them find peace and shelter.

The second bill provides a 2.6 percent cost-of-living adjustment for veterans disability compensation. For 100 percent disabled veterans, this translates into an average of $738 each year. These men and women sacrificed their ability to do many routine tasks, including work, when they put on the uniform and were wounded. This legislation merely helps them keep pace with inflation, so that they can pay their bills and live their lives. It is a modest increase compared to what they have given.

The final bill consolidates several bills considered by the House that increase education, housing, burial, and disability benefits for veterans by $3.1 billion over the next five years. Specifically, the bill increases the popular and successful Montgomery GI Bill college education benefit by 51 percent over current levels, increases the veterans home loan guaranty by nearly $10,000, and increases grants for disabled veterans’ implementations. Furthermore, this bill expands the list of illnesses for which veterans can qualify for disability compensation and will repeal the 30-year pre-servicetime period for respiratory cancers associated with exposure to Agent Orange and other herbicides.

Together, these bills are a fitting way to thank our veterans and to extend a promise to the millions of American soldiers, sailors, airmen, and marines that are now serving in uniform. Without these men and women, the world would be far less secure and the future would be bleak. I am proud to be a part of the effort to show our thanks.

TRIBUTE TO STATE SENATOR KEN DEBEAUSSEART
CLINTON TOWNSHIP DEMOCRATIC CLUB

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. BONIOR. Mr. Speaker, this year the Clinton Township Democratic Club will host its biennial Awards Banquet, where members come together to celebrate the achievements of two of its members with food, laughter and fun. Honoring distinguished individuals who have shown outstanding dedication and service to our club as well as to their communities, this year they chose to honor two very special people, State Senator Ken DeBeaussaert and Clinton Township Democratic Club President Christine Koch. Over the course of my career in Congress, I have had the privilege of recognizing individuals from all over my District and State. Today, however, I have the distinct pleasure of honoring my two good friends, Ken and Chris.

First elected in 1992 and reelected in 1998, Ken has represented the Eleventh State Senate District and his community well for years. Served on State Senate committees that include Appropriations, Environmental Quality, Natural Resources, Reapportionment, and Local, Urban, and State Affairs, Ken has shown an outstanding dedication and commitment to his constituents and this state. An active and enthusiastic supporter of the environment and conservation efforts in Michigan, Ken also served ten years in the Michigan House of Representatives prior to his State Senate terms, where he served on the Conservation, Recreation, and Environment Committee as well as chaired the Consumers Committee and Marine Affairs and Port Development Committee. Between his House and Senate terms he worked in 1992 for Congressman Sander Levin as District Administrator, and finally, I had the pleasure of working with Ken where he began as a member of my Congressional District Staff as a constituent service representative in 1977.

Faithfully committed to his community as well, Ken is a member of a long list of community organizations, including the New Baltimore Historical Society, the Mount Clemens Art Center, and Creating a Healthier Macomb, and serves on the advisory boards of Comprehensive Youth Services and the Retired Senior Volunteer Program, to name a few. Finally, as an elected official member of the Clinton Township Democratic Club, Ken has devoted his time serving as a panelist for the club’s annual student government luncheons as well as presenting a legislative update each fall for the past several years.

It gives me great pleasure to honor one of my district’s most tireless advocates for the Democratic way of life, State Senator Ken DeBeaussaert, for his leadership and commitment, and I urge my colleagues to join me in standing him for his exemplary years of service.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
For far too long our public health infrastructure has been divided between those with access to services and those without access to services. This legislation will help close the gap between these two groups where bioterrorism is concerned.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF
HON. VITO FOSSELLA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 483, 484, and 485. I was unavoidably detained and was not present to vote. Had I been present, I would have voted “aye” on all three measures.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF
HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of H.R. 3488, the Public Health Security and Bioterrorism Response Act of 2001.

On September 11, our way of life changed. Something that has been on everyone’s minds since the beginning of the anthrax scare in the United States is the state of our public health system. Everyone wants to know if the United States is equipped for a possible chemical or biological attack, and I’m proud to say we are working to ensure our readiness.

Before September 11, it was important for the United States to allocate money for improvements to our public health system. After September 11, it became a necessity. Congress is taking a step in the right direction by passing the Public Health Security and Bioterrorism Response Act of 2001.

My colleagues and I realize the importance of defending the American people in case of chemical or biological attack.

My colleagues and I realize the important role played by state and local offices of the public health system. Often, it is our local health officials who are deeply embroiled with the day-to-day assistance for those involved in chemical and biological attacks. This legislation allocates almost $2.7 billion across a variety of agencies that prepare for public health emergencies such as bioterrorism attacks.

$1 billion will be given to states, local governments, and public and private health care facilities in the form of grants. It allows them to improve planning and preparedness for attacks, enhance their laboratories, educate and train their health care personnel, and develop new treatments and vaccines.

$1 billion earmarked for the Secretary of Health and Human Services to expand our current national stockpile of antibiotics and vaccines, including those for smallpox.

Since the Centers for Disease Control play an important role when it comes to bioterrorism, $450 million will go to it for bioterror program expansion. It is crucial that they enhance their facilities and improve lab security. The package also calls for the creation of a national database of hazardous pathogens and establishes registration, safety and security requirements on the 36 most deadly biological agents and toxins.

Congress is finally addressing some major deficiencies in our food inspection process, chemical and biological attack, and I am pleased to cosponsor of H.R. 3488, the Public Health Security and Bioterrorism Response Act of 2001.

For far too long our public health infrastructure has been divided between those with access to services and those without access to services. This legislation will help close the gap between these two groups where bioterrorism is concerned.
INTRODUCTION OF H. CON. RES. 287

HON. SHERWOOD L. BOEHLERT
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOEHLERT. Mr. Speaker, Earlier this year, while on a visit to South Africa, I had the chance to learn about a fascinating partnership between governments and conservation organizations. The Peace Park movement is a great success story and one that the world can learn from, particularly in our present world, which is beset of conflict, turmoil and uncertainty.

In 1997, Dr. Anton Rupert and His Royal Highness Prince Bernhard of the Netherlands formed the Peace Parks Foundation of South Africa, a not-for-profit organization, to establish and develop transfrontier conservation areas straddling international borders. Countries participating in a “Peace Parks” do not concede any national sovereignty but do allow the free movement of people and animals across the borders within the park. The goal of these parks are to create jobs, sustainable economic development and peace and understanding between the countries themselves as well as an appreciation of the importance of conservation.

Today eight separate peace parks either exist or are under development. These transfrontier conservation areas parks encompass a total area of 232,000 square miles and straddle borders from Tanzania in the north to South Africa in the south. One of the most ambitious plan of the Peace Parks Foundation is the consolidation of the land and its resources of the South Africa Kruger National Park, Mozambican Corridor conservation area and the Zimbabwean Gonarezhou National Park into the Great Limpopo Transfrontier Park—the largest conservation area in the world.

In 2001, the Great Limpopo Transfrontier Park was inaugurated when forty elephants from South Africa were released into Mozambique. Less than ten years ago this border symbolized the division and conflict between these countries and their peoples. For example, the apartheid-era South Africa government erected an electric fence along its border areas. Today the electric fence, which led to much acrimony and conflict between South Africa and Mozambique, is being dismantled, and the land mines are being removed and destroyed. The Great Limpopo Peace Park has helped replace gunfire, land mines and death with peace, understanding and life.

In addition to advocating for and facilitating the creation of more parks, the Peace Parks Foundation also plays a critical role in community development. The Foundation encourages new ways to utilize the natural resources on a sustainable basis and the development of tourism facilities. Last year the Foundation through its partnership with the Southern African Wildlife College and other supports secured scholarships for 29 students drawn from wildlife departments and field programs in nine Southern African countries. These scholarships allow the students to attend the Southern African Wildlife College and train to become conservation managers.

I applaud the courage and vision of the Heads of State of the Southern African Development Community, who are patrons of the
Peace Park Foundation. These leaders are re-writing the textbooks on political border conflicts and helping to bring about sustainable peace and alleviate poverty in these rural areas. It is clear that peace parks go well beyond the conservation of biodiversity and play a major role in confidence building between countires and within organizations.

Today I am introducing a Concurrent Resolution to honor the Peace Parks Foundation. I want to thank the 12 Representatives who are joining me today in introducing this Resolution. I urge all of my colleagues to join us in honoring a truly visionary organization.

I close with the remarks of Nelson Mandela who said: “I know of no political movement, no philosophy, no ideology, which does not agree with the peace parks concept as we see it going into fruition today. It is a concept that can be embraced by all.”

PERSONAL EXPLANATION

HON. TODD TIAHRT
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. TIAHRT. Mr. Speaker, on December 11, I was unavoidably detained and missed rollcall votes numbered 483, 484, and 485. Rollcall vote 483 was on passage of H. Con. Res. 281, legislation which honors John-ny Micheal Spann, a paramilitary officer in the Central Intelligence Agency, who was the first American killed in combat during the war against terrorism in Afghanistan, and recognizes him for his bravery and sacrifice.

Rollcall vote 484 was on passage of H.R. 3282, legislation which designates the federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the “Mike Mansfield Federal Building and United States Courthouse.”

Rollcall vote 485 was on passage of the Railroad Retirement and Survivors’ Improvement Act of 2001.

Had I been present, I would have voted “yea” on Rollcall vote 483, “yea” on Rollcall vote 484, and “yea” on Rollcall vote 485.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF
HON. JOHN ELIAS BALDACCI
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. BALDACCI. Mr. Speaker, the tragic events of September 11 and the Anthrax scares that followed demonstrated the level of neglect under which our public health infra-structure has been operating. We no longer have the luxury of debating the “what ifs” in regards to bioterrorism. The threat remains very real. Our constituents demand that we take action to offer adequate domestic defense against bioterrorism. We must begin the process of improving and expanding our public health system, and can do so today with passage of this bipartisan legislation developed by the Committee on Energy and Commerce.

There are a number of very important provi-sions in this bill which will ensure that a na-tional stockpile of medications is maintained, our food and water are protected, and toxic substances are carefully tracked. While we continue to develop improvements to our na-tional response system, we have a responsi-bility to provide the resources to our state and local health officials and facilities to improve their response to bioterrorism. This bill is a downpayment to the states and local com-munities. It recognizes that each of our com-munities has distinct needs and that they re-quire not only the funding to improve their sys-tems, but the flexibility to address their public health concerns.

Like many of my colleagues following the terrorist attacks, I met with public health officials in my state. Common themes expressed centered on the lack of coordination and commu-nications from federal officials, and the need for additional resources to expand plan-ning and preparedness for future events. En-hancing the health workforce, laboratory and hospital bed capacities also were cited as needed improvements. I am happy to say that this bill begins to address these important issues.

As a critical piece to strengthening our do-mestic defense, the Public Health Security and Bioterrorism Response Act will enable state and local governments and health care facili-ties to immediately address the protection of the health and welfare of our citizens. I urge my colleagues to support this important legis-la-tion.

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor a good friend, Mel Nichols, who retires later this month after eight years as Chief of the Redondo Beach Police Department. My district office is located in Redondo Beach, and Mel and his department have kept my staff and local residents well protected.

I met Mel as he was leaving the San Diego County Sheriff’s Department, where over three decades he rose from Sergeant to Assistant Sheriff. Mel accompanied me on a visit to the Mexican border, where we observed the value of technology in the fight against illegal immi-gration. I was pleased, subsequently, to help obtain night vision goggles for Mel’s depart-ment.

Mr. Speaker, of particular value to me has been Mel’s involvement in the South Bay Chiefs’ Association, of which he served as Chairman from 1996–1998. This organization encompasses nine South Bay cities most of which lie completely in my district, California’s 36th Congressional District. Although no longer the Chairman, Mel continues to be heavily involved in this association, which has been a helpful outlet for me to communicate with the chiefs in my district.

In the wake of the September 11 terrorist attacks, Mel took it upon himself to launch within the South Bay Chiefs Association a Terrorism Response Advisory Group, and tasked one of his staff to pull it together. This Advisory Group, comprised of select experts in a variety of law enforcement disciplines from agencies throughout the greater South Bay area, is al-ready working to explore and identify the app-propriate local law enforcement response to the possibility of increased terrorist activity in our region. This includes training, contingency planning, threat assessments, liaison with fed-eral and military agencies, resource availabil-ity, and intelligence.

Mr. Speaker, this could not be more impor-tant. The group hopes that its findings and recommendations will become a model for other regions across the nation in how our local law enforcement agencies can best work in concert with county, state and federal agen-cies.

This vitally important advisory group will be Mel’s legacy. I know Mel will not forget this community that he loves, and I wish him and his family well in their future endeavors.

THE CLAN CURRIE SOCIETY

HON. MICHAEL FERGUSON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. FERGUSON. Mr. Speaker, today I wish to honor the Clan Currie Society of New Jer-sey.

For more than 15 years, the Society has promoted Scottish heritage and culture through their community-based arts programs and education outreach efforts.

Mr. Speaker, the Clan Currie Society en-courages both Scots and also those of non-Scottish roots, to embrace this great culture’s values, art forms and sense of civic responsi-bility.

Mr. Speaker, I am honored to have been in-vited to join the Society for their Pipes of Christmas musical celebration. I thank Mr. Robert Currie for that kind invitation, and look forward to next Sunday, December 16, when I’ll have the opportunity to enjoy bagpipe music and share the holiday spirit with good friends and good neighbors.

Mr. Speaker, this Christmas season in par-ticular, when so many of us are facing tough questions about the world we live in, I think it’s important to look back and remember where we come from. I believe looking toward our roots and better learning about our past is the best way to face the future.

Mr. Speaker, the fine men and women of the Clan Currie Society, through their hard work and dedication, make it easier for us all to learn about ourselves. For that, I thank them and wish them continued success, a Merry Christmas and best wishes for the New Year.

