The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

The PRESIDING OFFICER. Today’s prayer will be offered by our guest Chaplain, Father Paul Lavin, Pastor of St. Joseph’s on Capitol Hill.

PRAYER

The guest Chaplain offered the following prayer:

Let us listen to the word of the Lord given us by David in Psalm 140:

“Deliver me, O Lord, from evil men; preserve me from violent men, From those who devise evil in their hearts, and stir up wars every day.

“Save me, O Lord, from the hands of the wicked; preserve me from violent men Who plan to trip up my feet—the proud who have hidden a trap for me; They have spread cords for a net; by the wayside they have laid snares for me.

“Grant not, O Lord, the desires of the wicked; further not their plans. Those who surround me lift up their heads; may the mischief which they threaten overwhelm them.

“I know that the Lord renders justice to the afflicted, judgment to the poor. Surely the just shall give thanks to your name; the upright shall dwell in your presence.”

Let us pray.

God our Father, You reveal that those who work for peace will be called Your children. Help the men and women who serve in the United States Senate to work without easing for that justice which brings true and lasting peace. Glory and praise to You, for ever and ever.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON 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 MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

Mr. WELLSTONE. Mr. President, speaking on behalf of the leader, we expect several amendments to be offered and debated today. No rollcall votes will occur today. The next rollcall vote will occur on Tuesday at approximately 11 a.m. on the adoption of the ESEA conference report.

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:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.
Smith of New Hampshire Amendment No. 2596 (to Amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for actual terrorism as a condition precedent to agricultural trade with Cuba.

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.

Daschle amendment No. 2602 to Amendment No. 2471.

The ACTING PRESIDENT pro tempore. Under the previous order, the senior Senator from Minnesota is recognized to offer an amendment.

AMENDMENT NO. 2602 TO AMENDMENT NO. 2471
Mr. WELLSSTONE. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSSTONE] offered an amendment numbered 2602 to Amendment No. 2471.

Mr. WELLSSTONE. Mr. President, I ask unanimous consent of the amendment be dispensed with.

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

(The text of the amendment is printed in today's Record under "Amendments Submitted").

Mr. WELLSSTONE. Mr. President, I will be very brief in the summary of this amendment. This amendment restricts new or expanding large confined animal feeding operation, CAFOs, from receiving Environmental Quality Incentive Program (EQIP) funds for animal waste structures. We will go over the definitions as we get into this debate on Tuesday, but, for example, 1,000 animals is equal altogether to 9,090 hogs in operations.

This amendment also deals with what we call multiple CAFOs. The amendment prohibits an entity with interests in more than one CAFO from receiving an EQIP contract, thus prohibiting double payments. This measure helps ensure that this Federal farm conservation program and the funds are not used to promote consolidation and concentration of livestock production.

The third part of this amendment deals with flood plains. The amendment restricts the use of EQIP funds for new or expanding livestock waste facilities in a 100-year flood plains. Located a large animal waste facility in a flood plain is contrary to all good conservation common sense.

Fourth, the amendment requires animal operations receiving EQIP funds for structures to also develop and follow a comprehensive nutrient management plan to ensure that the conservation assistance does not end with the storage of manure but that the entire operation be brought into account, including the ultimate disposition of the waste in terms of being applied to the land.

Finally, on payments, the amendment doubles the current annual payment limitation for EQIP, which I would rather not do. The amendment increases the annual payment from $10,000 to $20,000, and doubles the current annual payment for a 5-year contract from $50,000 to $100,000 while retaining the current law waiver authority for the annual limitation at the discretion of USDA. The committee bill, by contrast, increases the cap of $50,000 and also a 5-year cap of $100,000.

My colleagues should know that the current average EQIP contract for animal waste structures is approximately $13,000. So this amendment would not affect the majority of those producers who receive and need assistance from this program. We are really talking about the very largest of operations here. And don't forget the existing CAFOs around the country would not be affected, this amendment only applies to new or expanding CAFOs.

I have summarized this amendment. It deals with a growing problem in agriculture, the concentration of animal waste in the livestock sector, the environmental pollution, and, frankly, Federal subsidies that go to these large farming operations and encourage yet more consolidation and more big business and, in this particular case, more environmental destruction.

The amendment is simple. It says we in the Congress should, and will, work to help alleviate the environmental and public health threats posed by these large-scale animal factories. However—I emphasize that word, "however"—Congress should not be subsidizing the expansion of these large animal confinement operations. That is what this amendment says.

My colleagues should know that this amendment has broad support from both the farm and environmental community, from groups such as the National Farmers Union, the Environmental Defense Fund, the Humane Society, the National Wildlife Federation, the Natural Resources Defense Council, and the Sustainable Agriculture Coalition.

I look forward to debating and adopting this amendment. I wanted to lay the amendment down today. I will get back to this debate today.

Mr. HARKIN. Mr. President, I understand the amendment of the Senator from Minnesota has been laid down?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HARKIN. This is the amendment on the Environmental Quality Incentives Program that would allow cost-share funds to all existing livestock operations, but would limit it for the largest ones that are new or expanded after this bill is enacted; is that right?

Mr. WELLSSTONE. That is correct.

Mr. HARKIN. I thank the Senator from Minnesota. I rise in support of the amendment. I am proud to support this amendment with my colleague from Minnesota.

During the 1996 farm bill debate, I successfully offered an amendment that limited cost-share funding under EQIP for large confined animal feeding operations. That was the 1,000-animal unit limit that has existed under the farm bill since that time. I offered that amendment in 1996 because of the special environmental concerns associated with these large operations.

CAFOs, as they are called, confined animal feeding operations, CAFOs, are operations with more than 1,000 animal units. What that means—that is 455,000 broilers, 4,000 head of veal, 5,400 head of swine of an average weight of 185 pounds—these numbers are for the average number of livestock confined for 45 days over a 12-month period. That is one for the year. It is how many are confined for 45 days in any 12-month period. It could be double or triple that number of hogs over the year. That is a lot of animals.

Again, these are large operations. Over the last several years we have seen an increase in the development of these huge operations, and the local environmental laws regulating waste from animal feeding operations. We believe we need to help producers comply or avoid the need for regulations. We should provide cost-share funds to these existing CAFOs to build structures that will contain waste to protect water quality and to protect the environment generally. However, EQIP money was never designed to subsidize the expansion of livestock operations.

The underlying bill allows the use of cost-share funds for all existing operations, and that is fine. But, it also funds for new CAFOs and expanding operations to CAFOs. That is what is wrong because obviously, if you can use the money to fund expansion, it gives you an incentive to get larger.

This amendment, the amendment of the Senator from Minnesota, does not restrict the use of funds to new or expanding operations or for existing CAFOs. It prohibits cost-share funding for new or expanding confined animal feeding operations; that is, operations over 1,000 animal units. It limits the subsidization of the growth for the very largest livestock operations.

I believe this amendment is consistent with the underlying bill. It still helps livestock producers who are now in operation who need to meet ever stricter environmental standards. We have put more money into EQIP. We have expanded the EQIP program over six times above the baseline over the next five years—from $1 billion to $6.2 billion. So we are putting in a lot of money. I think this is a good way to invest this money protecting the environment, helping the livestock producers meet the more stringent environmental standards.

Again, we have more money, but that money ought to be used for the ones that are there now, the ones that need this help now. We have taken the cap off of limiting funds to large CAFOs in

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the underlying bill, we have gone above 1,000—again, that is fine. But we don’t want people to see the EQIP funds as an incentive. We don’t want people to say: Gee, I have 800 animal units, I can go up to 2,000, 3,000 animal units now and the Government is going to come in and help build these structures. If they want to expand and build facilities on their own, we don’t prohibit that, but we don’t want to use Government money to encourage that.

So is it a good amendment? I think it should be adopted.

I understand some other people may want to debate it, but the order is we are going to lay this aside for other amendments, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LUGAR. On behalf of the Senator from Arizona, I call up the amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk reads as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. McCaIN, for himself, Mr. KERRY, and Mrs. MURRAY, proposes an amendment numbered 2603 to amendment No. 2471.

Mr. LUGAR. I ask unanimous consent to consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the market name for catfish)

At the appropriate place in the substitute, insert the following:

SEC. 2. MARKET NAME FOR CATFISH.

The term ‘catfish’ shall be considered to be a common or usual name (or part thereof) for any fish in keeping with Food and Drug Administration procedures that follow scientific standards and market practices for establishing such names for the purposes of section 403 of the Federal Food, Drug, and Cosmetic Act, respecting the importation of such fish pursuant to section 801 of such Act.

SEC. 3. LABELING OF FISH AS CATFISH.

Section 755 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002, is repealed.

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of the McCain amendment. This amendment will effectively repeal a ban on catfish imports which was quietly tucked into the most recent Agriculture appropriations bill.

It may seem on the face of it that a ban on catfish imports is of little consequence if you are not from a state that produces catfish. However, put in the larger context of the multi-billion-dollar U.S. seafood industry, the implications are clear. If this ban on catfish imports were allowed to stand, it would pull the rug right out from under our own U.S. Trade Representative who is trying to fight similar protectionist actions against the U.S. seafood industry by our trading partners. Regardless of the intentions of proponents of this catfish ban, it has significant impacts for other U.S. fisheries and deserves greater scrutiny than was afforded during the consideration of the Agriculture Appropriations bill.