ADMINISTRATIVE SIMPLIFICATION COMPLIANCE ACT

SPEECH OF
HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 4, 2001

Mr. UDALL. Mr. Speaker, today the House will be voting on H.R. 3323, the Administrative Simplification Compliance Act, under suspens-ion of the Rules. This legislation allows
health plans and providers to delay compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) until October 2003.

HIPAA was designed to improve administrative efficiency in the health care industry by facilitating electronic transactions between health plans and health care providers. The Department of Health and Human Services estimates these administrative simplifications will result in net savings (i.e., savings after accounting for implementation costs) of $29.9 billion over ten years. The first phase of these simplifications is scheduled to go into effect in October 2002.

Some sectors of the health industry and state government’s argue, however, that they need extra time to make the technical and procedural changes necessary to achieve compliance.

H.R. 3323 allows these health plans and providers that will be unable to comply by the original deadline, to delay HIPAA compliance until October 2003, provided that they submit a compliance plan to the Secretary of Health and Human Services. This document must summarize the entity’s budget, schedule, work plan, and implementation strategy for becoming compliant by October 2003.

Mr. Speaker, I support the effort to allow delay for those plans and providers that will not be compliant by October 2002, provided that they do, in fact, have a plan to be compliant by October of the following year. Because H.R. 3323 requires plans and providers who wish to delay to submit a plan for compliance to the Secretary, I support this legislation.

I would like to take this opportunity, however, to voice my concerns over the fact that some plans, providers, and other types of companies affected by the HIPAA rules have gone to great lengths to be compliant by the original deadline, and now stand to face financial losses as a result of the delay.

One example of this is a company run by a Dr. Jacob Kuriyan, a constituent who resides in the district I represent. Dr. Kuriyan’s company has developed software that helps facilitate the submission and receipt of HIPAA required electronic transactions for health plans and providers. Some health plans and providers have already purchased and installed this software in anticipation of the rapidly approaching HIPAA deadline.

Should H.R. 3323 pass, and allow some organizations to delay compliance, Dr. Kuriyan’s company will have to foot the bill for removing this software from those providers who have installed it so that organizations can still accept paper transactions from the organizations who are not ready for HIPAA compliance.

Therefore, Mr. Speaker, while I do support the effort to allow responsible delay for compliance, I believe that Congress should do our best to reward, not penalize the organizations and companies, like Dr. Kuriyan’s, that have invested the resources and made an effort to be HIPAA compliant by the original deadline of October 2002.

FISHERIES CONSERVATION ACT OF 2001

SPEECH OF
HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. DELAHUNT. Mr. Speaker, I rise in strong support of this legislation which includes reauthorization of the Striped Bass Conservation Act.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and over-fishing. Harvests had plummeted so far, so fast—by over 10 million pounds over the preceding 10 years—that there was legitimate fear for the literal future of the species.

If the problem was clear, the solution was not. Striped bass are highly migratory, and move primarily along the three-mile coastal zone which is under the combined jurisdictions of 12 states and the District of Columbia. Balancing the needs of the fish, the fishermen, and the regulators, Congressman Studds and his colleagues crafted a unique and, as it turned out, highly effective scheme to bolster state management efforts to restore the stocks.

By all measures, the results of this cooperation among the states, and between the state and federal governments, have been astonishingly successful. Today, the fish are found in impressive numbers, up and down the coast. The federal-state partnership embodied in the Striped Bass Act has restored the species to its former, considerable glory as one of the most important sport and commercial fisheries on the east coast.

These strides for conservation also have direct economic consequences. In my area, healthy striped bass stocks mean business for campgrounds in Truro or tackle shops in Edgartown—and striped bass fishing has even returned to Bourne Harbor. It’s a classic case of doing well by doing good.

GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001

SPEECH OF
HON. JUANITA MILLENDER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. MILLENDER-McDONALD. Madam Speaker, I rise in strong support of H.R. 2069, a bill that I co-sponsored in order to help raise awareness of the need to promote prevention of HIV/AIDS. There can be no more pressing issue than tackling this pandemic that is so ruthlessly killing millions of people across the globe.

It has already reduced the population of the African continent by almost 20 million lives alone. It has created a generation of orphans that will never know the warmth and meaning of family. It is a relentless plague that destroys our universal productivity, labor and health. It affects each and every one of us.

Mr. Speaker, we must do all that is in our power to resolve this multi-dimensional global crisis. In particular, I would like to highlight a portion of this bill’s important provision that employs language from a free standing bill that I introduced which addresses the prevention of the transmission of HIV/AIDS from mother to child. This transmission is the largest source of HIV infection in children under age 15 and the only source for transmission to infants.

According to recent findings, the total number of births to HIV-infected pregnant women each year in developing countries is approximately 700,000. Funding under this bill will greatly contribute to decreasing this number by providing counseling and voluntary testing to infected women. With this information, mothers-to-be, who are aware of their status, can make informed decisions about treatment, replacement feeding to reduce risks to their unborn babies and future child-bearing.

This act of prevention is only one first step, Mr. Speaker, but an essential one in our battle being waged against this devastating enemy. Therefore, I join my colleagues in supporting urgent passage of H.R. 2069.

TRIBUTE TO THE PEOPLE OF LEON COUNTY, FL

HON. ALLEN BOYD
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. BOYD. Mr. Speaker, today I rise to pay tribute to the people of Leon County, Florida. In a sincere motion of recognition, the citizens of Leon County made a declaration of gratitude to all of those soldiers who are fighting overseas due to the horrible events of September 11th. I believe this decree shows that not only were all parts of this great country affected by the terrorist acts, but that the American people’s support for the campaign to eliminate terrorism has not wavered.

Leon County’s Declaration is as follows: Whereas, the American experiment of government of the people, by the people and for the people stands as a beacon of freedom throughout the world; and Whereas, the government and people of the United States of America are dedicated to the principles of freedom and individual liberty for all of the world’s citizens; and Whereas, on September 11, 2001, citizens of the United States and of the world were murdered in a dastardly campaign of inhuman atrocities, simply because they dared to live free; and Whereas, the United States now finds itself at war both at home and abroad for the first time in its history; and Whereas, the men and women of the United States Armed Services are tasked with the responsibility to defend the people and constitution of the United States of America; and Whereas, many men and women of Leon County, Florida have answered the call to duty during this crisis.

Now, Therefore, Be It Resolved By The Board of County Commissioners of Leon County, Florida, that the men and women of Leon County who serve in the United States armed services are recognized as our ambassadors of freedom, and that they are further designated, along with their colleagues from every community in the United States, by the citizens of Leon County, Florida, as our emissaries of peace, and the best hope for
peace and security for all the free peoples of the Earth. Let it be known that, as the elected representatives of the people of this community, the Leon County Board of County Commissioners declares no compromise possible on the principles of freedom, the requirements of security, and the natural right of every person to live free from the fear of terrorism and attack. And, while we look to the men and women of our armed services, the finest in the world, to defend our lives, our freedom, and the sacred right of every person to life, liberty and the pursuit of happiness.

Dated this 20th day of November, 2001.

It gives me great pleasure to share with my colleagues the generosity of the exceptional people in my district. I hope that we can all stand behind declaration such as this one, and pray for the speedy return of the many soldiers that are putting their lives on the line in the name of freedom. They truly represent the very essence of the red, white and blue.

**PATIENT CARE INNOVATION ACT OF 2001**

**HON. JOHN P. MURTHA**

**OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, December 12, 2001

Mr. MURTHA. Mr. Speaker, the United States is facing a serious, long-term, shortage of health care professionals. For example, the demand for nurses will exceed the supply by 2010, when the first of the 78 million Baby Boomers begin to retire and enroll in the Medicare program. Across the board, working in patient care has become more stressful and care givers are leaving their profession as more sick and elderly patients are entering our hospitals and nursing facilities. The future, therefore, will require new models of patient care and the efficient use of the skills of our increasingly scarce nurses and other health care professionals.

Care giving has always been a demanding profession. Those men and women who go into it—like those who go into teaching—do so out of commitment. Unfortunately, conditions in the work environment are making it virtually impossible for them to fulfill that commitment. The nursing shortage has set off the alarm over 40 percent of a nurse’s hours are spent on non-health related support activities. This inefficient use of nursing care has directly reduced the level and quality of patient care. Unfortunately, the margins on the tightest they have ever been, hospitals have scaled back the number of skilled care givers and reduced the mix of qualified nursing personnel to a level where staffing ratios are inconsistent and mandatory overtime has become the necessity.

The “Patient Care Innovation Act of 2001” will lead to the establishment of new, more efficient, postures of patient care.

The legislation establishes a federally funded program of planning grants for the design, and demonstration grants for the implementation and evaluation of new innovative models of patient care delivery that provides quality patient care, recognizes and utilizes the professional competencies of nurses, and create workplace environments conducive to nurse retention and recruitment, including care giver to patient ratios. This is an important step. Health care providers need to fundamentally rethink the way in which they organize and deliver patient care to determine if there is a better way to deliver care for both the patient and the care giver. Nurses, health care providers and other direct care givers need to be involved in designing, testing and evaluating new and innovative models of patient care.

The development and testing of new and innovative models of patient care delivery must involve changes in organizational structures and processes; new management practices; greater nurse autonomy and involvement in patient care decision-making; more effective use of support staff; greater interdisciplinary collaboration and the expanded use of technology to reduce manual documentation and repetitive administrative tasks.

Obviously, one solution will not fit all environments. All the more reason for passage of the “Patient Care Innovation Act of 2001”. A broad band of responses must be developed if we are to maintain quality patient care and stop the exodus of care givers from the health care profession.

Planning grants will be used to bring together multi disciplinary clinical and administration teams to assess current patient care delivery systems, collect data, define work and care environment problems, evaluate new approaches and develop innovative models for delivering efficient safe and quality patient care.

Demonstration grants will be used to implement and evaluate innovative models of care to demonstrate and determine their effectiveness in providing quality patient care and increasing the professional satisfaction of nurses within various health care settings.

Health care providers are already struggling to maintain day-to-day operations under strained payments by Medicare, Medicaid and insurance companies. Grant funding will enable providers to move forward more expeditiously and implement new methods of care while addressing the shortage of health care professionals before it reaches the crisis stage.

Patient care must remain the primary focus of our health care system. The nursing shortage will affect the health care of all Americans unless we act now to create and implement the means to ensure the highest quality of care for all patients. Ultimately, success will mean generating changes in attitudes and practices that have been entrenched in the health care system for decades.

Can the emerging shortage of health care professionals be turned around? To do so, policy makers and planners must go beyond discussing recruitment and increasing the size of educational programs. It will mean generating changes in attitudes and practices that have been entrenched in the health care system for decades. It requires that we engage in a reevaluation of how health care professionals are educated, credentialed and employed. In particular, employers need to create more professional work environments that promotes and ensures high-quality, cost effective patient care and that recognizes and rewards the contributions that nurses and other health care professionals make to the very well-being of hospitals and our health care system.

Therefore, I strongly urge all Members of Congress to join with me and sponsor passage of this critical piece of patient health care legislation.

**HONORING TWO ESTEEMED RAILROAD INDUSTRY LEADERS, WILLIAM J. DRUNSIC AND ANTHONY M. LINN, FOR CONTRIBUTIONS TO THE STATE OF TENNESSEE**

**HON. BOB CLEMENT**

**OF TENNESSEE**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, December 12, 2001

Mr. CLEMENT. Mr. Speaker, as the State of Tennessee embarks upon an initiative to create a commuter railroad system, it is most appropriate that members of the American Short Line and Regional Railroad Association. In Tennessee alone there are 17 short line railroads in operation. Mr. Drunsic and Mr. Linn are either principals or share affiliations with five of the 17 short line operations in the Volunteer State.

Mr. Drunsic, a resident of Manchester Center, Vermont, and Mr. Linn, a resident of Closter, New Jersey, have indeed registered a mark on the railroad industry in Tennessee and in the United States, worthy of this recognition. As Middle Tennesses and specifically the 5th & 6th Congressional Districts, begin to explore the opportunities of a commuter rail system, these two men will certainly be hailed for their vision and their service toward making this long standing proposition a matter of reality.

Today we congratulate and thank Mr. Drunsic and Mr. Linn for their many contributions to the railroad industry, to the nation, and to the entire State of Tennessee.

Mr. Speaker, I yield back the balance of my time.
Ms. McCOLLUM. Mr. Speaker, I rise today in support of House Concurrent Resolution 280. This resolution expresses solidarity with Israel in its fight against terrorism following the recent attacks in Haifa and Jerusalem during the weekend of December 1–2, 2001. This resolution also urges the President to ensure that Palestinian leader Yasir Arafat carries out a sustained campaign against terrorism.

In the latest attacks in this troubled region, Palestinian terrorists took the lives of 26 innocent Israeli citizens and wounded at least 175 others. Those who are responsible for these attacks have committed brutal acts of murder, and no cause can justify their actions. I wish to express my deepest condolences to all of those who have been affected by these tragic events.

As we mourn for the thousands of Americans who lost their lives in the terrorist attacks of September 11th, we also mourn for the innumerable men, women, and children of Israel who have suffered at the hands of terrorists for decades. Now more than ever, the United States and Israel are bound together in the common fight for freedom, security, and tolerance for all.

During the past 15 months of violence in the Middle East, the Palestinian leadership has turned a blind eye to terrorist activity within the Palestinian territories. Terrorist groups have actively recruited new members, planned attacks and carried out violent acts against innocent citizens with little or no fear of punishment by the Palestinian Authority.

Despite numerous commitments made by Mr. Arafat to take action against these terrorists, the violence has continued. The time has come to call on Chairman Arafat and the Palestinian leadership to demonstrate a true commitment to the eradication of terrorism in all its forms. We must insist that Mr. Arafat validate his commitment to the eradication of terrorism in all its forms.

KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

SPEECH OF
HON. CHARLES W. STENHOLM
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. STENHOLM. Mr. Speaker, I rise in strong disappointment with the rhetoric coming from both sides of the aisle on this resolution. We do a disservice to our constituents and to future generations when we bury our heads in the sand and ignore the very real financial challenges facing the Social Security system.

Everyone who has examined the financial outlook of the Social Security system understands that we need to take action to make sure that Social Security remains strong for future generations. The Commission to Strengthen Social Security is to be commended for presenting proposals which deal with the financial deficits facing the Social Security system in a responsible and forthright manner.

Those who cry foul on the Commission’s recommendations have a moral obligation to tell the American people how they would address these challenges. While it is easy to criticize those who try to deal with this issue, it is far more difficult to put together a plan that can hold up under a thorough actuarial and budgetary analysis. I would say to my colleagues who have come to the floor to criticize the efforts of the Commission that I look forward to seeing your plan to strengthen Social Security.

There is no way to eliminate the $20 trillion unfunded liability facing Social Security without making some tough choices somewhere. Folks who insist that we must preserve benefits exactly as promised under current law must explain where the money will come from to fund these promises.

We can either make some tough choices today or honestly deal with the challenge facing Social Security or we can leave a fiscal time bomb for our children and grandchildren. I, for one, do not want my grandchildren to look back sixty-five years from now and say that if only our granddad had done what he knew in his heart had to be done when he had the chance, we wouldn’t be in the mess we are in today.

RAILROAD RETIREMENT AND SURVIVORS’ IMPROVEMENT

SPEECH OF
HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 10, the Railroad Retirement and Survivors’ Improvement Act of 2001. This critical legislation makes important improvements in the benefit structure for retired railroad workers, especially for widows and widowers.

In the early 1900’s, the rail industry was the nation’s largest employer. With record levels of unemployment, the Federal Government decided to provide economic incentives to encourage the retirement of older employees, thereby creating more jobs for younger workers.

“Railroad Retirement” was created to provide retirement benefits beginning in 1936 creating a retirement system for older railroaders who otherwise would not have received Social Security benefits until 1942. This program replaced the private railroad pension plans and began to pay benefits in 1936, based on up to 30 years of past unpaid railroad service.

The system is now $40 billion short of what would be required to pay benefits to all the workers who have yet to retire and their survivors.

Congress has a responsibility to provide railroad retirees and their survivors with increased benefits, as well as making necessary changes to update and modernize the railroad employee benefit system.

To that end, I urge my colleagues to join me in support of H.R. 10. More than 670,000 retirees and dependents and 245,000 active rail employees will benefit from the improvements made by the Railroad Retirement and Survivors’ Improvement Act of 2001. Please support our nation’s railroad workers, railroad retirees and spouses by supporting this critical reform package. Vote yes on H.R. 10.
HONORING THE SACRIFICE MADE BY JOHNNY MICHAEL SPANN

SPEECH OF
HON. TERRY EVERETT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. EVERETT. Mr. Speaker, I join with my colleagues in the House and with the residents of my home state of Alabama in paying tribute to an American who gave his life in service to freedom.

Johnny Micheal Spann, a native of Winfield, Alabama and graduate of Auburn University, was the first American killed in the ongoing war against terrorism in Afghanistan.

Spann, who served his country for eight years in the U.S. Marine Corps before working as an intelligence officer in the Central Intelligence Agency, gave his life on November 25 at the young age of 32, leaving behind a wife and three children.

On Monday, he was laid to rest among our country’s heroes in Arlington National Cemetery in a service that touched the hearts of all gathered along those hallowed hills overlooking our nation’s capital.

“Mike is a hero not because of the way he died, but rather the way he lived,” his widow noted. “Mike was prepared to give his life in Afghanistan because he was prepared to give his life every day at home.”

I was pleased to join my colleagues in support of H. Con. Res. 281, which passed the House Tuesday, honoring Johnny Micheal Spann. I would like to extend my personal condolences to his wife, Shannon, and his family. America shares both the personal sorrow of your loss and the sense of pride for Mike’s courageous and dutiful service to the nation he so loved. May God bless you all.

PAYING TRIBUTE TO SHARON BANKS

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Sharon Banks, Superintendent of the Lansing School District, for being named Michigan’s Superintendent of the Year. She was selected by the Michigan Association of School Administration from our state’s 600 superintendents for her energy and dedication to the district.

Hired only sixteen months ago to improve the District’s substandard test scores and declining enrollment, Ms. Banks has spearheaded significant progress throughout the District. The District lost more than 3,300 students in the 1990’s and has struggled to raise their Michigan Educational Assessment Program test scores.

Since arriving, Ms. Banks has launched sweeping initiatives ranging from bolstering literacy programs to keeping kids in school. Enrollment has declined much less than expected with only 30 students leaving the district between 2000–01 and 2001–02, the smallest decrease in more than a decade.

As a result of earning this distinguished award, which will be formally presented at a ceremony in January, Ms. Banks is nominated for the National Superintendent of the Year Award.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Sharon Banks for earning Michigan’s Superintendent of the Year.

IN HONOR OF MARGARET FELDER

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Margaret Felder in recognition of her commitment to her church and women’s leadership activities.

Margaret Felder was born in Lexington County, South Carolina. She is the oldest of six children. At the age of 12, her family moved to Brooklyn. Margaret is a product of the New York City Public School System. She graduated from Clara Barton Vocational High School with a major in nursing. After a short period in the nursing profession, Margaret decided to give up nursing and turn to a career in business. She has worked at Sullivan, Papain, Block, McFarath, and Cannon P.C. for the past thirty-three years as an Administrative Assistant.

Margaret is a devoted mother to Stephanie, Claude, Monique, Ebony, her late son, Eliot, daughter-in-law Grace and grandchildren Jean-Pierre and Rayquane. She gives her loving mother, Elaine, a great deal of credit for helping her in this regard. She gives leadership to her family and is aware of the support and love from each of them.

Margaret has been a devoted member of the Berean Baptist Missionary Baptist Church. She is currently active in the Ladies Usher Board, Sunday School secretary, Youth Church Leader, Sisterhood, Summer Day Camp, American Baptist Women ministry, the Bible Institute and the Drama Ministry.

One of her favorite scriptures is Psalm 37:7 “be still before the Lord and wait patiently for him”.

Mr. Speaker, Margaret Felder is a loving mother, grandmother and devoted member of the Berean Baptist Missionary Church. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable spiritual woman.

STATEMENT ON BASIC PILOT EXTENSION ACT OF 2001

SPEECH OF
HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. BEREUTER. Mr. Speaker, thisMember rises in strong support of H.R. 3030, the Basic Pilot Extension Act of 2001. This Member would like to thank the distinguished gentleman from Iowa (Mr. LATHAM) for introducing the Basic Pilot Extension Act of 2001. This Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the State and in meeting needs to effectively enforce immigration laws in this country’s interior.

On March 19, 1999, the U.S. Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program. Additionally, this Member would note that he agreed to co-sponsor H.R. 3030 but was unable to do so under House Rules as the bill had been reported out of the Committee very expeditiously.

Under H.R. 3030, the Basic Pilot Program, which is an employment verification program, would be extended through 2003, as the original authorization expired on November 30, 2001.

Mr. Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act. For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of illegal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Mr. Speaker, throughout the 1990’s, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the State and in meeting needs to effectively enforce immigration laws in this country’s interior. On March 19, 1999, the U.S. Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.
Mr. Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify documented and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 3030.

H.R. 3005, TRADE PROMOTION AUTHORITY

SPEECH OF
HON. J. RANDY FORBES
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. FORBES. Mr. Speaker, I rise in strong support of H. Con. Res. 282, which reiterates Congress’ commitment to our seniors to keep the promise of Social Security.

For years now, Congress and the public have known that Social Security would soon be facing serious financial challenges due to shifting demographics. With the aging of the baby boom generation, the number of retiring Americans receiving benefits is beginning to overwhelm the number of working Americans paying into the Social Security system. In addition, thanks to important medical advances and healthy behavioral changes, Americans are living longer. The result of these factors is that beginning in 2016, Social Security payments will exceed worker contributions into the trust funds.

This is a scary prospect for the millions of Americans who receive Social Security benefits. Many of those individuals depend upon Social Security trust funds because they have to, not because they believe in Social Security. In fact, numerous studies have shown that more young Americans believe in UFOs than in their future Social Security checks.

It is clear that Social Security in its current form—the form it has had since the Great Depression—is unsustainable. If we are to keep the promise that so many seniors and working Americans have relied upon for years, we must reform this program. There are many possibilities for reform, including adding personal investment options. The President appointed a commission of experts from business, think tanks, and government to explore these alternatives and to make recommendations to Congress for change. They are expected to vote on their final report today, and Congress should consider their recommendations with due deliberative speed. We must act quickly, but more importantly, we must act right.

But through our deliberations, Mr. Speaker, we must maintain our steadfastness to keep the promise of Social Security. We should not raise Social Security taxes and we should not cut benefits. We must use the innovative spirit that is America’s hallmark to meet this challenge and find a way to strengthen and improve Social Security.

Building upon the Social Security lockbox legislation that this body has already approved, this resolution lays the groundwork for our coming debate, reaffirming our commitment to Social Security’s beneficiaries, in particular, the most vulnerable beneficiaries—the low-income, the women, and the minorities. I look forward to reviewing these issues with my colleagues and developing a real solution to this challenge.

I urge all my colleagues to support H. Con. Res. 282.

A PROCLAMATION HONORING WWVA RADIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. NEY. Mr. Speaker, Whereas, on December 13, 2001 WWVA Radio in Wheeling, West Virginia celebrates its 75th anniversary; and,

Whereas, WWVA Radio began with a 50-watt transmitter in the home of John Stroebel...
and has now grown to a 50,000 watt transmitter serving 18 states and six Canadian provinces; and,

Whereas, in January 1933, WWVA made country music history when Jamboree went live on the air. It is the second oldest live radio broadcast; and,

Whereas, for the past 75 years, WWVA has received numerous awards and has brought country music, news, and talk radio to people across the nation; and,

Whereas, from the Great Flood of 1936 to continuous news coverage of the September 11th attack, WWVA takes pride in serving the public and looks forward to the next 75 years.

Therefore, I invite my colleagues to join with me and the citizens of the United States in thanking and recognizing WWVA for its 75 years of commendable service.

TRIBUTE TO HOLZ ELEMENTARY

HON. SHELLEY MOORE CAPITO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Holz Elementary in recognition of their achievement as an “exemplary” school.

Holz Elementary has been selected as one of the top 50 schools of West Virginia. “Exemplary” status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam results.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Holz Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Holz Elementary.

TRIBUTE TO ADMIRAL VERN CLARK

HON. C.W. BILL YOUNG

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise today to remember the 60th anniversary of the attack on Pearl Harbor. Memorably described by President Franklin Roosevelt as “a date which will live in infamy,” Pearl Harbor Day has taken on added significance since September 11, when America was again “suddenly and deliberately attacked.”

Last week, I had the opportunity to participate in the 60th anniversary memorial services at Pearl Harbor. Admiral Vern Clark, Chief of Naval Operations for the Navy, gave a particularly moving speech at the USS Arizona Memorial in which he honored both the survivors of that terrible day and those serving our country today around the world.

I have known Admiral Clark for many years, and his service in defense of freedom is exemplary. He could not have known when he became CNO less than two years ago that he would soon lead our navy in a difficult conflict of uncertain length. However, he is the right man for the job, and with his dedication and that of so many of his brave sailors and pilots, we are certain to prevail in this war against terror.

Mr. Speaker, I am deeply grateful for Admiral Clark’s service to our country, and I ask unanimous consent that his Pearl Harbor Day remarks be inserted into the RECORD.

ADMIRAL VERN CLARK REMARKS

Thank you Admiral Conway, Chairman Young, Congressman Abercrombie, Congresswoman 35

Whereas, in January 1933, WWVA made country music history when Jamboree went live on the air. It is the second oldest live radio broadcast; and,

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HON. C.W. BILL YOUNG

IN THE HOUSE OF REPRESENTATIVES

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Therefore, I invite my colleagues to join with me and the citizens of the United States in thanking and recognizing WWVA for its 75 years of commendable service.
in this hallowed place, we extend again the thanks of a grateful nation. We extend the promise that their sacrifice will be honored. All of us who serve and wear the colors of the nation today—we commit, we promise anew to do our duty so that America will remain the beacon of hope, the lighthouse of freedom, and the bastion of liberty. We make this promise in the memory of those who served and gave their lives in this place.

TRIBUTE TO JERRELL NORWOOD

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. ROSS. Mr. Speaker, I was saddened recently to learn of the death of a respected and admired individual in my congressional district, Mr. Jerrell Norwood, of Malvern, Arkansas, who lost a courageous battle with cancer at age 64. Today, I wish to pay tribute to his life and achievements.

Jerrell Norwood spent much of his adult life serving his fellow citizens, and his accomplishments were numerous. For over a decade and a half, Jerrell served as County Fire Coordinator and Director of the Office of Emergency Management for Hot Spring County in Arkansas. He was a long-time volunteer and board member with the local Red Cross. For twenty-one years, he served as the first and only Ouachita Fire Chief, and he spent many years on the Resource Organization Service Excellence (R.O.S.E.) Board, a group dedicated to helping other citizens.