I thank the Senator from Arizona for putting forward this amendment. I hope that the Senate will act today to repeal this catfish ban. At the very least, a proposal of such significance should have been subjected to a full debate in the Senate during consideration of the Agriculture Appropriations bill.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

Mr. LUGAR. Is the amendment laid aside?

Mr. LUGAR. Mr. President, I understand the order is the Chair might at this point lay this amendment aside. If so, I suggest that:

The ACTING PRESIDENT pro tempore. The amendment is laid aside.

Mr. LUGAR. Is the amendment laid aside?

The ACTING PRESIDENT pro tempore. Yes, it is.

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

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

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.
Mr. HARKIN. Mr. President, again for the benefit of those in their offices. Senators who are here today, the farm bill is open right now for amendment. Under the agreement made by the leaders, yesterday, I guess, or the day before—which, obviously there are no votes today. We will only take the amendments. They can be laid down, we can debate them with whoever is here, and they will then be in line for voting when we come back on Tuesday, or further debate, also, when we come back. I said to my friend, I see my friend from Kansas is here. Maybe my friend from Kansas has an amendment he would like to offer on the farm bill and get it in line so we could, perhaps, vote on this mythical Cochran-Roberts amendment that I keep hearing about but I can’t see. It is sort of ephemeral—sort of out there somewhere, but we can’t seem to get our fingers on it. Maybe we could get the Cochran-Roberts amendment over here today, lay it down, and start discussing it so we can have it here next Tuesday. I urge any Senators who have amendments to come over to the floor and lay them down. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, are we on the farm bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRASSLEY. Mr. President, I will address the Senate for a short period of time today. Next week I hope to be able to speak on this subject with a potential amendment that’s the Farm Bill and the trade aspects of the farm bill.

I start with the premise that we have a farm bill—and we have had farm legislation for 60 or 70 years—with what we call a safety net to give structure to the economics of agriculture, to give some certainty to agriculture, and to help farmers in times of low prices and problems.

So much of farming is beyond the control of the individual farmer. One of those areas is international trade. Maybe we don’t think of that as often as we do things such as natural disasters that hit farmers, domestic politics which might cause prices to go up or down, and decisions of the Federal Reserve which affect the value of the dollar. But international policies affect the value of the dollar.

There are just a lot of things out there that affect the family farmer over which they don’t have any control. Family farmers tend to be more in the position, unlike most businesses, of having to take a price the market dictates for the products they sell over which they don’t have any control. Also, they do not have a lot of control over the cost of their input for the production of their products. They are one of the few segments of our economy that have to pay whatever the market demands for their input, and they receive from the market whatever it pays.

That is why we have a safety net. We have had a safety net for farmers of one form or another. There hasn’t been a lot of difference in those programs over the last 70 years. We tend not to discuss farm bills as if this farm bill is much different from the previous farm bill, et cetera. I am not going to go into those things. But there hasn’t been that much difference. The premise has been very much the same. We are going to have a safety net for farmers to guarantee a certain floor of income at times of low prices because there is so much affecting the economics of the family farmer that is beyond their control.

I start with the premise—and the extent to which my colleagues disagree with me on this, I welcome their disagreement and this debate on it—that the farm bill, whether it is a 1950-type farm bill, or the 1996 farm bill, or even the previous farm bill, is meant to have a safety net, is meant to sustain farmers in business during the period of time of low prices, which a lot of times is caused by things beyond the farmers’ control. This safety net doesn’t guarantee profitability. I don’t think there is anything in any farm bill I have ever seen to guarantee profitability.

That is where trade comes in. When we produce 40 percent more than we consume domestically, it means that farmers have to have the ability to export. Export is very important. When there is no profitability in the farm bill, then the only profitability in farming is going to come from the marketplace.

When you produce more than you can consume domestically, that means the world marketplace is where the profitability for agriculture is going to come. In other words, there is not profitability in a check from the Federal Treasury to a farmer when prices are low, as has been the case in recent years, particularly in emergency bills, but there is profitability in exports.

Let me put it this way: the only reason that the farm bill is worth anything is due to the exportation of our surplus agricultural products. That is why trade is an important part of any discussion of farm legislation, even though the trade policies of this country are decided by other committees. One of those committees is the Finance Committee on which I serve. The Finance Committee has jurisdiction over all trade policy. The most recent one is just about out of committee now—it had an 18-to-3 vote on final passage—which is trade promotion authority.

That is why sometimes when newspaper people ask me, what are we doing for farmers in the farm bill, I give the same spiel you just heard me give about the safety net aspects of farm legislation being very important to helping sustain farmers.

But there is no profitability in the check from the Federal Treasury when prices are low. The only way for farming is going to come through trade. That is why I like to remind people that trade promotion authority, and other trade policies, are probably as important to the farmer as what is in a farm bill, and particularly when it comes to profitability.

So I try to look at a farm bill to make sure it has these opportunities. But the most important fact is that we have had trade agreements. The last General Agreement on Tariffs and Trade, which created the World Trade Organization, had certain limits that could be spent in certain categories of farm support, it is my limit on what we call trade distorting expenditures, that if you exceed those, the United States and, in turn, the U.S. farmer, can be retaliated against legally if those are exceeded. So I have to be concerned about those issues.

I am not here to say that in every respect all of the different farm proposals floating around here are unconcerned with trade implications. It does not matter whether it is the farm bill that is before us, it does not matter whether it is the Daschle amendment to that bill, it does not matter whether it is Senator ROBERTS’ and Senator COCHRAN’s proposal, and it does not matter even whether it is the House bill; it is legitimate to bring the issue of trade to the attention of our colleagues.

For instance, in the House bill, it is my understanding—and I have not read that bill in its entirety, obviously—but my understanding that the House Agriculture Committee was concerned about this, so they put a provision in their farm bill that if the Secretary of Agriculture found that legislation violated the WTO agreement, they could be suspended. If that is exactly how it works and we have to spend more on agriculture, because that would be trade distorting, due to the fact that prices are low and then we could be retaliated against dollar-for-dollar for the excess expenditure and the farm program has to be suspended, then you are suspending the safety net for farmers at exactly the time they are going to need it. What the bill does is cut off payments when family farmers would very likely need those payments the most.

Now, this can be avoided. Maybe my colleagues who are writing these provisions will say they are taking that into account. Maybe I am going to avoid it, or they may say the conditions under which this happens are not as dangerous as maybe I lead people to believe. So I am not here to question anybody’s intentions or motivations or anything. I am just asking my colleagues to give further thought to ways in which the legislation that is obviously going to become law—if it does
not become law before this year, it is going to become law early next year; and whenever it becomes law, it is going to become law in ample time so we have it for the next crop-year in 2003 that it is needed—to take these things of the farm into consideration. (Ms. CARNAHAN assumed the chair.)

Mr. GRASSLEY. Each year our farmers become more reliant on overseas markets to sell their commodities. In fact, last year, farmers in my home State of Iowa exported more than $3 billion worth of corn, soybeans, meat products, and even live animals. Nationwide, American farmers annually export close to half of their soybeans and 20 percent of their corn production. Given the importance of export markets to American agriculture, the United States must assume a leading role in eliminating tariffs, excess trade-distorting subsidies, and other barriers to trade.

In 1994 we joined our trading partners in the World Trade Organization to discipline domestic agricultural support programs and to facilitate more open trade. The agreement, called the Uruguay Round Agreement on Agriculture, capped levels of trade-distorting support that WTO members can provide to producers.

Worldwide, agricultural tariffs were reduced by an average of 36 percent over a 6-year period. The United States agreed to reduce its own trade-distorting domestic support, or what is referred to as “amber box” spending under this trade agreement, by 20 percent, down to a point of $19.1 billion per year.

The Senate must pass legislation that abides by this commitment or our trading partners could take retaliatory action against our farmers and against our agricultural exports. Unfortunately, the farm bills before us, and I think the House bill even the bill that was passed out of the Senate Agriculture Committee—leads our Nation down a dangerous road toward exceeding our “amber box” limits and opening the door to this WTO legal retaliation. Retaliation through higher tariffs on our exports and reduced market access for our farmers would reduce the worldwide demand for our commodities, resulting in an overwhelmingly domestic surplus and depressing domestic commodity prices.

In such stakes for America’s farmers, I urge my colleagues to carefully consider the potential impact on America’s farmers of a farm bill that could violate our international trade commitments. We need to revisit the pieces of legislation that was passed out of committee and work to improve it before we conference with the House because, as I pointed out, I think the House bill has very dramatic problems in this area as well.

Our farmers know how important international trade opportunities are for our commodities. That is why farmers support issues such as trade promotion authority and trade with China. That was such a hot issue last year being dealt with in the Congress. But if we don’t practice what we preach regarding our World Trade Organization commitments, how will we ever trade with our trading partners around the world that they should lower their trade barriers? And that is a goal of not only this administration, but also we have to compliment the previous Secretary of Agriculture, Mr. Glickman, the previous Special Trade Representative, Charlene Barshefsky, when about 15 months ago they tabled in Geneva for negotiation purposes the agricultural negotiations that were going on under the WTO as it was mandated to happen in 1993 to start in the year 2000. They tabled negotiation positions for our country’s farmers that were in the best interests of our farmers of zero tariffs in agriculture.

This administration has followed through on that in the Doha Round that started in early November, which is the new round of WTO negotiations that are going on. And that is what we lead the pack on it is about, to give the President the authority to make such an agreement. We have followed on the very good suggestions of the Clinton appointees on what sort of direction our agricultural trade ought to take.

I don’t think there is any partisan disagreement on what we want to do on international trade to help the American farmers. The only thing we have to do is make farm legislation that is compliant with the intentions of what was initiated in the Clinton administration and followed through on by the Bush administration.

As I have said in the past, the Government can provide support, but only the marketplace can provide profitability. This isn’t putting anybody in a position of political posturing if they don’t agree with that. It just think it is vital that the government of the agricultural economy, if we are going to produce to our potential we must sell our surplus on the world market. We surely don’t want the alternative, which is to produce for the domestic market only and find ourselves in a position of taking 40 percent of our productive capacity out of production and, through the Federal Treasury, pay the farmers for doing that. I don’t think the taxpayers would support that. Worse yet, sustain farmers; you could even have support high enough to guarantee profitability. But you would ruin the economy of the United States if you produced 40 percent of farm machinery, 40 percent less input into agriculture. A lot of that comes from the small town main street businesses of the America. We don’t want to do anything negative to them. We want to keep our rural areas vibrant. That means economic activity.

Economic activity in American agriculture is to produce and to produce not only for the American people but for the hungry of the world, to help our economy, but also to help the economy of other countries as well. It is a simple fact of life that the profitability in farming ought to come from international trade. This whole trade promotion authority is because the Federal budget is not big enough to provide farmers profitable margins year after year.

If we don’t establish a farm bill that helps to lower trade barriers, we will not be able to assist the agricultural community develop this long period of profitability.

Last week the Food and Agricultural Policy Research Institute, which is located on two campuses—Iowa State University and the University of Missouri—published a paper stating that there was over a 30-percent likelihood that the farm bill coming out of the Senate Agriculture Committee would raise our trade barriers.

They could say the same thing about some other ideas floating around here. They surely could say it about the House agriculture bill.

I hope as the debate on this farm bill continues or the debate on any farm bill continues, these issues of compliance with our international obligations, which is for the benefit of American agriculture, because as we can reduce worldwide tariffs that average about 60 percent down to where U.S. commodities affected, we can do better worldwide.

If our tariffs are here and the worldwide tariffs average 46 percent, whatever we do to negotiate to bring those down—and remember our goal under the Clinton administration, now followed by the Bush administration, is zero tariff—it is a no-brainer that this is going to affect very positively American agriculture and bring profitability to our farmers.

The only place for profitability in an industry that exports or that produces more than 40 percent more than we can consume domestically, the only profitability then is in the world market.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, a few weeks ago, the Department of Agriculture announced that commodity prices had taken their biggest 1-month drop in more than 90 years.

It has been 5 years since Congress last passed a farm bill. Every year since then, we have needed an expensive bailout bill. These bailouts are usually referred to as emergency disaster assistance. But the real disaster has been our farm policy itself.

The 1996 farm bill provided farmers with flexibility in deciding what, when, and where to plant. But it left them utterly without a safety net. When floods came, the farm bill gave them nothing. When droughts cut their output in half, the farm bill gave them nothing. When the bottom fell out of prices, when the cost of fuel skyrocketed, when armyworms destroyed an entire crop, the farm bill gave them nothing.

Only when Congress passed emergency spending bills did farmers get any relief. That is a raw deal for the people who feed our Nation—and the world. How can farmers and ranchers plan for the next year’s crop not knowing what programs will be in place?

It is time for Congress to act on a new farm bill—one that promoted competitiveness and consumer choice, while providing adequate income to farmers.

This fall, I wrote to Chairman HARKIN outlining my priorities for the farm bill.

I shared with him the recommendations I have heard from farmers across Missouri. I am pleased so many of these ideas were included in the bill reported by the committee.

First and foremost, this farm bill recognizes the need for a safety net. The safety net is counter-cyclical—to give farmers assistance when they need it the most. It will buffer our farm economy in difficult times, and allow small producers to stay in business.

The bill also allows producers to update the baseline acreage used to calculate these payments, to ensure they reflect the realities of today.

Earlier this year I proposed legislation to expand tax credits and other incentives to promote ethanol, soy-diesel, and other value-added products.

I am pleased that this new farm includes an energy title that will harness the potential of these clean, renewable fuels.

They provide valuable economic development, they give farmers a greater market for their product, they cut pollution and they decrease our reliance on foreign oil.

I applaud Chairman HARKIN and the committee for crafting a farm bill that strongly encourage the continued development of biofuels. I hope amendments will be added that will further promote the use of these fuels.

The farm bill passed by the Agriculture Committee makes a historic commitment to conservation. It allocates $20 billion over the next 10 years in new spending for conservation programs. That is $5 billion more than the House passed, and we need every penny.

The farm bill would invest almost $750 million in conservation efforts for Missouri over the next 5 years.

The bill protects the property rights of landowners. It encourages producers to remove sensitive land from agricultural production. It also offers incentives for continuing conservation practices and adopting new ones. It offers technical assistance for farmers and ranchers. It gives greater opportunities for private landowners to voluntarily expand conservation on forested lands. And it provides livestock producers with resources to build waste management systems.

I also believe we need country-of-origin labeling, as called for under this legislation. America’s farmers grow the best products. They are the most efficient. They use chemicals that are proven to be safe. And they live by the strictest environmental standards in the world.

I believe consumers, if given the option, would choose American products every time.

Now more than ever, Americans are concerned about food security. They want to know where their food is coming from. Country-of-origin labeling would not only help our livestock producers, but would also assure consumers that the products that they buy are safe.

We need measures to help rural America and help the family farm stay in business. Missouri farmers have urged me to assist them in efforts to revitalize rural communities and promote economic development. Rural America needs improved drinking water, telecommunications, and other infrastructure. This bill provides funding to address many of these needs.

And it increases access to capital for rural business ventures, particular equity capital.

I am particularly concerned about our young farmers who need financing to begin farming or to stay in the business.

Under this bill, the Direct Loan Farm Service Agency Program of the Farm Service Agency will be strengthened to assist these young producers.

In addition, a new farm bill must include a strong nutrition title. We must provide the Food Stamp Program with the resources it needs. We cannot abandon families who have been hit hard by the recession, or those struggling to move from welfare to work.

Chairman HARKIN’s bill invests more than $6 billion in this important title. The House bill provides only half that. But with so many people out of work, so many children going hungry, we need the full amount.

Chairman HARKIN’s nutrition title will make the Food Stamp Program work better for the people it serves. It makes the process of applying for food stamps more efficient. It helps families moving from welfare to work by extending transitional benefits. It restores the value of food stamps to help poor families keep up with inflation. These changes will mean a great deal to those who are struggling with the essentials of daily life.

One deficiency of this bill is that it does not address the issue of competition. There is a growing problem of vertical integration and concentration among agribusiness firms. The small family farm is becoming an endangered species, and that’s just not right.

We need a strong competition title to maximize consumer choices. We must facilitate farmers’ choices in marketing products and meaningful price competition.

I hope that over the course of the next few days, this bill can be improved with a competition title that will ensure we have a vibrant farm economy.

Mr. President, this farm bill isn’t perfect, but it makes sense for Missouri’s farmers. And it makes sense for America. It expands markets. It protects the environment. It is fair to small family farmers. And, most importantly, it provides a safety net when farmers need help.

Fundamentally, this bill is about ensuring that the hardworking men and women who produce the food that feeds the world can earn a decent living. These farmers deserve our full support.

Once again I thank the chairman and the committee, and I hope the Senate will act quickly on this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Utah.
Mr. HATCH. I ask unanimous consent to proceed as in morning business.

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

(The remarks of Mr. HATCH are printed in Today’s Record under “Morning Business.”)

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

AMENDMENT NO. 2604

Mr. HARKIN. Madam President, I know two Senators are waiting to speak on the bill. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, Mr. GRASSLEY, Mr. FEINGOLD, Mr. WELLSSTONE, and Mr. ENZI, proposes an amendment numbered 2604.

Mr. HARKIN. I ask unanimous consent that a recording of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract with certain individuals.)

On page 941, strike line 5 and insert the following:

Subtitle C—General Provisions

SEC. 1021. PACKERS AND STOCKYARDS.

(a) Definitions. Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

"(12) LIVESTOCK CONTRACTOR.—The term ‘livestock contractor’ means any person engaged in the business of obtaining livestock under a livestock production contract for the purpose of supplying the livestock or selling the livestock to a packer, if—

"(A) the livestock is obtained by the person in commerce; or

"(B) the livestock (including livestock purchased in the livestock production contract) obtained by the person is sold or shipped in commerce.

"(13) LIVESTOCK PRODUCTION CONTRACT.—The term ‘livestock production contract’ means any grantout contract or other arrangement under which a livestock production contract grower raises and cares for the livestock in accordance with the instructions of another person.

"(14) LIVESTOCK PRODUCTION CONTRACT GROWER.—The term ‘livestock production contract grower’ means any person engaged in the business of raising and caring for livestock in accordance with the instructions of another person.