During his career, Jerrell was responsible for building or improving nearly all of the bridges in Hot Spring County, and in 1994, he helped establish a water rescue for users of the nearby Ouachita River. His accolades include being a two-time Volunteer of the Year for Hot Spring County as well as being named Emergency Coordinator of the Year in 2000. Jerrell Norwood was regarded with esteem and appreciation by all those who knew him well. His friends, neighbors and co-workers alike praised and admired his ability to quickly assess and tackle an emergency situation, but more importantly his energy, dedication, common sense and genuine compassion for helping others. He was truly a man of integrity who gave himself to his work and his community. While his passing is a tremendous loss to the state of Arkansas, it is only a temporary loss, for his children, his brother, and five sisters, and all of his friends and relatives will continue to exhibit the values he so admired.

I extend my deepest sympathies to his wife, Carolyn, his children, and all his family and friends during this difficult time.

TRIBUTE TO ROBIN HIGGINS

HON. C. W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. YOUNG of Florida, Mr. Speaker, I rise today to remember the 60th anniversary of the attack on Pearl Harbor. Memorably described by President Franklin Roosevelt as “a date which will live in infamy,” Pearl Harbor Day has taken on added significance since September 11, when America was again “suddenly and deliberately attacked.”

Last week, I had the opportunity to participate in the 60th anniversary memorial services here at Pearl Harbor. I was deeply moved by a moving speech given at the National Memorial Cemetery of the Pacific by Robin Higgins, Undersecretary for Memorial Affairs in the Department of Veterans Affairs. Secretary Higgins, from my home state of Florida, was herself a victim of terrorism. A Marine Colonel, Rich Higgins was murdered in Lebanon 13 years ago. She and her husband have dedicated their lives in service to this country, and they are two true American heroines.

Mr. Speaker, as we remember the brave survivors of Pearl Harbor and the men and women serving in our military around the world, I salute Rich and Robin Higgins, and I ask unanimous consent that Secretary Higgins speech be inserted into the RECORD.

The Honorable Robin Higgins, Under Secretary for Memorial Affairs, U.S Department of Veterans Affairs

KEYNOTE ADDRESS
PEARL HARBOR SURVIVORS, 60TH ANNIVERSARY
DECEMBER 7, 2001 THE NATIONAL MEMORIAL CEMETERY OF THE PACIFIC

Medal of Honor recipients Mr. Hayashi, Mr. Kellog and Mr. Finrin; Congressman Bill Young from my great state of Florida; Congressman Niel Abercrombie from the great state of Hawaii; Congressman Rodney Frelinghuysen, from the great state of New Jersey; Chairman Myers, distinguished military and civilian guests; most honored members of the Pearl Harbor Survivors Association; World War II veterans; and all fellow veterans and their families... Good morning, and thank you Gene for that kind introduction.

I want to add a special acknowledgement of some special visitors with us today from New York who are here as guests of the State of Hawaii—325 family members of men and women who were lost in the World Trade Center on September 11.

Secretary of Veterans Affairs, Anthony Principi, had very much hoped to be here— and it is not for events in Washington, he would have. But he asked me to send you his best wishes. I appreciate and I am humbled by the opportunity to represent him and the more than 219,000 men and women of the Department of Veterans Affairs who stand ready to honor your service to America.

Few occasions merit words like “horrific,” “devastating,” and “tragic.” Fewer still cause a speaker to follow those superlatives with words like “magnificent,” “awesome,” or “heroic.” Yet today as I stand here in this most sacred of places, this shrine to the sacrifices of so many honorable men and women, I am struck by the notion that what happened on this morning 60 years ago brings into play all those words and probably more.

Let me say that I do not believe we need to replay the events of that morning; I am convinced that no movie, no documentary made today, no well-meaning attempt to recreate for today’s generation the horrific events of December 7, 1941, can ever do justice to what you as survivors already know... already lived through... already redeemed through your own selfless service to America.

I take my cue from the words of Abraham Lincoln who stood on the soil of a great battle field in 1863 and said, “Let us consecrate ourselves to this great task—consecrate—cannot consecrate—we cannot hallow—this ground. The brave men, living and
dead, who struggled here, have consecrated it far above our poor power to add or detract.

Here on the gentle slopes and broad fields of Pearl Harbor, rest the heroes of another tumultuous conflict. As magnificent as any National Cemetery could be, it is but a humble gift from a grateful nation to honor those of you—-and those now still--for—freedom that Sunday morning. But it does not pay the full tribute due to the sacrifices offered up on December 7th.

Pearl Harbor—Fort Kamehameha . . . Ford Island . . . Battleship Row . . . Hickam Field . . . Wheeler Field . . . Schofield Barracks . . . the Arizona . . . these were the grounds that you defend today. For here, they consecrated by your blood, and dedicated to your bravery and to the bravery of your friends and countrymen.

Your lives were forever changed by an event so devastating that it would not be for another 60 years—September 11, 2001—that America would again feel the tragic shockwaves of an attack on our home soil.

Perhaps the events of September 11 resonated in your lives in ways that did not resonate among other, younger Americans. Harken back 60 years to the Marine Colonel with Higgins, to a violent act of terrorism 13 years ago in Lebanon, I felt the old wounds heal, and the young ones reap again when I saw the Trade Center in flames, and the Pentagon—my former duty station—torn asunder.

It is possible, then, that on September 11th, old scars of the heart and mind were once again exposed among your generation of soldiers, Marines, sailors, airmen and coastguardsmen. But I know and you know this: these two seminal events—December 7th and September 11th—struck America hard but they did not bring us down. No terrorist who early morning raiding party—has the power to overcome the will and determination of the American serviceman or woman.

I am reminded of a recent editorial cartoon of the Statue of Liberty in which a stern-faced Lady Liberty is cradling a child in her arms. The caption reads, “No one comes between a mother and her children.” How true that is for our Nation and for the men and women who, for 225 years, have risen in her defense in the face of the greatest personal risk.

Today is a good day to take a clear look at both our past and our future. It is a day when we acknowledge the debt we owe to those who—because they chose to live as warriors.

Could anything be more contradictory than a warrior’s life? Warriors love America, but they spend years on foreign soil far from home. They may never return, but they sacrifice their own. They defend our right to live as individuals, yet yield their individuality for the cause. They value life, yet so bravely ready themselves to die in the service of our country.

But why are some Americans so seemingly willing to fight and, it need be, to die? We fight for freedom, nothing he cares about more than freedom to try to make a difference.

And through your selfless sacrifices, you guaranteed a lifetime of liberty to your families, your communities, and your Nation.

It is fitting and proper, then, that those of us who wear the uniform remember our brothers and sisters, mothers and fathers, sons and daughters—but it is crucial that we share what we feel today with those who have never taken that special risk for their country—so that they may understand.

Soldiers, Marines, sailors, airmen, coastguardsmen and veterans understand the duty to country that causes a man or woman to risk his or her life to try to make a difference. There is nothing that can take the place of that selfless devotion.

My husband used to have a small plaque on his desk; it’s on nine now and it says: “War is a violent act of terrorism. It is an ugly thing, but not the ugliest of evils. Nothing he cares about more than the potential for greatness, if by greatness it means the power to transform suffering into courage and integrity; those who value something more than their own personal safety.

Bound into this fabric are the lives and loves of soldiers and their families from all eras, those who came home and those who didn’t and those whose fate remains unknown.

The Courts of the Missing here at the National Memorial Cemetery of the Pacific are inscribed With the names of more than 28,000 missing soldiers, Marines, sailors, airmen and coastguardsmen whose names are held in honor along with the more than 38,000 servicemen and women who lie at rest among us today.

Heroes all, they speak to us of patriots’ hopes and patriots’ dreams, of lives lived to the fullest measure, lives nobly offered as payment for the fabric of a free society.

It is popular today to speak of the Greatest Generation—your generation, the generation of my father, who also served in World War II—but I think the sound of the moral and spiritual lineage of men and women of honor, courage and integrity; those who value something more than their own personal safety.

The colonists who fought for liberty in the American Revolution wrested freedom from evil during World War II, the Korean War soldiers and their Vietnamese mothers and women of Desert Storm and, today, the troops fighting to bring terrorist justice and justice to terrorists.

If we consider that each of these generations of Americans stood firm against the whirlwinds of tyranny to secure liberty for their times and their posterity we must call them all great.

But the generation of the men and women who survived here 60 years ago does merit a special measure of thanks for your contributions to America.

You, who are from the battlefield, put aside the tools of war, and took up the tools of industry and technology, of science and education, an of community service. In return for all you had accomplished in war—a many of you carried the evidence of sacrifice still fresh on your bodies and faces—to return to the peace, to the lives and loved ones you left.

And by your humble example you inspired our Nation to move forward on its path to a righteous destiny. Your contribution will not be forgotten. Your generation’s greatness will be treasured and your sacrifice will be remembered.

Such a contribution should be sufficient for one generation—but I don’t believe your contribution will be sufficient for one generation. The next generation will need guidance . . . the next generation will undoubtedly face new challenges and they will wonder how to face those challenges with the courage and strength of character that is the hallmark of your generation.

I encourage our beloved World War II generation, and all our veterans, to share with your children and your grandchildren—with students and scholars and historians—the experiences of your service to America. You have a story to tell . . . you have thousands of stories of stories to tell . . . and in the telling will be the inspiration for the next generation’s response to tomorrow’s challenges.

I am honored to share this day with you . . . and to be here in a place that speaks of the National Cemetery of the Pacific—a place where the sacrifices of those patriots who were ready to give the last full measure of devotion so that we could gather in peace.

God continue to bless our Pearl Harbor survivors, our World War II veterans, their families, indeed all our Nation’s veterans and—especially today those in harm’s way. And though I might conclude by asking God to bless America, I need not. Because of you, he already has.

Thank you.

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TRIBUTE TO CHAMBERLAIN ELEMENTARY

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO, Mr. Speaker, I rise today in honor of Chamberlain Elementary in recognition of their achievement as an “exemplary” school.

Chamberlain Elementary has been selected as one of the top 50 schools of West Virginia. We stand among the 100 schools with high-IQ students in the United States of America, selected on the basis of the Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Chamberlain Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to Join me in honoring Chamberlain Elementary.
COMMEMORATING WORLD HUMAN RIGHTS DAY AND CONGRATULATING TAIWAN’S ELECTION

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. LANTOS. Mr. Speaker, on December 10th this nation and the global community will observe World Human Rights Day 2001.

World Human Rights Day provides an opportunity to focus the attention of the international community on the most fundamental issue to all of mankind. It is a day of celebration for those, like me, who were liberated and a day of remembrance for those who still live under oppression. Human rights and democracy are like two sides of the same coin—it is impossible to have one without the other. The Republic of China on Taiwan is an example of a democratic nation which fully observes human rights for all of its people. On December 1, Taiwan held a major round of free and fair elections in which every office was contested and competition was fierce. With the strengthening of Taiwanese democracy comes the strengthening of Human Rights for the people of Taiwan.

On the eve of last years World Human Rights Day, President Chen Shui-bian of Taiwan attended a ceremony at the human rights memorial on Green Island, Taiwan. President Chen pledged then to observe the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights as well as the guidelines from the World Conference on Human Rights in Vienna. President Chen’s remarks indicate a serious movement to bring Taiwan back into the international community of human rights observers by recognizing the sanctity and universality of human rights.

Earlier this year, Taiwan’s Minister of Foreign Affairs, Dr. Hung-mao Tien elaborated on Taiwan’s “Human Rights Diplomacy” announced to the International Conference on National Human Rights Commission held in Taipei that it is Taiwan’s intention to fully participate in international human rights activities such as the Asia-Pacific Forum of National Human Rights Institutions. Moreover, Taiwan wisely recognizes poverty and lack of access to basic social services as violations of fundamental human rights. Minister Tien said in his speech in Taipei that Taiwan is generously using its economic strength to put together an effective set of international cooperation programs designed to help developing nations overcome problems associated with poverty and underdevelopment.

On World Human Rights Day 2001, I applaud Taiwan’s achievements and continuing efforts to observe human rights. I hope that other countries will follow Taiwan’s excellent example by committing their resources to democratization and improvement of human rights.

HUMAN RIGHTS CENTER MUSEUM AUTHORIZATION ACT

SPREECH OF
HON. J.C. WATTS, JR.
OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in support of the development and construction of the Native American Cultural Center and Museum in Oklahoma City, Oklahoma. The Great State of Oklahoma is home to 39 tribal governments. According to the 2000 Census, Oklahoma is home to a population of more than 380,000 tribal members.

Historically, prior to its becoming Indian Territory, Oklahoma was home to five tribes that are considered indigenous to Oklahoma—the Osage, Caddo, Kiowa, Comanche, and Wichita. All other tribes were removed from their ancestral homelands to Oklahoma during the period referred to as the “Indian Removal.” The most noted removal was that involving the Cherokee, which is referred to as the “Trail of Tears.”

The 39 Indian nations of Oklahoma each have their own distinct culture, traditions, history, and language. This uniqueness should be celebrated. By passing H.R. 2742, we will be able to properly honor and preserve the rich history, culture, and legacy of the American Indian.

I urge my colleagues to join me in supporting the passage of this very important piece of legislation.

IN MEMORY OF JEFFREY THOMAS CLAPPER

HON. RALPH REGULA
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. REGULA. Mr. Speaker, on behalf of the members of the 107th United States Congress, I wish to offer heartfelt condolences to the family and friends of Jeffrey Thomas Clapper.

He was an outstanding member of his community, a much loved son and friend. He will be truly missed by all who knew and loved him.

His generosity and profound sense of duty left a lasting impression on all those who knew him, and his personal sacrifices of time and energy to his country, his community, his family, and his friends stand as testament of an exceptional human being.

Jeffrey Thomas Clapper was born on June 28, 1967, the son of Thomas and Judith Clapper. A graduate of Hoover High School and Walsh University, Clapper served his country as an Orthotic Specialist in the United States Air Force and as a registered nurse and as an EMIT with the Greenbelt Volunteer Fire Department. In each of these roles, Clapper embodied civic virtues we should all strive to meet.