(b) Contractors.

(1) General. The Packers and Stockyards Act, 1921, is amended by striking "packer" each place it appears in sections 202, 203, 204, and 205 (7 U.S.C. 192, 193, 194, 195) (other than section 202(c)) and inserting "livestock or livestock contractor".

(2) Conforming amendments.

(A) Section 202(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(c)), is amended by inserting "livestock contractor", after "packer", each place it appears.

(B) Section 209(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 209(a)), is amended by inserting "or livestock production contract" after "poultry growing arrangement".

(c) Sections 401 and 403 of the Packers and Stockyards Act, 1921 (7 U.S.C. 221, 223), are amended by inserting "any livestock contractor", and after "packer", each place it appears.

(d) Right to Discuss Terms of Contract. The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by adding at the end the following:

"SEC. 417. RIGHT TO DISCUSS TERMS OF CONTRACT.

"(a) In General.—Notwithstanding a provision in any contract for the sale or production of livestock that provides that information contained in the contract is confidential, a party to the contract shall not be prohibited from discussing any terms or details of any contract with—

"(1) a legal adviser;

"(2) a lender;

"(3) an accountant;

"(4) an executive or manager;

"(5) a landlord;

"(6) a family member; or

"(7) a Federal or State agency with responsibility for—

"(A) enforcing a statute designed to protect a party to the contract; or

"(B) administering this Act.

"(b) Effect of Laws.—Subsection (a) does not affect State laws that address confidentiality provisions in contracts for the sale or production of livestock or poultry.

Mr. HARKIN. I send this amendment on behalf of myself, Senators GRASSLEY, FEINGOLD, WELLSSTONE, and ENZI. I will just take a few minutes to describe it because I know Senator COCHRAN and Senator ROBERTS are waiting to speak. With this amendment, I would like to continue on one of the important themes I have stressed throughout the farm bill debate, competition issues in agriculture. In fact, the occupant of the chair, the Senator from Missouri, spoke about that a few minutes ago, about needing better competition in agriculture.

We had a competition title in the original farm bill. I thought it was extremely important. That was defeated but for one provision, country of origin labeling. That succeeded on an independent vote in committee, but the rest of the title did not make it through committee.

Some of us vowed to resurrect a number of provisions on the floor, not the whole title but a number of key provisions that were in the competition title. Beyond the amendment I speak of this morning, I have introduced a number of provisions on the floor, not the whole title but a number of key provisions that were in the competition title. Beyond the amendment I speak of this morning, I have introduced a number of provisions on the floor, not the whole title but a number of key provisions that were in the competition title. Beyond the amendment I speak of this morning, I have introduced a number of provisions on the floor, not the whole title but a number of key provisions that were in the competition title. Beyond the amendment I speak of this morning, I have introduced a number of provisions on the floor, not the whole title but a number of key provisions that were in the competition title. Beyond the amendment I speak of this morning, I have introduced a number of provisions on the floor, not the whole title but a number of key provisions that were in the competition title.

The amendment would close this loophole so farmers who raise livestock under production contracts for packers in other areas, as such as for swine and cattle.

Again, in 1993 production contracts were not a big issue in livestock. It was a whole different world at that time. Since that time we have seen the growth of production contracts, both in hogs and now extending into cattle. The amendment would close this loophole so farmers who raise livestock under production contracts will be protected by the prohibitions against unfair and deceptive practices under the Packers and Stockyards Act.

Second, the amendment will allow a producer to share his or her contract information with their business adviser, landlord, executive or manager, attorney, family, and State and Federal agencies charged with protecting parties to the contract. I understand in some States farmers already have some of these rights, but many farmers tell me they feel intimidated to share their contracts with even their trusted advisers, with their banker. That is because the contracts virtually say that none of the terms of the contract are to be discussed with anyone else. So the farmer feels very intimidated about discussing that—and, frankly, could face either a lawsuit or the loss of the contract if, in fact, that farmer does discuss that with an with a lawyer.

Again, as I have said, the first part deals with production contracting. Right now these arrangements—production contracting arrangements—are like a franchise-franchisor relationship. It is becoming more prevalent in hog's and growing in the cattle industry.
When we passed the Packers and Stockyards Act in 1921, the industry was different. Livestock was owned by the farmers. They took it to the stockyards. The packers bought the live-stock at the stockyards. That is why we passed the 1921 Packers and Stockyards Act, because, the packers and stockyard owners were collaborating and conspiring to drive down prices for farmers. So Congress passed the Packers and Stockyards Act to prohibit these practices in 1921.

The act currently addresses relationships only between packers and those who sell livestock to packers. It does not address production contracts. Right now, as I said, more and more of these production contracts are becoming common.

An Iowa State study indicates that 34 percent of the hogs in America are raised under production contracts. Current law does not address this current situation. The amendment that I am sponsoring and am calling on does that loophole and provides protection to livestock production contract growers.

Again, because of their relatively weak bargaining position, farmers feel intimidated under these contracts. The amendment would specifically limit livestock contractors from engaging in unfair, deceptive, and unjustly discriminatory practices, section 202 of the Packers and Stockyards Act; and second, it gives the farmers the right to discuss terms of their contract with certain people: a legal adviser, a lender, an accountant, an executive or manager, a landlord, a family member, or a Federal or State agency with responsibility for enforcing a statute designed to protect the party to the contract.

Importantly, this amendment doesn’t require anyone to share any information. It doesn’t require that the contract be made public in any way. It does not affect the confidentiality clauses that state farmer can’t share the information with a neighbor, or with a livestock producer’s competitors. They can still do that. It is important to note the distinction.

Again, this amendment takes a couple of small steps to protect farmers against unfair and deceptive conduct in the livestock and poultry contracting business.

It will provide some protection for these growers and bring them more in line with the poultry growers since 1957. They have had this protection since 1957. It is time now to extend it to our cattle and to our swine producers and other livestock producers in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise today to discuss the pending legislation and the responsibility that we have in the Senate to carefully craft our Nation’s future farm program policy. Note that I said “carefully craft.”

In doing so, I am being joined by the distinguished Senator from Mississippi, my good friend and colleague, the former chairman of the subcommittee on appropriations for agriculture on the Senate Appropriations Committee, THAD COCHRAN. I do not know of any Senator in the Senate who has been more of a champion for our farmers and ranchers throughout our country. We refer to him as “our banker” on the Appropriations Committee, who has the tremendous responsibility and does it so well in making sure we meet our budget guidelines while also ensuring the needed investments we must make in agriculture.

I feel quite honored and privileged to have him as a coauthor of the alternative amendment to the bill pending in regard to farm program policy.

I also thank his staff, Mr. Hunter Moorhead, who has worked extremely hard many hours; and my two staffers, Mike Seyfert, who is sitting to my right, and I would like to let his wife Christy know he is here. He has been by my side early morning, day, and night for the way to let her know he is really doing fine. Matt Howe, who is sitting in the back, has helped me tremendously. We are only as good as our staff.

We think we have come up with a positive alternative with the current legislation which makes a great deal of sense. I thank THAD COCHRAN for his leadership and help and for being a coauthor on this amendment.

This legislation directly affects the daily life and well-being of every citizen in America. Our families, those who persevere and prevail despite all sorts of obstacles not of their own making and things beyond their control. Yet despite the tough times, they feed us and those in need, and their record of productivity is, indeed, a modern miracle.

So here we are, my colleagues, on a Friday morning with several Senators present. We have had quite a debate over the last 3 or 4 days on yet another farm bill.

Counting the years I have been here as a staff member, a Member of the House, and a Member of the Senate, this is my sixth farm bill. I can recall the former esteemed chairman of the House Agriculture Committee, the venerable Bob Dole, who used to describe farm bills in this way:

My colleagues, is this the best possible farm bill? He would say:

No, but it is the best farm bill possible.

There is a difference.
We left town Friday before Veteran's Day, and I believe some progress was being made. Unfortunately, something happened during the weekend. When we returned the following week, both the key and the mailbox were missing, and we were told to plan immediately for a very different bill and some different marching orders.

I remember an old television program called "Name That Tune." They would listen to the song on the record. Then two people would race down the corridor into something and say: I can name that tune in about 3 seconds. I guess that is sort of dating myself. Unfortunately, with regard to the new committee bill, others have named the tune—more particularly, leadership—and there was a new game. It was called "Name Your Price"—a game that is still in progress, by the way.

The end result was a bill that is now going back to loan rates and target prices, and I don't mean a correction. And the committee bill was passed on a party-line vote.

Now, I do not question the intent of people who truly believe we ought to go back to loan rates and higher target prices. I just think that is not the way we ought to go. I think we have a better alternative. I do not question the intent of my colleagues. But I do question the process and the policy, and both, in my view, are counterproductive. And the committee bill was passed on a party-line vote.

It is one thing, my colleagues, to decide you are going to do a partisan bill, but it is another to deny the minority of the right to review the language of the bill and, as a result, the right to debate in an effort to, once again, carefully craft policy that will better enable the farmer and the rancher and the consumer to survive the fast-changing and dynamic environment in today's agriculture.