In light of the tragic loss of this outstanding citizen, I offer my deepest sympathy to his family and friends.

TRIBUTE TO WINFIELD HIGH SCHOOL

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Winfield High School in recognition of their achievement as an “exemplary” school.

Winfield High School has been selected as one of the top 50 schools of West Virginia. “Exemplary” status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Winfield High School for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities.

Mr. Speaker, I urge my colleagues to join me in honoring Winfield High School.

IN MEMORY OF THE HONORABLE ROBERT HYDER

HON. IKE SKELTON
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Robert Hyder, former mayor of Jefferson City, Missouri. He was 91.

Robert Hyder was born on February 26, 1910, in West Plains, Missouri, a son of L. M. and Mae Hyder. He married May 18, 1957, to Ruth Lockwood. Robert graduated from Drury College with a degree in geological engineering and from the University of Texas with a law degree. During World War II he served in the Navy as a frogman.

After graduation from law school, Robert served as an assistant state attorney general in Missouri and as assistant U.S. attorney general. He then went to work for the Missouri Highway Commission retiring as chief legal counsel after 23 years of service. Robert then started a private law practice in Jefferson City before deciding to run for mayor.

Robert Hyder served as mayor of Jefferson City for four years, beginning in 1975. His colleagues remember Robert as, “one of the finest mayors I ever worked with” and “a real people person.” After leaving office, Robert served on the Cole County Industrial Development Authority board. He was also head of the V.F.W. and the American Legion in West Plains.

As a commemoration to his work as mayor, the Jefferson City Housing Authority dedicated the Robert Hyder Apartments and Addition.

Mr. Speaker, Robert was a valuable leader in his community and will be missed. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Ruth, and his children, Robert and Mary.
HON. MICHAEL E. CAPUANO  
OF MASSACHUSETTS  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, December 12, 2001

Mr. CAPUANO. Mr. Speaker, on Tuesday, December 11, 2001, due to an illness I was unable to travel to Washington and was therefore unable to cast votes on rollcall Nos. 483 through 485. Had I been present, I would have voted in the following manner: "yea" on rollcall No. 483; "yea" on rollcall No. 484; "yea" on rollcall No. 485.

I ask unanimous consent that the Congressional Record reflect my intended votes. Furthermore, Mr. Speaker, I ask that record reflect that I am a cosponsor and strong supporter of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act.

HON. SHELLEY MOORE CAPITO  
OF WEST VIRGINIA  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Highlawn Elementary in recognition of their achievement as an "exemplary" school.

Highlawn Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores. I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Highlawn Elementary for their commitment to a quality education and a bright future. Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Highlawn Elementary.

HON. CAROLYN McCARTHY  
OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, December 12, 2001

Mrs. McCARTHY. Mr. Speaker, I rise in recognition of Shira Billet and Dora Sosnowlk. I congratulate and thank them for their achievement as an "exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores. I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Highlawn Elementary for their commitment to a quality education and a bright future. Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Highlawn Elementary.

HON. JOSEPH CROWLEY  
OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, December 12, 2001

Mr. CROWLEY. Mr. Speaker, I would like to speak out of order on rollcall Nos. 483, 484, and 485, which occurred yesterday on December 11, 2001. Unfortunately, due to circumstances beyond my control I was unable to be here to vote on the following bills. I would like to take this opportunity to record for the record that I would have voted yes on: H.R. 10, the Railroad Retirement and Survivors’ Improvement Act of 2001 which will provide benefits to railroad employees and their beneficiaries; H.R. 3282, honoring former Senator Mike Mansfield by designating a Federal Building and U.S. Courthouse in his honor; and H. Con. Res 281, honoring the great sacrifice of Johnny Michael Spann, the first American killed in combat in the war against terrorism.

HON. FORNEY PETE STARK  
OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
Tuesday, December 11, 2001

Mr. STARK. Mr. Speaker, I rise today in honor of House Concurrent Resolution 282, Keeping the Social Security Promise Initiative.
Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Conner Street Elementary.

AMEND TITLE 49 OF THE UNITED STATES CODE SO AIRPORT SCREENING PERSONNEL CAN BE U.S. CITIZENS OR NATIONALS

HON. ENI F.H. FALEOMAVAEGA OF AMERICAN SAMOA IN THE HOUSE OF REPRESENTATIVES Wednesday, December 12, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to amend Title 49 of the United States Code so that the airport security screening personnel referred to in Section 417 of that Title can be U.S. citizens or nationals.

American Samoa is the only place in the United States in which persons born of non-U.S. citizen parents acquire the political status of U.S. national, as opposed to that of U.S. citizen. According to the most recent data available, only 5.7 percent of American Samoa's population are U.S. citizens, with the vast majority being U.S. nationals.

Enactment of the Aviation and Transportation Security Act into law last month added a requirement that all security screening personnel at airports be U.S. citizens. While I understand and strongly support Congressional intent to improve the quality of the security screening of baggage being put aboard commercial aircraft, I do believe the issue of U.S. nationals should be considered as part of the recent change.

The U.S. nationals from American Samoa have a 100-year history of service to the United States. Just like citizens, these Americans owe their allegiance to the United States and have repeatedly demonstrated their allegiance in important ways. They are not foreign nationals, yet because of this one criterion placed on the hiring of security screening personnel, they will be treated as foreigners if this new requirement added in the Aviation and Transportation Security Act is not amended.

With such a small number of U.S. citizens available in the American Samoa work force, the requirement in the Aviation and Transportation Security Act that security screening personnel be U.S. citizens also greatly reduces the pool of prospective employees. As a practical matter, this will be to the detriment of airline security on all flights within the region, thereby reducing, rather than increasing, security of the traveling public.

Mr. Speaker, I seek this amendment as a technical change to the law, and look forward to prompt passage so that security at the airport in American Samoa will remain strong.

HOMELESS VETERANS COMPREHENSIVE ASSISTANCE ACT OF 2001

SPEECH OF HON. JUANITA MILLENDER-McDONALD OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Tuesday, December 11, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong support of H.R. 2716, the Homeless Veterans Comprehensive Assistance Act. Homelessness remains a prevalent problem among veterans, with roughly one-third of the total homeless population consisting of veterans. With this legislation, we will take a needed step in addressing this problem as we are all aware that more needs to be done to help these men and women get back on their feet.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless veterans in the United States in 1999, and there will yet be even more homeless veterans as we experience this economic downturn.

This bill sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes 2000 additional Housing and Urban Development (HUD) Section 8 low-income housing vouchers over four years for homeless veterans in need of permanent housing and who are enrolled in health care provided by the Veterans Affairs Department. The bill contains funding increases for a number of existing veterans homeless programs. It will establish a National Center to provide information, including referral and counseling services, to incarcerated veterans and veterans in long-term institutional confinement to assist in their reintegration into their communities.

As we continue to address the needs of our Nation's veterans we should heed the words of President Lincoln who called on all Americans "to care for him who shall have borne the battle." I urge my colleagues to support this important legislation.

TRIBUTE TO CONFIDENCE ELEMENTARY

HON. SHELLEY MOORE CAPITO OF WEST VIRGINIA IN THE HOUSE OF REPRESENTATIVES Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Confidence Elementary in recognition of their achievement as an "exemplary" school.

Confidence Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores. I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Confidence Elementary for their commitment to a quality education and a bright future. Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Confidence Elementary.

BILL OF RIGHTS CANNOT BE THE NEXT VICTIM OF TERRORISM

HON. LYNN C. WOOLSEY OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Wednesday, December 12, 2001

Mr. WOOLSEY. Mr. Speaker, the terrorist attacks on September 11 struck fear in the heart of every American. Today, we continue to fight a war against terrorism on two fronts—in the mountains of Afghanistan and on the main streets of the United States. The first is a more traditional war against soldiers and war machinery; the second, a war against domestic terrorism.

Within days of the attacks, Congress passed a Homeland Security Bill that included the so-called "Patriot Act." The Patriot Act allows the government to increase its use of wiretaps and surveillance, and enhances its ability to trace e-mail and Internet usage. I voted against the Patriot Act because it infringes unnecessarily on our rights. We had adequate police and intelligence systems available to prevent 9/11, but they were not used effectively. The inadequate use of these resources is no reason to trample our freedoms.

The Bill of Rights, civil rights and civil liberties must not be the "other victim" of terrorism. As the domestic war against terrorism continues, my concern is that "increased police power" will encroach on our liberties.

In the past month, Attorney General John Ashcroft issued rules to allow the FBI to eavesdrop on communications between attorneys and their clients who are suspected terrorists, ordered prosecutors to interview over 5,000 young, mostly Middle Eastern men in the United States, and supported a system of secret military tribunals that could be used to try alleged accomplices in the September 11 attacks.

Members of Congress and eight former high-ranking FBI officials have questioned the effectiveness of Attorney General Ashcroft's plan to fight terrorism. The tactics that he is proposing are not new. In 1970s because they did not prevent terrorism and, in fact, led to abuses of civil liberties.

In the 1950's and 1960's, FBI Director J. Edgar Hoover used "Red Squads" to collect massive amounts of "preventive" intelligence to deter terrorist attacks. The "Squads" were criticized for abusing civil liberties and they were seldom effective. Because the majority of preventive intelligence investigations did not lead to criminal cases, most terrorist activities went unsolved and most of the terrorists were not apprehended. There is no reason to return to a system that didn't work and has a track record of failure and abuse.

Attorney General Ashcroft wants terrorist suspects to be tried by secret military tribunals. Conducting the tribunals in secret with the possibility of imposing capital punishment by a mere two-thirds vote, is an infringement of our civil liberties. It also undermines our system of checks and balances. Our Democracy retains its integrity in large part because no single branch of government overwhelms another. The military tribunals circumvent the...
HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Ms. CAPITO. Mr. Speaker, I rise today in honor of Evans Elementary in recognition of their achievement as an “exemplary” school.

Evans Elementary has been selected as one of the top 50 schools of West Virginia. “Exemplary” status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Evans Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Evans Elementary.

INTRODUCTION OF MILITARY TRIBUNALS LEGISLATION

HON. JANE HARMAN
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, Today my colleague Zoe Lofgren and I are introducing legislation to authorize the President to use military tribunals to try foreign terrorists captured abroad.

Today’s Washington Post details the likelihood that up to 10,000 Taliban fighters and others could be detained in Afghanistan as a conclusion to the military campaign there. The Administration’s intention is to interview those who could provide information, and to prosecute the senior leadership—possibly by using several military tribunals set up pursuant to the President’s November 13 military order.

This is a good strategy, and I support it. But to execute that strategy consistent with Constitutional requirements, the use of those tribunals needs specific authorization from Congress.

Our bill provides that authorization and, we believe, important limitations on the use of military tribunals consistent with the Administration’s intent.

We hope the Administration will embrace our concepts, and that members of Congress on a bipartisan basis will join us. As attorneys, we believe our bill represents mainstream legal doctrine.

First, we authorize military tribunals to try foreign nationals in venues like military bases or aircraft carriers outside the United States. Our federal courts and courts martial operated pursuant to the Uniform Code of Military Justice are capable of trying U.S. citizens, legal residents, and others within the United States. In this regard, we applaud yesterday’s news that Zacarias Moussaoui has been indicted and will be tried in Federal Court on conspiracy charges.

Second, our bill ties those who are tried by military tribunals to actions specifically enumerated by Congress in the Joint Resolution

role of oversight control granted to Congress in the Constitution, and allow too much power to the Executive branch. The strength of the United States does not rest entirely on our overwhelming military superiority. Our country’s strength lies in its moral authority, its reliance on the rule of law, and its belief in democracy. The ideals stated in our Constitution and Bill of Rights resonate throughout the world. It is our strength as a just, fair and transparent society that has made us a superpower, and these are the ideals that will ensure our world preeminence in the future.

Just as we cannot win the battle against terrorism in Afghanistan with purely military options, we cannot improve homeland security by infringing on our freedoms. The Bill of Rights cannot be the next victim of terrorism. We will eventually win the military intervention against terrorism, but we cannot lose our national character in the meantime. Fear should not guide our decisions or cloud our judgment. Fear must not muzzle the voice of freedom.

HONORING THE CONTRIBUTIONS OF DENIS P. GALVIN TO OUR NATIONAL PARKS

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mr. RAHALL. Mr. Speaker, this month marks the end of a 38-year career in government service for National Park Service Deputy Director Denis Galvin.

For many people, both within and outside of the National Park Service (NPS), Denis is “Mr. Park Service.” The breadth and scope of his knowledge of national park issues is tremendous as evidenced by the wide range of NPS leadership positions with which Denny has been entrusted. Beginning as a civil engineer at Sequoia National Park in 1963, Denny rose through the ranks of the National Park Service to hold such positions as Deputy Regional Director, Manager of the Denver Service Center, and Associate Director for Planning and Development. At two different points in his career, Denny has served as Deputy Director of the National Park Service and on a number of occasions he has been the Acting NPS Director.

Denis is well known as a strong advocate for the National Park Service, defending both NPS employees and the work of the agency itself. It is heartening to see a civil servant who has exhibited such a love for his work and for the agency for which he works.

The National Park Service administers many of our Nation’s greatest natural and historical resources. We in West Virginia are blessed to have some of these resources within our borders and I am proud of the work of the National Park Service in preserving and interpreting these resources for the benefit of present and future generations. This work is made possible because of the efforts of people like Denis Galvin.

On Thursday, December 13, 2001 Denny is being honored by his friends and colleagues at a retirement dinner. I join Denny’s many friends and colleagues in saluting him for all his efforts on behalf of the National Park System and wish Denny and his family the best in his retirement.