Just when farmers and ranchers need new tools and new policy, and a new reality check, the committee is playing the lead role in "Back to the Future." My colleagues, we did not even receive a final copy of the commodity title of this bill until 1 o'clock a.m. on the same morning of the markup. Now, that alone is ludicrous and a black mark on the committee. For those of us who have no offices to work from—

I am one of those who is a member of the ever-increasingly disgruntled "Hart Homeless Bunch" where we do not have an office, no access to files, limited access to computers, limited access to telephones, and limited access to e-mail due to a closure of the Hart Building—this situation is impossible. One o'clock in the morning we got the mark.

Markup on the committee bill started at 8:30. I was still trying to write my statement to summarize my concerns at 8:30. There was no time to read the bill, let alone carefully craft a substitute with Senator Cochran, which we finally did. I mentioned before, I have been through six farm bills and some pretty tough debates with strong differences of opinion, but at least I knew, or staff knew, what was in the bill.

Now, there is more than one way to "skin the minister." Thence, I am not going to go through that. That is no way to run a committee. Certainly, that was not the way it was done when our distinguished ranking member, Senator Lugar, was chairman. I understand that maybe I am erring on the side of being too harsh. Maybe this effort to lock up $73 billion for agriculture over 10 years, in a 5-year farm bill, to meet the requirements of an already outdated and unrealistic budget and to accommodate the party leadership and old partisan constituencies, and to satisfy the insatiable needs of different commodity groups and farm organizations, and my same party colleagues, was just too overwhelming. I do not question that it is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task. It is a daunting task.

Staff reports just a small $15 billion scoring problem with the dairy section of the committee-passed bill, something that may be of interest to the Presiding Officer. The answer was a "technical correction" that solved the problem that completely changed the content of the dairy section. Now, that is quite a technical correction.

When we have the final bill language for floor debate and action, and wade through it, we not only find dramatic changes to the dairy title, but significant changes to the conservation title as well. It is like Topsy; it tends to grow with each passing day and each passing vote. Mr. President, so much for process. After all, fair and reasonable deliberation is in the eyes of the beholder. Process does not mean much to the producer down at the feedlot or the consumer, because he has to face and all that has gone on that is not talked about much in regard to critics of agriculture spending: the loss of the Asian market, the value of the dollar, different buying patterns, the European Union spending incredible amounts of money, and on and on and on, a glut all across the world in regard to commodities, which is unprecedented. Not many people really take a look at that when they try to criticize the farm program policies that are spelled out either by the distinguished chairman or by Senator Cochran and myself.

At the same time, it pays for higher loan rates and target prices by phasing out direct payments to the farmers and by cutting some $2 billion from the bipartisan crop insurance reforms we passed last year. Now, I am not happy about that. We spent 18 months putting together crop insurance reform as one of the tools that we promised when we passed the Freedom to Farm Bill. The Freedom to Farm bill was passed on one side. And then there were about six other promises that we made to try to complement that bill. Now, what can 1 senator do, by himself, can do in the absence of the American farmer. It took 3 years to pass the crop insurance reform. Here we find that we are virtually phasing out direct payments. In order to pay a higher loan rate and target prices, we are cutting $2 billion from the crop insurance reform we passed last year. That is wrong.

This business is supposed to provide a better safety net again by phasing out direct safety net payments and cutting crop insurance, the one program we have passed in the last years that prompted an overwhelmingly positive response from farmers.
I want to restate that. I do not think I can restate it too many times. The bill takes money from a bipartisan reformed bill passed last year to pay for a “scheme”—that is not a nice word—a plan that is shaping up to be a party-line little. I do not think that is progress.

Now, my friends, we have been down this road before, and it did not work. Some continue to insist that higher loan rates will mean more safety net protections for producers and will spread up prices. I know that. I have listened to that argument during six farm bills. It is an old argument. It is a good argument, but it is a misconception, in my view.

First, our farmers only receive a payment under the marketing loan program, the loan program, if the market price is below the loan level and if the farmer actually produces a crop. If the producer is a crop harvest, if there is a crop failure, of which we have many—that is why the distinguished Senator from Mississippi, in his role on the Appropriations Committee, steps forward year after year, to make a decision—when farmers suffer from crop failures, all across the country, guess what. Then there is no payment. So the loan rate really does not provide any income protection for a farmer who does not have a crop. When he needs it the most, the assistance is not there.

Second, under the target price proposal, which, by the way, does not take place until 2004—until 2004—farm prices have to be below the target price level to receive a payment. The problem is, crop failures often result in reduced supplies that cause high prices above the target price. That occurred in Kansas in 1988 and then 1993. In 1995 there was a freeze, a drought. Again, a producer may have no crop, and if prices rise because of decreased production and supplies because of crop failures, there may well not be the so-called target price countercyclical payment.

Go through the history of past crop failures where they occurred, count the bad years. It is possible that a farmer could have no crop to harvest, still receive no assistance through the loan deficiency program and the so-called countercyclical programs in the committee bill. If that happens—and I hope it doesn’t—does anybody here believe those producers and their farm organizations will not be back asking for additional emergency assistance or, for that matter, a higher loan rate or target price? It has happened before.

I remember the late 1970s, the American Agricultural Movement came to Washington, D.C., wanted an experience. As a result, we simply increased the target price from $2.41 to $2.90. I think that was what it was. The distinguished chairman of the committee at that particular time was Ambassador Tom Foley, Speaker, from the State of Washington.

What happens is, we simply increase the loan rate or the target price. That is not a safety net. Relying on loan rates and target prices under those circumstances is not a safety net. It is a hammer. I think the farmer prefers the safety net.

All of the uncertainty and unfair competition lack an aggressive, consistent trade and export policy is why we moved away from the higher loan rates and target prices and provided a guaranteed direct payment that the producers and their lenders—don’t forget the lenders—could count on every cycle, specially when they suffered a crop loss.

We made a deal. We made a contract. We even had a colloquy on the House floor. Is this a contract? Can’t take it away? No. And we wrapped up what we thought was a reasonable investment in regards to farmers and farm programs only to face unbelievable changes about two crop-years after that, and we had to move to some emergency help. Even that was under the rubric or the architecture of the 1996 act.

Again, I am very concerned that the proposal before the Senate basically pays for higher loan rates and target prices through a virtual phaseout of these programs. That is the wrong way to go. We do not think we should take away a payment our farmers and lenders can bank on—no pun intended—when they are drawing up operating plans for each crop-year.

We also believe that the commodity title before us today tends to be less environmentally and conservation friendly than the proposal Senator Cochran and I will put forward. Ours is the better bill in this regard because it is not coupled to production. That is a big difference. When you have a payment program that is more dependent on actual production, there is a greater incentive to farm fragile land and use excessive chemicals and pesticides to improve yields. That is why the 1996 act was the most favorable to the environment passed up to that date.

This bill, with some differences in conservation, will have that as a hallmark. I do credit the chairman of the committee for focusing on conservation. But if you couple production and your payments, that is what will happen under the committee-passed proposal. Here again, we go back to the future.

In addition, we made a conscious decision between two basic choices when we wrote the last farm bill. We could continue on a course of micromanaged planting and marketing restrictions that have often put our producers at a competitive disadvantage in the world market, or we could pursue a course that would eliminate these restrictions and allow farmers to make their own planting decisions based on domestic and world market demands, while also receiving guaranteed levels of transition payments.

That, in fact, was the primary purpose, the primary goal of the 1996 act and the much maligned Freedom to Farm bill. It was not to take the Government payments and transition them and march the farmer off the cliff when the free market does not exist. It was, in fact, to give more decision making power and decisions to the farmer and, with that, we would accomplish the five objectives—five objectives that would accomplish the five objectives—I think were the five objectives that I think we should pursue.

The committee-passed proposal will be before us does at least present a platform to do away with those payments by 2006. This is the plan that is shaping up to be a party-line little. I do not think that is progress.

Before these changes, farmers used to put the seed in the ground according to dictates issued by the Department of Agriculture. It was what I called a command-and-control farm program policy. We lined up outside the ASCS office, now the FSA office, walked in and talked to Aunt Harriet. She made our decision for us and we would do what she said. We would do what she said. And you set aside this ground and then you waited on Washington to figure out how much you had to set aside and what you could plant, when you could plant it. We were paying farmers for not growing anything. We lost market share. We used to have 24 percent of the world market share in terms of global exports. Now we are down to about 13 percent. Guess who is is? The European Union. Guess who is going to be 18 percent share and we will be 11. If we pass this bill? The United States. That is not right. That was a dead-end street.

We are pleased that whatever proposal will be before us does at least maintain the planting flexibility. At least we did retain that. But we are also concerned that because of the increased focus on loan rates and target prices, we may end up with budget exposures that will force us back to set-asides and supply management—it would be an easy thing to do—in order to get to pro forma. Then we are really back to the future. That would be one of the most counterproductive things we could do for U.S. agriculture which must compete in a global marketplace. We may not like it, but that is the way it is.

Furthermore, since the committee bill or the substitute’s basic tenet is raising loan rates, let me reflect for a moment on what the purpose of a loan rate is. This seems to be the nexus of the dispute between the two bills. Is the loan rate a market clearing device, or is it price support? I don’t think it can be both. If we set the price at $3 on wheat and $2.08 on corn—and you could do the corresponding number with other crops—if it very well may become a ceiling on price.

We also understand the belief among many Members and some producers that a higher loan rate is a greater incentive to put the crop in storage and should result for a higher price. That is the alleged goal of the loan program.