TRIBUTE TO EVANS ELEMENTARY

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Evans Elementary in recognition of their achievement as an “exemplary” school.

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I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Evans Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Evans Elementary.

INTRODUCTION OF MILITARY TRIBUNALS LEGISLATION

HON. JANE HARMAN
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, Today my colleague Zoe Lofgren and I are introducing legislation to authorize the President to use military tribunals to try foreign terrorists captured abroad.

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This is a good strategy, and I support it. But to execute that strategy consistent with Constitutional requirements, the use of those tribunals needs specific authorization from Congress.

Our bill provides that authorization and, we believe, important limitations on the use of military tribunals consistent with the Administration’s intent.

We hope the Administration will embrace our concepts, and that members of Congress on a bipartisan basis will join us. As attorneys, we believe our bill represents mainstream legal doctrine.

First, we authorize military tribunals to try foreign nationals in venues like military bases or aircraft carriers outside the United States. Our federal courts and courts martial operated pursuant to the Uniform Code of Military Justice are capable of trying U.S. citizens, legal residents, and others within the United States. In this regard, we applaud yesterday’s news that Zacarias Moussaoui has been indicted and will be tried in Federal Court on conspiracy charges.

Second, our bill ties those who are tried by military tribunals to actions specifically enumerated by Congress in the Joint Resolution
authorizing the use of force following Sep-

tember 11.

Third, we include the same sunset clause 

contained in the PATRIOT Act: December 31, 2005.

Fourth, we make clear that habeas corpus

is not waived. Article 1, Section 9 of the Con-

stitution requires action by Congress to sus-

pend this right: a President cannot waive it 

by military order.

Congressional action will contribute to public 

and international acceptance of the use of 

military tribunals by making sure they are 

done right.

In our nation’s history, military tribunals 

have had an important place in our prosecu-

tion of war criminals, but always in conjunction 

with Congressional action. Our legislation en-

sures the right balance between protecting our 

Constitutional principles and taking strong ac-

tion against terrorists, and I urge all of my col-

leagues to support it.

TRIBUTE TO KATHY NGUYEN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. SERRANO. Mr. Speaker, I rise today to 
pay tribute to Ms. Kathy Nguyen, a dedicated 
hospital worker and resident of the Bronx for 

several years to come. Mr. Speaker, it is important 
to note that American law already pro-

vides that Congress shall constitute tribunals 
to a quality education and a bright future.

The President’s recent military order also 
appeared to suspend the right of the accused to 

appeal to courts. In essence, this would suspend the Writ of Habeas Corpus. The Order stated that any individual subject to a military tribunal shall not be privileged to seek any remedy or maintain any proceeding, dire-

ectly or indirectly, or to have any such reme-

dy or proceeding sought on the individual’s beh-

alf, in (i) any court of the United States, or any 

State thereof, (ii) any court of any foreign 
nation, or (iii) any international tribunal.

We are a nation of laws. The most impor-

tant, our original law, is our Constitution.

Article 1, Section 9 provides that the writ 
of Habeas Corpus may only be suspended when the public safety may require it and then only in cases of rebellion or invasion. Suspension requires Congressional action. It is not the Presi-
dent’s prerogative. Even President Lincoln, who felt the need to suspend Habeas during the civil war, had to seek and obtain approval

from Congress to do so. We have expressly preserved habeas corpus in our bill.

We have also required the President to re-

port to the Congress about the use of these 

tribunals and on a classified basis if nec-

essary.

There is a sunset provision for these ex-

traordinary procedures. The use of military tri-

bunals expires on December 31, 2005 with the 

use of force authorization that Congress grant-

ed the President. As with the Use of Force au-

thorization itself, if it is necessary to take fur-

ther military action, Congress will need to act 
to extend the war as well as the war tribunals.

We need to make this bill the law so that 

there will be no question that military tribunals 

are valid.

We also need to once again mobilize Amer-

ica behind our Commander in Chief in the 

prosecution of the war against terrorists.

I believe this bill would receive over-

whelming support in Congress and we hope it 
can be swiftly considered.

TRIBUTE TO OVERTOBBROOK ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in 
honor of Overtobrook Elementary in recognition of 
their achievement as an “exemplary” school.

Overtobrook Elementary has been selected as 
one of the top 50 schools of West Virginia. “Exemplary” status is based on Stanford 
Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on 
their dedication to the children that walk 
through their doors each day. They have set 
an incredible example for the other 817 
schools in West Virginia.

I equally commend the students and parents 
of Overtobrook Elementary for their commitment 
to a quality education and a bright future.

Efforts to bring superior education to all of 
West Virginia and America are among our top 
priorities. Mr. Speaker, I urge my colleagues to 
join me in honoring Overtobrook Elementary.

PUBLIC HEALTH SECURITY AND 

BIOTERRORISM RESPONSE ACT 

OF 2001

SPEECH OF

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STRICKLAND. Mr. Speaker, I would like 
to thank Chairman Tauzin and Ranking Mem-
ber Dingell for their hard work on a significant 
step towards this country’s ability to strongly 
defend itself against bioterrorist threats. The 
Public Health Security and Bioterrorism Re-

sponse Act of 2001 makes important progress 
toward effective planning and preparedness by 
our public health system for a bioterrorist at-

tack and the security of our food and water 
supplies.

I am pleased that the bill includes direct 
funding of giants that will help our state and
local public health departments implement emergency response plans, educate health care personnel, and equip the first responders in our emergency rooms and police and fire departments. The bill will do much to make sure our food supply is protected from attempts at contamination by increasing inspection and tightening export security; it also ensures that we have the tools to investigate any suspected contamination of the food supply by the increasing record keeping and requiring registration by the food industry.

While I support the legislation we are considering today, I look forward to future work on bioterrorism legislation that will expand on this bill. We must require country of origin labeling at the retail level so that consumers can know the source of retail food offerings and consider that knowledge when selecting their purchases. We should ensure that we enact common sense requirements to protect our food supply that are responsible, not overly burdensome. We must expand on provisions in this bill to facilitate the development, production, and distribution of vaccinations that could protect our population against either an intentional bioterrorist attack or the devastating spread of an infectious disease. I believe we should create a national vaccine authority, as recommended by the National Academy of Sciences, to coordinate and aid in these efforts. Finally, we must continue to listen to those who will be on the front lines of any bioterrorist attack, including the doctors and nurses in emergency rooms, hospitals, and health centers and the members of fire and other emergency rescue teams, and help their local communities to meet their needs, restricting forensic and coordination of these crucial local resources.

Again, I support this legislation and thank my colleagues for their work in crafting it.

STOP CANNED HUNTING, THE RESPONSIBLE THING TO DO

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FARR of California. Mr. Speaker, today I am introducing the “Captive Exotic Animal Protection Act of 2001” It is a bill to combat the unfair and inhumane practice of “canned hunting.”

At more than 1,000 commercial “canned hunt” operations across the country, trophy hunters pay a fee to shoot captive exotic animals—from African lions to giraffes to blackbuck antelope—in fenced enclosures in which the animals have no reasonable chance of escape. Most of the hunts are guaranteed—in that the ranch owner assures the “client” that he will secure an exotic trophy. It’s a “no kill, no pay” arrangement. The animals on hunting ranches—procured from exotic animal dealers—have often lived a life being fed by hand and have little or no fear of humans; that fact, coupled with their confinement in a fenced area, all but assure a successful “hunt.”

This bill will complement the efforts undertaken by states to restrict this practice. California and other states already outlaw this practice. In November 2000, voters in Montana approved a ballot initiative to ban the practice of shooting animals in fenced enclosures. The individuals who spearheaded this campaign were, it is important to note, lifelong hunters. They were members of groups such as the Rocky Mountain Elk Foundation, the Montana Wildlife Federation, and the Montana Bowhunters Association—all of which avidly support hunting but oppose canned hunts. This is a strong indicator that “canned hunts” are out of step with common principles governing responsible hunting.

The regulation of the transport and treatment of exotic mammals on shooting preserves, however, falls outside the traditional domain of state animal welfare departments and state fish and game agencies. In short, these animals often fall into regulatory limbo at the state level. In order to address this problem, which directly involves an issue of interstate commerce, since exotic mammals are those which typically are sold across state lines or imported because they are not native to the United States, I am introducing the “Captive Exotic Animal Protection Act.”

This bill will halt the interstate shipment of exotic mammals for the purpose of being shot in a fenced enclosure for entertainment or a trophy. It is something that is backed by responsible hunters, animal protection advocates, wildlife scientists, environmentalists, and zoological professionals. The Senate has the same bill before it for consideration.

This bill will not limit the licensed hunting of any native mammals or any native or exotic birds. The state fish and game agencies regulate and license the hunting of native species. A federal remedy is needed, however, to deal curbing something so out-of-bounds with hunting, no pay” operations across the country, trophy hunting ranches.

I commend the leadership and faculty on Shoals Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Shoals Elementary.

TRIBUTE TO SHOALS ELEMENTARY

HON. SHEILA MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Shoals Elementary in recognition of their achievement as an “exemplary” school.

Shoals Elementary has been selected as one of the top 50 schools of West Virginia. “Exemplary status is based on Stanford Achievement Test results, attendance, dropout rates, and writing exam scores. I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Shoals Elementary for their commitment to a quality education and a bright future.

ANALYSIS OF SECTION II OF H.R. 2887

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

Wednesday, December 12, 2001

Ms. JACKSON-LEE of Texas, Mr. Speaker, on October 11, 2001, the Committee on Energy and Commerce favorably reported H.R. 2887, the “Best Pharmaceuticals for Children Act.” I commend the Committee for its great work. This legislation mandates the accurate labeling of prescription drugs for use in children. However, I am concerned that a section of this legislation may violate the Takings Clause of the United States Constitution. As a member of the Committee on the Judiciary, I have vigorously sought to protect private property rights and to pursue just compensation for those whose property rights are violated. My analysis of section 11 of H.R. 2887, brings me to the conclusion that it would violate current exclusive rights of manufacturers and in turn expose the U.S. government to substantial claims for just compensation.

MEMORANDUM TO THE UNITED STATES CONGRESS—CONSTITUTIONAL ANALYSIS OF H.R. 2887’S PROPOSED AMENDMENT TO HATCH-WAXMAN ACT ELIMINATING THREE-YEAR CLINICAL STUDIES EXCLUSIVITY PERIOD

(By Laurence H. Tribe)

I have been asked to address the implications under the Fifth Amendment Just Compensation Clause (sometimes called the Takings Clause) of H.R. 2887, which proposes to eliminate the three-year clinical studies exclusivity period under the Hatch-Waxman Act. Section 11(a) of the reported version of H.R. 2887 provides that a generic drug may be approved under the Federal Food, Drug and Cosmetic Act (“FDCA”) even when it labeling omits a pediatric use that is protected by patent or marketing exclusivity under Section 505(j)(5)(D)(iii) and (iv). Section 11(b) of H.R. 2887 implies that Section 11(a) applies to already running three-year exclusivity periods.

The FDCA establishes a quid pro quo that H.R. 2887 would retroactively abrogate. In order to gain regulatory approval from the FDA, a pharmaceutical company must invest enormous time, money, and human resources to develop extensive clinical data regarding its drug. At the end of a three-year period, the protected data is opened to the public and may be used by competitors. In exchange, Section 505(j)(5)(D)(iii) and (iv) provide that the FDA “may not make the approval of [a competitor application] . . . for three years.” H.R. 2887 now proposes to undo the bargain struck by current law.

Under the Supreme Court’s decision in Ruckelshaus v. Monsanto Co., 467 U.S. 986 (1984), and related precedents, the retroactive elimination of the exclusivity period qualifies as a taking of private property for public use and therefore triggers the right to just compensation.
that the government’s use of private proprietary research data for public regulatory purposes constituted a compensable taking. Ruckelshaus was highly instructive because the court held that the elimination of an exclusive pesticide marketing scheme, closely analogous to the change effected by H.R. 2887, was the elimination of an intangible form of property, obviously not material to the constitutional analysis.

The Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") at issue in Ruckelshaus originally limited an agency’s use of research and development funds to support later applicants’ efforts to obtain approval of similar formulations. In 1978, FIFRA was amended to weaken that restriction. The 1978 amendments were then challenged in court, and the Supreme Court held in Ruckelshaus that they worked a taking and triggered the right to just compensation.

The Court noted that, with respect to trade secrets submitted by Monsanto under FIFRA, "the Federal Government had explicitly guaranteed to Monsanto and other registration applicants an extensive measure of confidentiality. As a result, the government guaranteed formed the basis of a reasonable investment-backed expectation." 467 U.S. at 1011 (emphasis omitted). The Court explained that "[i]f EPA, consistent with the authority granted it by the 1978 FIFRA amendments, were now . . . to consider those data in evaluating the application of a subsequent applicant in a manner not authorized by the version of FIFRA in effect between 1972 and 1978, EPA’s actions would constitute expropriation" and thus "satisfied Ruckelshaus’ reasonable investment-backed expectation with respect to its control over the use and dissemination of the data it had submitted." Id.

Plaintiffs’ argument in Ruckelshaus provides strong support for the conclusion that the elimination of the three-year clinical studies exclusivity period would effect a compensable taking.

2. There is a Protectable Property Right. I understand that proponents of H.R. 2887 take the position that the elimination of the three-year clinical studies exclusivity period does not work a taking because it does not implicate any property rights at all. I find this position to be woefully wrong. The Government did not even dispute in the Ruckelshaus case that "Monsanto has certain property rights in information which it has subjected to a substantial search and testing effort so that it has submitted under FIFRA to EPA and its predecessor agencies which may be protected by the Fifth Amendment to the Constitution." 467 U.S. at 1001.