The question is, Would that result in a greater income for farmers, or does it...
mean that they will simply pay higher storage and interests costs that would more than offset any increase in the loan rate? We have to ask ourselves what raising loan rates does for those producers who again suffer no crops and don’t have money to put aside.

We are well aware of the problems our friends in the northern plains have faced in the form of floods and blizzards, crop disease in recent years. Time and time and time and time again, with chart after chart after chart, our distinguished colleagues and friends across the aisle come down to the floor, 4 years, 5 years, 6 years, 7 years straight, and talk to us about the blizzards and the intertemperate weather, the infestation, and goodness knows what else. These are regional weather problems that would have occurred regardless of the farm policy we put in place.

I grieve for those farmers. I empathize with those farmers. We have that in high-risk country in Kansas as well; not to that extent, but at least we know what they are talking about. Can we guarantee that higher loan rates would have done anything for these producers because they had nothing to harvest? The answer is no. They wouldn’t have gotten a payment without the crop under higher loan rates. So does it make sense to spend $73.5 billion on a new policy that won’t provide assistance to producers when they need it the most.

It is because of these concerns that Senator Cochran and I are offering our amendment to this legislation. Our bill is the only one of these two proposals that is No. 1, nonmarket or production distorting.

No. 2, it provides a guaranteed direct payment to producers when they suffer a crop loss, when they need it the most.

No. 3, it provides a new, innovative approach to a countercyclical program, which I will describe in a moment.

No. 4, it creates a stronger footing for our international trade negotiators by enhancing the level of green box support we are providing to our producers.

Let me step for a minute and indicate that on the Daschle-Harkin bill we have been warned by the administration that box may not be amber, it may be red. We can get to the cutoff very quickly. If we are successful in moving the $73.5 billion into the proceedings where the United States government and the Secretary of Agriculture would have to say they are going to give money back. Senator Grassley has a bill to address that, and it is a very important bill. I can’t imagine it would come to that, but why go down that road to begin with?

So certainly, this bill doesn’t have that problem because you are in the green box, not the amber box. Those are the boxes we define as to whether you are WTO legal or whether you are working out an international trade agreement with which you can work.

No. 5, let me say this is supported by the administration, supported by the President, and can be conferenced. All these good people in the organizations that have come in here and written letter after letter after saying “move the bill,” if you want to move the bill, that can be conferenced with the House Agriculture Committee, pass Cochran-Roberts, and it can be signed into law this yearend.

I think our approach is clearly the better way to go as it provides a direct payment that reflects the unique and very difficult times we face in agriculture today. As I have said probably 10 times—and now I will say it for the 11th—it ensures that our producers will get assistance when they need it the most, when they have no crop to harvest.

While our colleagues across the aisle have looked to the past in creating their countercyclical program, we have looked to the future. This is a unique program. It would ask the farmers and ranchers to pay a little attention. We have proposed the creation of a farm savings account. I want to make plain that the Secretary of Agriculture, at the bank of the producer’s choosing.

Under our proposal, a producer can place a portion of their yearly earnings in a savings account and is more consistent with the bipartisan proposal passed in the House that largely maintains current loan rates and provides reasonable direct payments to our producers.

We also have serious concerns with the proposed conservation title. It has been changed considerably from what passed the committee, and, in an effort to attract votes, it is dangerously mortgaging future farm bills by taking funds from the budget baseline in the years beyond the 5-year length of this proposed farm bill. I already referred to that in terms of the one figure, $45.2 billion over 5 years, leaving only $28.3 billion for the second 5 years. So that is what we are talking about.

Specifically, they are jeopardizing the future of some of our most popular and successful environmental programs, including the Environmental Quality Incentives Program—EQIP—Farmland Protection Program.

They propose frontloading funding for these programs and then provides for draconian reductions in the baseline for 2006 through 2011. At the same time, it greatly increases funding for something called the Conservation Security Act. That is a new, interesting, but untested program in 2006 through 2011.

I don’t argue that the Conservation Security Act’s goal of providing conservation incentives on working lands is not a good one. It is a good one. In fact, in our alternative we set aside a portion of our EQIP funds for activities
on working lands. But I don’t think it would be right, and I think it would be a critical and unfortunate mistake, to eliminate the future of many of the successful programs I just mentioned in 2006 and beyond and, instead, stake our conservation success on an untested proposal.

We also remind colleagues that those programs that would face the most severe cuts and restrictions in the out-years are those that most directly impact wildlife, livestock, and dairy producers. This is not healthy policy. Some are trying to say we are slowing down the process. We point out that is we want a better bill, and if you don’t support a bill that robs crop insurance reform to pay for higher loan rates that would depress the market? Would you support a bill that robs farm organizations urging progress on the farm bill so we can get it done this year.

I emphasize again that I want the best possible bill we can get. Some producers in Kansas have been in touch with me and asked: Can we get this done?

I said: I hope so. But would you support a bill that robs crop insurance reform for pay for higher rates prices which may depress the market? Would you support a bill that robs farm organizations urging progress on the farm bill so we can get it done this year.

And I want to get it done. I want to get it done as fast as possible, but I do not want to support the worst possible bill of the two.

I thank my colleagues for allowing me to speak at great length. I apologize to my colleagues for taking this much time. I have not had an opportunity to talk about this yet. I have amendments to offer, but I wanted to take this time to fully explain my perspective and the hard work that went into the alternative that I think certainly merits the support of the majority in regard to where we go with the next farm bill.

TRENT LOTT, the minority leader, from the Agriculture Committee. We are not trying in this effort to point out the differences between the bills, to create a partisan fight in response to what happened regarding the process of the debate. We are serious about really finishing the farm bill this year, we should pass our proposal, which is very similar to the bipartisan bill passed by the House and, again, which could be conferred with that bill in a matter of days.

Our alternative does not slow the process. Some are trying to say we are slowing down the process. We point out that all the other titles of the substitute proposal—Senator COCHRAN and I sat down and looked at each and every one of them—we put forth are very similar to those titles passed by the Agriculture Committee. We do not have a quarrel with those. We do not have any dispute.

Except for shifting some money from mandatory to discretionary and eliminating the partisan use of crop insurance reform funding as an offset, we have largely left those titles intact. We agree with many of the principles that are contained within those titles. As I said, there is no dispute.

We always try to pass the best possible bill when we are considering farm bills. I do not believe the underlying bill is the best we can do. It is not time to reinvent the wheel and go back to the policies of the past. We are at another one of those historical crossroads in agricultural program policy. We can look forward or we can look back. We can choose to return to the failed policies of the past and put our farmers and ranchers at a competitive disadvantage on the world market at the same time our dependence on the world market actually continues to increase, or we can take the necessary steps to provide our producers and trade negotiators with the tools necessary to open foreign markets and meet the demands of the world market.

The critics of our proposal have in past years stood on the Senate floor that one day we will wake up and discover that we are no longer the leader in agricultural exports. I just mentioned that we are about 18 percent in all of the commodity exports globally. The EU is 17, and the trend is not good. It is just the market in regard to automobiles. It is interesting to note that many of the pitfalls suffered by the U.S. auto industry in the seventies and early eighties were based on an unwillingness to change policies and adapt to the desires of the consumer market.

Could there be a similar effect for agriculture if we proceed with the proposal that is put forward by the committee and continue down the path of increasing and punitive tariffs competitive in world markets and hamper our bargaining power at the WTO negotiating table?

My colleagues are correct. The choices we make today and in the next few years will determine the future of agriculture in the United States. My hope is that we will continue to look, with our producers, toward the future, as I have indicated, and not in the rearview mirror and at the broken policies of the past.

I have a letter that was addressed to the Honorable TOM DASCHLE, majority leader of the Senate, and the Honorable TREN T LOTT, the minority leader, from the Agriculture Committee. We do not have a quarrel with those. We do not have any dispute.

I want to get it done. I want to get it done as fast as possible, but I do not want to support the worst possible bill of the two.

I thank my colleagues for allowing me to speak at great length. I apologize to my colleagues for taking this much time. I have not had an opportunity to talk about this yet. I have amendments to offer, but I wanted to take this time to fully explain my perspective and the hard work that went into the alternative that I think certainly merits the support of the majority in regard to where we go with the next farm bill.

At the outset, I am disturbed by hearing news conferences are called for the purposes of highlighting how Republicans are obstructing or slowing down the consideration of this farm bill and are putting in jeopardy the passage of a farm bill before this session of Congress adjourns. That is totally unfair and unjustified.

If we look over the history of farm bill consideration, the 1996 farm bill, for example, under which we are now operating, there were over 300 amendments considered to that farm bill during the consideration by the Senate. There have been only a handful of amendments considered so far during this farm bill debate. They have all been germane amendments, all conscience efforts to improve the bill or involved in a way that does not provide more support that is needed by farmers in this perilous economic situation we are in, in other ways changes farm policy the Senate has a right to consider.

There are going to be amendments. I do not know how many amendments are now pending. I am told there are over 30, according to our count last night. The point is, this is a serious issue. It has huge ramifications, not only for those involved in agricultural policy but also for American consumers and the agricultural economy worldwide. So it is not a subject that ought to be flippancy or quickly dismissed.

Sure, I want a bill. I want to get it done. I want to get it done as fast as possible, but I do not want to support the worst possible bill of the two.
rammed through the Senate under the pressures of the last closing days of the session.

If this was thought to be an appropriate time to bring up a farm bill by the Democratic leadership, under the obvious constraints of the time we have available, why did they wait so long? Why did they wait until the last few weeks of a session of Congress to bring up a bill such as this? The House passed a bill much earlier in the year, even more time many of us thought it was not necessary to pass a bill that early. The legislation we are under now does not expire until next September. Farmers are worried, and justly so, that because of declining balances in the Federal Treasury, more pressure on the budget to wage a war against terrorism, to deal with the realities we have to confront on that subject, it may be more difficult to get the level of financial support for production agriculture than we may be able to get fact during this year. So that is really one of the reasons.

Another reason is there can be a predictable level of support committed by the Federal Government to production agriculture, those who are involved in the production of the crops, those who are involved in financing the planting of the crops, a level of certainty and predictability so they can make plans for that next crop-year. So that is a legitimate concern as well.

So we are trying to accommodate those concerns and interests, but it is very difficult. The pressures are tremendous to get this done and to get it done quickly and get it to the President so it can be signed and enacted into law.

That brings into question, which process or which proposal, which alternative, will likely serve that goal? I suggest it is the Cochran-Roberts bill and not the Daschle substitute. The Daschle substitute has an enormously high level of loan rates in it. That is one of the big problems because that is not going to become law. That is just not going to happen. That is pie in the sky. It is not a realistic expectation, under the circumstances we have today, for a new farm policy to be enacted quickly without people understanding all the ramifications. It is such a dramatic departure from current law, past policies, and the impact it is going to have on commodity prices, the production levels of commodities will distort the world market to such an extent it is unacceptable. That is the big problem.

There are other problems with this bill as well. There are huge numbers of new mandatory spending programs contained in this Daschle bill. In the rural development section of the bill, which we considered in our committee, there are numerous new mandatory spending programs. What is that? These programs where the spending of the money is directed by law at prescribed levels for certain activities in rural development. Those programs that have been authorized in the past authorized funding levels, and the appropriations process then analyzes the availability of funds, tries to deal with the allocation of resources in a fair and justifiable way, after hearings and consideration of what the needs are each year, and make a decision as to how much money is to be spent.

This bill is going to predict and mandate over 5 years how much money has to be spent for each of those rural development programs. That is new. That is a dramatic change. That is really not good policy. The Senate had not heard about that, had not talked about it, but that is in this bill. That is in the Daschle substitute.

I complained about it during the markup. We received the markup papers in the middle of the night before we marked up at 9 a.m. This is another part of this rush to legislate. The committee did not take time to have hearings, to consider carefully the options for this. The House had hundreds of days of consideration prior to the beginning of the markup of the House bill. They had hearings all over the country, hearings in Washington. Our committee had some hearings.

There was a transition that made some difference. In March, the party majority switched in the Senate and the new leadership of our committee had the responsibility of taking over abruptly. That made it a little more difficult. There was a startup problem. We have had the anthrax business in the Senate. Senators have been displaced from their offices. Staff members have been displaced from their offices. There have been problems. There have been challenges to the ability of the Senate to work quickly to respond to the legitimate needs we have for appropriations legislation and other legislation. That is the reality of the situation.

There are amendments that I may offer on the rural development side. In fact, the Cochran-Roberts bill changes these mandatory spending programs into authorized spending programs so we can annually make decisions about the level of funding available and justified. Instead of being able to project a long period into the future of budget surpluses, which was the case, we are confronting a new reality. We are not going to have surpluses in surplus in the Federal budget as we expected. That may affect the funding levels realistically available for some of these rural development programs. All of them sound good, but we have to view them in the context of budget realities and legitimate needs and how effectively these funds will be used to try to address the problems they are designed to solve.

One other aspect of difference between the Cochran and Roberts bill and the Daschle substitute is the conservation title. We have a very strong conservation title in our bill. The commodity title is different, as well, not only in the loan rates I mentioned but also in the predicted constant level of Government support made available, directed to producers of agricultural commodities.

Let me point out in some detail the differences in the commodity title in Cochran-Roberts compared with the Daschle substitute. Our bill maintains planting flexibility with a fixed payment throughout the 5-year life of the bill. The last few times, Congress has provided producers with supplemental assistance because of the depressed prices and because of natural disasters which have struck many States. The combination has created disastrous situations. Congress has responded. There is no guarantee under the budget realities of today that we are going to be able to continue that level of ad hoc special emergency funding to provide those levels of support in the future. That is another reason the Cochran-Roberts bill determines in advance and sets out in clear language and numbers in the bill the amount of payments the Federal Government will make to producers of agricultural commodities.

Another aspect of difference is that we maintain the successful marketing loan programs with loan rates that do not distort market prices. They do not encourage overproduction and therefore have a depressing effect on market prices.

A new farm savings account is authorized in this legislation. This will be money available to farmers from the Government to match their own savings they invest in the project. The effect of years where commodity prices are lower. There are naturally going to be ups and downs in market prices in agriculture and there are in a lot of other economic activities. This account creates a new 401(k) program for farmers. The Federal Government will match the money that the farmers put into these accounts.

Another change that farmers will appreciate in this legislation is that the proposal is a provision allowing them to update their base acres. A lot of farmers are convinced the system, the way it works now and the way the program is administered, penalizes them because it contains out-of-date information and is not an accurate reflection of the number of base acres that are farmed and on which the payments can be calculated under this program. This process allows farmers to be paid on a more recent production basis.

The conservation title I mentioned briefly. Let me point out specifics in the conservation title in Cochran-Roberts and why it is a very strong commitment to the conservation of soil and water resources in our country. There are higher levels of authorization for the programs that have proved to be successful in encouraging farmers to produce their crops in environmentally friendly ways. The centerpiece of our bill title is the Environmental Quality Incentives Program, known as EQIP. Under the current EQIP, there is an authorization
level of $200 million per year, or $1.2 billion over the 6-year life of the bill. The Cochran-Roberts substitute raises that authorization by $450 million, to a level of $1.65 billion for the life of the bill. The Conservation Reserve Program is also increased from 36.4 million acres to 40 million acres. The Wetlands Reserve Program is increased to 250,000 acres annually. The Wildlife Habitat Incentives Program authorized at $25 million annually is increased to $100 million each year. The Cochran-Roberts substitute contains a generous level of support for conservation programs.

In summary, these are the reasons why the Cochran-Roberts bill is a preferred alternative to the Daschle substitute. It is trade friendly; it is consistent with the WTO rules; loan rate levels are consistent with the House bill, which makes the bills more easily conferenced. The Daschle-Harkin approach is not going to be easily conferenced. In the House, the review, it will be impossible to conferenced with the House. It cannot be reconciled with the House because of that fundamental major departure. Cochran-Roberts provides a strong commitment to conservation, a commitment that again because some are suggesting we are not providing enough support for conservation programs in our alternative. That is just not true.

We have a farm savings account which will help our farmers deal with price cycles. The administration supports our bill. The President will sign a bill that is based on the principles of the Cochran-Roberts bill. Support for Cochran-Roberts will produce a bill and a new farm law, not just a campaign issue.

I urge Senate support.

Mr. CRAIG. Mr. President, the last few years have been very hard on all of Agriculture because what farmers are getting often does not cover the cost of production, let alone make a profit.

Because of the prolonged slump in commodity prices, earlier this year we were on the floor debating additional assistance to farmers. I supported the $5.5 billion in emergency farm aid for the last 3 years, because I believe if we want our farmers to stay in business and our rural communities to survive, we must help them until prices come back. Congress cannot keep doing these ad hoc disaster bills. We must provide more certainly to farmers across the Nation, which is why I am pleased Congress is taking up the farm bill. However, I am disappointed that such a bipartisan issue has been made partisan. It is my hope that we still have time to pass a farm bill with good agriculture policy to help our farmers, ranchers, and rural communities. That is why I support the Cochran-Roberts alternative. A proposal that will help our farmers when they need it and not send signals to produce when the market can not bear the production. Harkin has high loan rates which cause farmers to produce for the loan deficiency payment, the over production cause prices to be further depressed.

I also support the improvements to the sugar program. The authority for the in-season loan program needs to help re-store balance to U.S. sugar market and prevent more of our farmers from going out of business. The elimination of the marketing assessment was long over due, as sugar was the only commodity to be taxed for demand reduction. Sugar is taxed at every state and at every step of the pipeline. Therefore, these improvements will help it remain a viable part of Idaho agriculture. Harkin does all of this and gets rid of the loan forfeiture penalty. This proposal does not contain a so-called national dairy program that benefits some dairy farmers at the expense of farmers in my State. We should work on a national policy that is fair to all farmers and that makes us more competitive on the world market. I am pleased that dry pea, lentils, and chickpeas were included as a farm program. Loan rates and LDP’s will help these crops remain competitive with wheat and canola in rotations along the northern tier states, this is in Harkin. I also support dairy nonrecourse loans for dry peas, lentils, and chickpeas. Wool producers have seen wool become an expense rather than an additional income from their sheep, this program will help to overcome that. Both wool and honey, as other commodities, have been adversely impacted. It is time these commodities have programs as other commodities do. I am pleased with the increases in EQIP, Environmental Quality Incentives Program, funding and the improvements to this program that is vital to our cattlemen who are working to comply with water quality issues.