Indeed, in Tri-Bio Laboratories, Inc. v. United States, 836 F.2d 135 (3d Cir. 1987), the court upheld the refusal of the FDA to allow a generic animal drug manufacturer to incorporate in its application the research and testing data submitted by another manufacturer in order to market the predecessor brand name drug. The FDA insisted that such testing data was proprietary and confidential in that it was obtained "to protect its own research effort and to maintain its competitive position." Id. at 139. The court agreed that the FDA’s rules “provided noneconomic benefits to manufacturers of proprietary studies in that it comprised reasonable investment-backed expectation that the FDA would refrain from nonconsensual use of research material.” Id. at 140–41. “Use of that material in testing use [competitor’s] application, therefore, would constitute a Fifth Amendment taking, requiring payment of compensation by the government.” Id.

The Supreme Court has long held that intangible property rights are protected under the Fifth Amendment’s Just Compensation Clause. See, e.g., Armstrong v. United States, 364 U.S. 40, 44 (1960) (materialman’s lien protected); Louisville Joint Stock Land Bank v. National Park Properties, 244 U.S. 163, 176 (1917) (real estate lien protected); Lynch v. United States, 292 U.S. 571, 579 (1934) (contracts protected). See also Laurence H. Tribe, AMERICAN CONSTITUTIONAL LAW § 11-11 (2d ed. 1988) (observing that the Supreme Court has tended toward “a broadened conception of ‘property’ in takings analysis,” “incorporating virtually all intangibles as forms of property”).

By the same token, the Court has also explained that the use of information on terms on which a patent is granted would work a compensable taking of private property. See, e.g., Richmond Screw Anchor Co. v. United States, 364 U.S. 352 (1960) (elimination of patent infringement action “an attempt to take away from a private citizen his lawful claim for damage to his property by another private person, which but for this fact he would have against the private wrongdoer. This result . . . would seem to raise a serious question . . . under the fifth Amendment to the Federal Constitution.”); William Cramp & Sons Ship & Engine Bldg C. v. International Curtis Marine Engine Co., 275 U.S.C. 331, 345 (1928) (“rights secured under the grant of letters patent by the United States [are] property and protected by the guarantees of the Constitution” and thus “therefore to be appropriated even for public use without adequate compensation”).

Under these principles, the exclusivity guaranteed by Section 505(j)(5)(D) (iii) and (iv), which is mirrored in FDA regulations, see 21 CFR § 314.127(a)(7), is a prototypical property right. As the Supreme Court has explained, “the right to exclude others is central to the very definition of the property interest.” Ruckelshaus, 467 U.S. at 1011, for it is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979); see also Nollan v. California Coastal Comm’n, 483 U.S. 825, 830–32 (1987) (same); Loretto v. Teleprompter-Manhattan CATV Corp., 458 U.S. 419, 435 (1982) ("The power to exclude has traditionally been considered one of the most treasured rights of property owners."). See generally Thomas W. Merrill & Henry E. Smith, What Happened to Property in Law & Economics?, 111 Yale L.J. 357, 360–61 (2001). As the Tribe Court put it, "The Just Compensation Clause is self-executing, which it is if the property is not put to a public use," equated by the Supreme Court with “public purpose,” see, e.g., Hawaii Housing Authority v. Midkiff, 467 U.S. 223, 239–41 (1984). If property is taken for a “public use”—i.e., a purely private purpose—then the taking violates substantive due process and cannot be saved by an amount of compensation.

CONCLUSION

The retroactive elimination of the three-year clinical studies exclusivity period would undoubtedly effect a “taking” of “private property” within the meaning of the Fifth Amendment. Any public purposes that may be advanced in favor of H.R. 2887 bear only on whether the taking is void—which it is if the property is not put to a “public use,” see, e.g., United States v. Jones, 352 U.S. 55, 77–79 (1956). A “public purpose,” however compelling, has no bearing whatsoever on whether just compensation is required in order to make the taking valid. Courts are not required to award just compensation if it is not put to a public use or purpose, see, e.g., Jen Rubenfeld, United States v. Jones, 352 U.S. 55, 77–79 (1956). Thus, the Just Compensation Clause is concerned not with the question whether a given taking was substantially justifiable but solely with the question of who should pay for presump-

Thus, the three-year exclusivity period—acquired at great expense and heretofore protected by law—is the very essence of an “investment-backed expectation” that is fully compensated for by taking without just compensation. Penn Central Transp. Co. v. City of New York, 438 U.S. 104, 124 (1978).

Moreover, the confidential and proprietary research submitted by drug manufacturers— which under H.R. 2887 would be used by the FDA in order to approve generic versions of pharmaceutical products as a “trade secret” under applicable state law. A “trade secret is any information that can be used in the operation of a business or other enterprise and which is valuable and secret to afford an actual or potential economic advantage over others.” Re-statement (Third) of Unfair Competition § 98 (1999) (providing numerous examples where pharmaceutical information has been classified as a trade secret).

The retroactive elimination of the three-year clinical studies exclusivity period would undoubtedly effect a “taking” of “private property” within the meaning of the Fifth Amendment. Any public purposes that may be advanced in favor of H.R. 2887 bear only on whether the taking is void—which it is if the property is not put to a “public use,” see, e.g., United States v. Jones, 352 U.S. 55, 77–79 (1956). A “public purpose,” however compelling, has no bearing whatsoever on whether just compensation is required in order to make the taking valid. Courts are not required to award just compensation if it is not put to a public use or purpose, see, e.g., Jen Rubenfeld, United States v. Jones, 352 U.S. 55, 77–79 (1956). Thus, the Just Compensation Clause is concerned not with the question whether a given taking was substantially justifiable but solely with the question of who should pay for presum-

The fact that just compensation would be required, and the further fact that the Just Compensation Clause is self-executing, see First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 492 U.S. 304, 315, 316 n.9 (1987), it follows that if H.R. 2887 would be an enor-mous tax lien automatically levied by the measure’s proponents upon the rest of the nation. It would, despite protestations of its proponents, mean that the public would be required and thus that no added appropriation or tax levy would be needed, have to be
funded either by new or higher taxes or by an equivalent cut in spending on military or other discretionary budget items. H.R. 2887, therefore, cannot be evaluated as though it would provide any sort of pharmaceutical free lunch. Someone’s ox, to mix metaphors just a bit, would plainly have to be gored to pay for whatever public benefits the measure might provide. The cost could quite safely and painlessly be laid at the feet of private investors in pharmaceutical companies is a pure mirage. Those investors know their rights, and they know the address of the U.S. Court of Federal Claims.

Dietary Supplement Tax Fairness Act

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to be reintroducing this legislation in the Congress. It represents an important and critical step forward to improving our healthcare system. Throughout my career in Congress, I have always led efforts to examine and support complementary and alternative medical treatments. In chairing the Committee on Government Reform, we have learned a great deal about healthcare that represents a marketplace of over $30 billion dollars and is utilized by one out of every four Americans.

One critical item we have discovered is the inequities that exist within the Internal Revenue Code that discourage good health and wellness. For example, many consumers often ask why there are no insurance benefits for dietary supplements, which are used primarily to maintain good health and wellness. Some dietary supplements, like Folic Acid, can help prevent disease or disease risks like birth defects. Many insurance companies would like to offer coverage to their beneficiaries who continue to demand this type of coverage. Unfortunately, the current law does not allow an insurer to offer this coverage without incurring tax liabilities to consumers and higher administration costs. This powerful disincentive needs to be removed so health insurers can begin developing meaningful and cost effective benefits for their beneficiaries and assist them in maintaining good health longer.

I am pleased to be joined by five of my colleagues on the reintroduction of this bill. I am pleased that Mr. CANNON of Utah, Mr. ISTOOK of Oklahoma, Mr. PAUL of Texas, and Mr. HORN of California have joined as cosponsors in this bill. I am also pleased to be joined by the Gentleman from New Jersey, Mr. PALLONE in reintroducing this legislation. It emphasizes two other important things for my colleagues. This legislation is bipartisan and should be supported by members on both sides of the aisle.

I also note last week the White House Commission on Complementary and Alternative Medicine Policy convened for one of its final meetings. This Commission will be issuing an important report and recommendations for the Congress and the Administration in March 2002. One of the several key recommendations that is likely to be made by the Commission is that the Congress begin reforming the Internal Revenue Code to support and encourage health insurance coverage for complementary medical care. The federal government should be actively working to remove barriers to coverage and access to complementary medical care. I look forward to reviewing that report when it is released next year and work with the Administration to implement the recommendations.

COMMENDING MR. JAMES D. RUTH, CITY MANAGER OF ANAHEIM, CALIFORNIA

HON. CHRISTOPHER COX
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. COX of California. Mr. Speaker, I rise today to commend Mr. James D. Ruth, City Manager of Anaheim, California, who is ending his 45 year career in public service at the end of this year.

After serving in several California municipalities, Jim came to Orange County in 1976 to serve the City of Anaheim as the Parks, Recreation, and Community Services Director. He later served as Deputy City Manager, Assistant City Manager, and, finally, as City Manager. Jim’s outstanding services in all of these positions has earned him numerous awards, including being named “Orange County Manager of the Year” and “Anaheim Rotarian of the Decade.”

With almost twelve years of dedicated service as the City Manager for Anaheim, which is the tenth largest city in California, Jim Ruth has invigorated Anaheim into an internationally renowned tourist community. Under his leadership, the City of Anaheim became a major contributor to California’s booming tourism and entertainment industry.

Most recently, Jim successfully led the city’s efforts to establish the Anaheim Resort District, including a multi-million dollar expansion of the Anaheim Convention Center and the creation of the new Disney “California Adventure” theme park. Jim also served as the city’s chief negotiator in the construction of the Arrowhead Pond, home of the National Hockey League’s Anaheim Mighty Ducks and hundreds of other special events. This concert and sports venue is now second only to Madison Square Garden in New York City in number of events. And, just across the street, Jim paved the way for the renovation of Edison Field, home of Major League Baseball’s Anaheim Angels.

Jim’s expertise on city issues was invaluable. He improved the quality of life and standard of conducting business in Anaheim. His contributions to numerous industry, civic, and social organizations throughout Orange County will benefit its residents for years to come.

Today, I join my fellow California colleagues to thank Jim for all of his hard work and dedication. I also wish to thank Jim’s wife, Linda, who is a public servant in her own right. In behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Jim Ruth on his successful term as the City Manager of Anaheim, and best wishes for a well-deserved retirement.

Tribute to Majority Leader Dick Armey

HON. J. DENNIS HASTERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. HASTERT. Mr. Speaker, Dick Armey has been one of my closest friends in the Congress, and his contributions to the House of Representatives have been enormous. Dick Armey is not a natural politician, but he is a natural leader. Dick came to the Congress with the idea that the institution could work better for the American people; that it could be more responsive to the people’s wishes; that it could be more responsible with the taxpayer’s money; and that it could be a play a more balanced role in the lives of the American people.

He will leave at the end of his term with the knowledge that he has made this Congress a better place.

I am proud of Dick Armey; I am proud of his ideas; and, I am proud of his achievements.

I know that he will continue to fight for his constituents and for the American people every day that he remains in this institution.

In Memoriam of Donald Glove

HON. NICK LAMPSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Donald Glover, who passed away yesterday, December 11th. Donald Glover was a remarkable man who was committed to his community, his country, and above all, his family.

Donald was concerned about Southeast Texas and the people who lived there. He was a long time civic and community leader. He followed me as the Chair of the Jefferson County Democrats and helped thousands of citizens register to vote.

Always a man who believed in equality and justice, he fought hard for working men and women, for senior citizens and for children. His impact on the community could be felt everywhere, he was a positive force in Southeast Texas.

Donald and his wife Helen were a team like Lyndon B. Johnson and Lady Bird. Their “matching AMC pacers” became a sign at any political or community event that the Grovers had arrived and it would not be “business as usual.”

He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. Donald Glover was a man who served his community with great pride and devotion. He often thought outside the box to make sure that everyone got a fair shake in life.

His work was part of the fiber of Southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Today, as an American we lost a great activist, but as a Congressman I have lost a friend.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

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

Meetings scheduled for Thursday, December 13, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

DECEMBER 14

9:30 a.m.
Finance
To continue markup of H. R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements; and to consider the nomination of Richard Clarida, of Connecticut, to be Assistant Secretary for Economic Policy, the nomination of Kenneth Lawson, of Florida, to be Assistant Secretary for Enforcement, and the nomination of B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, all of the Department of the Treasury; the nomination of Janet Hale, of Virginia, to be Assistant Secretary for Management and Budget, and the nomination of Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services; and the nomination of James B. Lockhart, III, of Connecticut, to be Deputy Commissioner of Social Security, and the nomination of Harold Daub, of Nebraska, to be a Member of the Social Security Advisory Board, both of the Social Security Administration.

10 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John Magaw, to be Under Secretary of Transportation for Security (pending receipt by the Senate).

DECEMBER 18

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues surrounding the collapse of Enron Corporation.

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the limits of existing laws with respect to protecting against genetic discrimination.

2:30 p.m.
Foreign Relations
International Operations and Terrorism Subcommittee
To hold hearings to examine the global outreach of Al-Qaeda.
HIGHLIGHTS

Senate and House agreed to the Conference Report to accompany S. 1438, Department of Defense Authorization Act.

Senate agreed to the Conference Report to accompany H.R. 2883, Intelligence Authorization Act.

The House passed H.J. Res. 76, making further continuing appropriations through December 21.

The House agreed to the Conference Report on H.R. 1, No Child Left Behind Act.

Senate

Chamber Action

Routine Proceedings, pages S13079–13099

Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 1815–1828, S. Res. 191, and S. Con. Res. 93. (See next issue.)

Measures Reported:

   S. 990, to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, with an amendment in the nature of a substitute. (S. Rept. No. 107–123)

   S. 1632, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance of predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households. (S. Rept. No. 107–124)

   H.R. 861, to make technical amendments to section 10 of title 9, United States Code.

   H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

   H.R. 1892, to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor’s classification petition should not be revoked, with an amendment.

   H.R. 2048, to require a report on the operations of the State Justice Institute.

   H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

   H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

   S.J. Res. 8, designating 2002 as the “Year of the Rose”.

   S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette. (See next issue.)

Measures Passed:

   Enrollment Correction: Senate agreed to H. Con. Res. 288, to provide for a technical correction in the enrollment of S. 1438, Department of Defense Authorization. (See next issue.)

   Commending Afghan Interim Administration: Senate agreed to S. Res. 191, to express the sense of the Senate to commend the inclusion of women in
the Afghan Interim Administration and commending those who met at the historic Afghan Women’s Summit for Democracy in Brussels.

(See next issue.)

Women’s Participation in Afghanistan: Senate agreed to S. Con. Res. 86, expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan. (See next issue.)

Promoting Safe and Stable Families Amendments: Senate passed H.R. 2873, to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, clearing the measure for the President.

(See next issue.)

Indian Trust Lands: Committee on Indian Affairs was discharged from further consideration of H.R. 483, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon, and the bill was then passed, clearing the measure for the President.

(See next issue.)

Honoring the National Guard: Senate agreed to S. Con. Res. 93, to recognize and honor the National Guard on the occasion of the 365th anniversary of its historic beginning with the founding of the militia of the Massachusetts Bay Colony. (See next issue.)

Federal Farm Bill: Senate continued 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, to ensure consumers abundant food and fiber, taking action on the following amendments proposed there-to:

Pages S13079 (continued next issue)

Adopted:

By 64 yeas to 31 nays, and 1 responding present (Vote No. 366), Feingold/Grassley/Harkin Amendment No. 2522 (to Amendment No. 2471), to reform certain mandatory arbitration clauses.

Pages S13087–91, S13091–92

By 51 yeas to 46 nays (Vote No. 367), Johnson Amendment No. 2534 (to Amendment No. 2471), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Pages S13093–99

Wyden/Brownback Amendment No. 2546 (to Amendment No. 2471), to provide for forest carbon sequestration and carbon trading by farmer-owned cooperatives. (See next issue.)

Rejected:

Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture to review Federal agency actions affecting agricultural producers. (By 54 yeas to 43 nays (Vote No. 365), Senate tabled the Amendment)

Pages S13080–87, S13091

Withdrawn:

McCain/Gramm/Kerry Amendment No. 2598 (to the text of the bill proposed to be stricken), to provide for the market name for catfish. (See next issue.)

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Pages S13080 (continued next issue)

Smith (NH) Amendment No. 2596 (to Amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba. (See next issue.)

Torricelli Amendment No. 2597 (to Amendment No. 2596), to provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective. (See next issue.)

Daschle motion to reconsider the vote (Vote 368) by which the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above) failed. (See next issue.)

During consideration of this measure today, Senate also took the following actions:

By 53 yeas to 45 nays (Vote No. 368), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above), until 11 a.m., on Friday, December 14, 2001.

(See next issue.)

A unanimous-consent agreement was reached providing for the filing of second degree amendments to Daschle (for Harkin) Amendment No. 2471 (listed above), until 11 a.m., on Friday, December 14, 2001.
A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, December 14, 2001, that the pending Smith (NH) and Torricelli amendments (listed above) be laid aside, and that Senators Wellstone and McCain be recognized to offer certain amendments.

(See next issue.)

Department of Defense Authorization Act Conference Report: By 96 yeas to 2 nays (Vote No. 369), Senate agreed to the conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, clearing the measure for the President.

(See next issue.)

Intelligence Authorization Act Conference Report: By unanimous consent, Senate agreed to the conference report 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, clearing the measure for the President.

(See next issue.)

21st Century Montgomery GI Bill Enhancement Act: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 1291, to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill, clearing the measure for the President.

(See next issue.)

Education Reform Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, at 1 p.m., on Monday, December 17, 2001, and on Tuesday, December 18, 2001, with a vote on adoption of the conference report to occur on Tuesday at 11 a.m.

(See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. EX. 370), Frederick J. Martone, of Arizona, to be United States District Judge for the District of Arizona.

William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

Clay D. Land, of Georgia, to be United States District Judge for the Middle District of Georgia.

Page S13099

Nominations Received: Senate received the following nominations:

John Magaw, of Maryland, to be Under Secretary of Transportation for Security for a term of five years. (New Position)

Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

Andrea G. Barthwell, of Illinois, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

Nehemiah Flowers, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Arthur Jeffrey Hedden, of Tennessee, to be United States Marshal for the Eastern District of Tennessee, for the term of four years.

David Glenn Jolley, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

Michael Wade Roach, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Eric Eugene Robertson, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

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Messages From the House: (See next issue.)

Executive Reports of Committees: (See next issue.)

Additional Cosponsors: (See next issue.)

Statements on Introduced Bills/Resolutions: (See next issue.)

Additional Statements: (See next issue.)

Amendments Submitted: (See next issue.)

Authority for Committees to Meet: (See next issue.)

Record Votes: Six record votes were taken today. (Total—370)

Pages S13091, S13092, S13099 (continued next issue)

Adjournment: Senate met at 9:30 a.m., and adjourned at 9:08 p.m., until 9:30 a.m., on Friday, December 14, 2001. (For Senate’s program, see the
Committee Meetings

(Committees not listed did not meet)

NUCLEAR WEAPONS

Committee on Armed Services: Subcommittee on Strategic concluded open and closed hearings to examine the security of United States nuclear weapons and nuclear weapons facilities, focusing on effective intelligence gathering, system vulnerability assessments, and responsive improvement programs and communication, after receiving testimony from Maj. Gen. Franklin J. Blaisdell, USAF, Director, Nuclear Operations and Counterproliferation Office of the Deputy Chief of Staff for Air and Space Operations; Brig. Gen. Ronald Haeckel, USAF, Acting Deputy Administrator for Defense Programs, National Nuclear Security Administration; Rear Adm. Dennis M. Dwyer, USN, Director, Strategic Systems Programs Office; and Linton Wells II, Principal Deputy Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

COMMUNITY DEVELOPMENT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine housing and community development needs in America, focusing on providing a mortgage cut rate for National Guardsmen and Reservists called to active duty, relief on FHA insured mortgages for the victims families of the September 11, 2001 attacks, and for New York City’s economic recovery, after receiving testimony from Mel Martinez, Secretary of Housing and Urban Development.

CAMPAIGN AGAINST TERRORISM

Committee on Foreign Relations: Subcommittee on Central Asia and South Caucasus concluded hearings to examine contributions of central Asian nations to the campaign against terrorism, including basing facilities for U.S. and allied forces, over-flight rights, intelligence sharing, and use of airports for military and humanitarian activities in Afghanistan, after receiving testimony from Elizabeth A. Jones, Assistant Secretary of State for European Affairs; and S. Frederick Starr, Johns Hopkins University Nitze School of Advanced International Studies Central Asia and Caucasus Institute, and Fiona Hill, Brookings Institution, both of Washington, D.C.

RAILROAD SAFETY

Committee on Governmental Affairs: Committee concluded hearings to examine the security status of U.S. passenger and transit rail infrastructure, focusing on counter-terrorism equipment, security related training programs, and technologies capable of detecting chemical and biological agents on transit systems, after receiving testimony from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; Ernest R. Fraizer, Sr., National Railroad Passenger Corporation (Amtrak); Dorothy W. Dugger, San Francisco Bay Area Rapid Transit District, San Francisco, California; Jeffrey A. Warsh, New Jersey Transit Corporation, Newark; Richard A. White, Washington Metropolitan Area Transit Authority, Washington, D.C.; and Trixie Johnson, San Jose State University Mineta Transportation Institute, San Jose, California.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R. 1892, to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor’s classification petition should not be revoked, with an amendment;

H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors;

H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States;

H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees;

H.R. 861, to make technical amendments to section 10 of title 9, United States Code;

H.R. 2048, to require a report on the operations of the State Justice Institute;

S.J. Res. 8, designating 2002 as the “Year of the Rose”;

S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; and

**HOMELAND DEFENSE**

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine the protection of our homeland against terror, focusing on policy, planning, and resource allocation responsibilities coordination, future operational solutions which balance apportionment of forces nationally and abroad, and local, state, and federal interagency cooperation improvement, after receiving testimony from Senator Bond; Lt. Gen. Frank G. Libutti, USMC (Ret.), Special Assistant to the Interim Department of Defense Executive Agent for Homeland Security; Lt. Gen. Russell C. Davis, USAF, Chief, National Guard Bureau; Maj. Gen. Richard C. Alexander, NGAUS (Ret.), Executive Director, National Guard Association of the United States; and Maj. Gen. Paul D. Monroe, Jr., Adjutant General, California National Guard.
House of Representatives

Chamber Action

Measures Introduced: 28 public bills, H.R. 3476–3503; and 2 resolutions, H. Con. Res. 288–289, were introduced. Pages H10065–66

Reports Filed: Reports were filed today as follows:

H.R. 3084, to revise the discretionary spending limits for fiscal year 2002 set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 and to make conforming changes respecting the appropriate section 302(a) allocation for fiscal year 2002 established pursuant to the concurrent resolution on the budget for fiscal year 2002 (H. Rept. 107–338).


Department of Defense Authorization Conference Report: The House agreed to the conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by a yea-and-nay vote of 382 yeas to 40 nays, Roll No. 495. (See next issue.)

Earlier the House agreed to H. Res. 316, the rule that waived points of order against the conference report by voice vote. (See next issue.)

Technical Correction in Enrollment of DOD Authorization Act: The House agreed to H. Con. Res. 289, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 1, No Child Left Behind Act. (See next issue.)

Consideration of Suspensions on Dec. 19, 2001: The House agreed to H. Res. 314, the rule providing for the consideration of motions to suspend the rules on Wednesday, Dec. 19, 2001 by a recorded vote of 306 ayes to 100 nays, Roll No. 498. (See next issue.)

Legislative Program: The Majority Leader announced the legislative program for the week of Dec. 17. (See next issue.)

Meeting Hour—Monday, Dec. 17: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, Dec. 17 in pro forma session. (See next issue.)

Meeting Hour—Tuesday, Dec. 18: Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, Dec. 18 for morning hour debate. (See next issue.)

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Dec. 19. (See next issue.)

Victims of Terrorism Relief Act: The House agreed to the Senate amendments to H.R. 2884, to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001, with an amendment. The motion to concur in the Senate amendments with an amendment was considered pursuant to an earlier unanimous consent order (the Senate amended the title so as to read: An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States). (See next issue.)

Senate Messages: Messages received from the Senate will appear in the next issue.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and will appear in the next issue. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:54 p.m.
Committee Meetings

ELECTRIC SUPPLY AND TRANSMISSION ACT

FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON
Committee on Government Reform: Held a hearing on “The FBI’s Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?” Testimony was heard from the following officials of the Department of Justice: Michael Horowitz, Chief of Staff, Criminal Division; and Edward Whelan, Principal Deputy, Assistant Attorney General.

DIGITAL MILLENNIUM COPYRIGHT ACT SECTION 104 REPORT
Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property concluded oversight hearings on “The Digital Millennium Copyright Act Section 104 Report.” Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2748, National War Permanent Tribute Historical Database Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; and H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the “Golden Chain Highway,” as a National Heritage Corridor. Testimony was heard from Representatives Dreier, Meek of Florida and Hastings of Florida; Vincent L. Barile, Deputy Under Secretary, Management, National Cemetery Administration, Central Office, Department of Veterans Affairs; David Mihalic, Superintendent, Yosemite National Park, National Park Service, Department of the Interior; and public witnesses.

GENERAL AVIATION INDUSTRY REPARATIONS ACT
Committee on Transportation and Infrastructure, Subcommittee on Aviation approved for full Committee action, as amended, H.R. 3347, General Aviation Industry Reparations Act of 2001.

NATIONAL CEMETERY ELIGIBILITY
Committee on Veterans’ Affairs: Ordered reported, as amended, H.R. 3423, to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery.

Prior to this action, the Committee held a hearing on this legislation. Testimony was heard from John C. Metzler, Superintendent, Arlington National Cemetery, Department of the Army; and representatives of various veterans organizations.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 14, 2001
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Finance: to continue markup of H.R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements; and to consider the nomination of Richard Clarida, of Connecticut, to be Assistant Secretary for Economic Policy, the nomination of Kenneth Lawson, of Florida, to be Assistant Secretary for Enforcement, and the nomination of B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, all of the Department of the Treasury; the nomination of Janet Hale, of Virginia, to be Assistant Secretary for Management and Budget, and the nomination of Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services; and the nomination of James B. Lockhart III, of Connecticut, to be Deputy Commissioner of Social Security, and the nomination of Harold Daub, of Nebraska, to be a Member of the Social Security Advisory Board, both of the Social Security Administration, 9:30 a.m., SD–215.

House
Committee on Government Reform, Subcommittee on Technology and Procurement Policy, hearing on Battling Bio-terrorism: Why Timely Information-Sharing Between Local, State and Federal Governments is the Key to Protecting Public Health, 10 a.m., 2247 Rayburn.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, of December 7, 2001, p. D1226)


S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan. Signed on December 12, 2001. (Public Law 107–81)
Next Meeting of the Senate
9:30 a.m., Friday, December 14

Senate Chamber
Program for Friday: Senate will continue consideration of S. 1731, Federal Farm Bill.

Next Meeting of the House of Representatives
2 p.m., Monday, December 17

House Chamber
Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

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(Senate and House proceedings for today will be continued in the next issue of the Record.)