The grasslands reserve program is a proposal I introduced earlier this year and I am pleased that it was incorporated in the bill. This proposal will help keep working landscapes intact which will benefit the ranchers, rural communities and wildlife that are dependent upon them. There is much more to this amendment in all of our previous discussion but I will not go into detail, rather I would like to congratulate Senators COCHRAN and ROBERTS for assembling a well-balanced piece of legislation that works to address the different needs in every region of our country.

Mr. BURNS. While we are in the process of reviewing that, there are other areas of this legislation where we could offer amendments, areas which I believe have to be addressed by this body and by this Government.

We have a situation on the northern border with our good friends in Canada that is intolerable when it comes to movement of farm chemicals back and forth across the border. We have farmers in Montana who farm both sides of that international boundary. We would like to have Canadian-like chemicals that are labeled to do the same things. So far, we have not been able to do that. I think it would be inappropriate, again, to offer an amendment, hard and fast, where we could deal with that problem. But I will be looking into the matter. Because this does involve the EPA, the Department of Agriculture, and it also involves our International Trade Representative. To
get them involved, report language is going to be needed in order to deal with that problem.

We could also talk about captive shipper in those areas where we only have one railroad. There is an old saying in Montana that you farm the first year for the Government, the second year is for yourself, and the third year is for the railroad, because they take about a third of your crop just to move it to the market and sells wholesale, and usually around here that agriculture buys Republicans have been talking about how to deal with monopolies far we have not been able to come to grips with how to deal with monopolies in a State, especially when it impacts the movement from a State that produces raw materials.

Of ways to solve that situation in grain. We have the situation in coal. It impacts the cost of energy. It also impacts the cost of farming. We forget around here that agriculture buys re- tail and sells wholesale, and usually cheaper than you can ship it from Mon- tana to the market. We are in a position where it costs us more than it should. It is funny that you can ship grain from Omaha to Minneapolis or Portland terminals. We have no lever in the market. We can’t just go to the marketplace and say: No, it cost me $4 to produce the grain. I am not going to sell it for less than $4: that would be silly. Because that is like going to a store or tractor dealer or fertilizer guy, who can say: No, it cost us so much for the fertilizer, and this is what it is going to cost you. And guess what. We pay them. But a farmer doesn’t have that leverage in the market that he once had.

I would add an amendment dealing with packer concentration, ba- sically, saying the packers could not own livestock, or, if they did, they could only own it for 14 days prior to the scheduled slaughter. I don’t know how you get 14 days and I don’t know how you define that—that is yet to be determined.

There is a reason for this. There is going to be a reason we should deal with the Packers and Stockyards Act, because there is a law that was written way back in the 1930s and it has never been amended or changed in a sub- stantive way. Back in those years when I was a lad, I would say 80 percent of the livestock that was marketed went through terminal markets. We can remember the great stockyards in Kan- sas City, Omaha, Chicago, Minneapolis, or South St. Paul, Sioux Falls, and Sioux City, East St. Louis—all the great terminal markets. Over 80 percent were marketed that way. Packers specifically in that law were prohibited from owning a commission house or stockyards.

There was a reason for it. Back then, we had the “big five.” There was Wil- son, Swift, and Cuttaghay. I have a fantas- tic memory, but it is short. Back in those days we had the five major ones when we talked about livestock mar- ket-ing and processing. Now the move- ment of slaughter animals to market is reversed. The chicken industry has a horizontal and vertical entry. In fact, I would say it is done 75 percent of the time in the hog business. They have ‘chickens’ they can put in a tractor. But in a cattle, they have not. If 80 percent of the cattle are going to move to the plants without going through a stock- yard, or commission house, or an a- uction market, then another firewall has to be built.

There is a very good reason for that. The intent of the law was good, and it worked. It worked to benefit the pro- ducer. That is why the amendment that was voted on yesterday in the Chamber from the livestock area was successful.

I ask the Chair, How are we doing? Can I offer my amendments? Mr. BURNS. The CHAIRMAN OF THE SENATE. The Sen- ator may offer his amendments, Mr. BURNS. I ask unanimous consent to set the pending amendment aside.

The CHAIRMAN OF THE SENATE. The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2677 TO AMENDMENT NO. 2471

Mr. BURNS. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2677 to amendment No. 2471.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendement be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a per-farm limitation on land enrolled in the conservation re- serve program)

On page 205, strike lines 8 through 11 and insert the following:

(c) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary;”

(2) by striking “36,400,000” and inserting “41,100,000;”

(3) by adding at the end the following:

“(2) PER-FARM LIMITATION.—In the case a contract entered into on or after the date of enactment of this paragraph or the expira- tion of a contract entered into before that date, an owner or operator may enroll not more than 30 percent of the eligible land (as de- scribed in subsection (b) of an agricul- tural operation of the owner or operator in the program under this subchapter).”

Mr. BURNS. Mr. President, that is the amendment on which I just had the opportunity to speak.

I ask unanimous consent that the amendment be laid aside and that I be allowed to offer the second amend- ment.

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

AMENDMENT NO. 2688 TO AMENDMENT NO. 2471

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2688 to amendment No. 2471.
Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program.)

"(1) PER-ACRE PAYMENT LEVELS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall conduct a study to determine, and promulgate regulations that establish in accordance with paragraph (2), per-acre values for payments for different categories of land enrolled in the conservation reserve program.

"(2) VALUES.—In carrying out paragraph (1), the Secretary shall ensure that—

"(A) the per-acre value for highly erodible land or other sensitive land (as identified by the Secretary) that is not suitable for agricultural production (as determined by the Secretary).

Mr. BURNS. Mr. President, this amendment also deals with conservation reserve program. The original intent was to take those marginal and erodible acres out of production and set them aside. This amendment pays the landowner more for the acres that he sets aside that are the lower class lands and soils and pays less for the productive land.

This is an incentive for the farmer or rancher to set aside the land that we really want to see in the Conservation Reserve Program, and it will do everything that I wanted to do to that I spoke of on the first amendment.

It is fairly straightforward. If we think this program is important, then we must fulfill the intent of the program and give the producer the incentive to carry it out. I think that is what this does.

I will offer amendments as we go along, but those are the two main amendments that I wanted to offer to the Daschle substitute of the farm bill.

I hope as we march down this road to try to craft this legislation that we can at least take a commonsense look at these amendments.

It seems in agriculture when you start talking about a farm bill everybody is against a farmer. Sometimes we get led astray when we are not living in the real world on what it is like in the country.

I want to tell you that there is only one problem in the country; that is the price. The food that we buy in the grocery store. As I said, we were very happy when we were getting 50 cents of the consumer dollar. Now we are down around 9 or so. That becomes a real strain.

I thank the Chair, and I thank my good friends who are managing this bill because it is difficult to do that, at best. But we will start talking about other two items and offering some report language that deals with those items about the process to deal with. Those items deserve to be debated. I think everybody in this body needs to know the particulars of what is involved with captive shippers and the problem we have in the normalization of this country. That is why I have discussed this country when we talk about farm chemicals and fertilizer.

Mr. President, before I yield the floor, I ask unanimous consent that my amendments be set aside and we return to the amendment that was considered before I offered my two amendments.

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

Mr. BURNS. I thank the Chair.

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

The PRESIDING OFFICER. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, this morning we have had a generous discussion of farm policy. Some see me come to the floor of the Senate and say: Oh, no, here comes the farm speech again. Probably that is the case because farm policy is very important to this country, to its future, and the passion I have for trying to do something to keep a network of food producers in our country represented by families living on farms in America is a passion that doesn’t dim. And so I will respond to some to the discussion to date.

We have been debating the farm bill all week. Today we are in a town large to a prune, just shrinking up.

It seems to me that all of us coming together in this Chamber represent the gridwork of America, bringing different perspectives and values from different parts of the country together in a discussion about who we are and what we want to be. That is why I rise to talk for a moment about family farming in North Dakota and what it provides for our rural lifestyle.

My little town of 300 people just had their last high school prom last May. It was the last high school prom because it was the last year of their high school. I graduated many years ago from that same school in a class of nine. There were seven boys and two girls.

(Mr. INOUYE assumed the chair.)

Mr. DORGAN. Well, the years passed and passed, and some more years passed and then they held a funeral last May when the high school in Regent, ND, was closed. They held their last high school proposal. So the Regent Ranger basketball team and that high school are history. That is happening across much of the Farm Belt in the small towns that are shrinking like a plum to a prune, just shrinking up.

So the question for many is, Does it matter? Isn’t that the inevitable march of progress, the drumbeat of moving ahead? Isn’t that inevitable? Why not just accept it?

There are things that we lose in this country when we decide that that which is rural doesn’t matter. I will give you some examples. I have mentioned before these examples. Nonetheless, they are important. If you are in need of a hotel room and you are in Marmarth, ND, this evening, there is a hotel in Marmarth, ND. No one works there, however. You just go in and you take a bed, and the next morning when you check out, there is a key tucked to the inside of the door and they would like you to put some money in it, if you can. That is how you get a
hotel room in Marmarth. Admittedly, it is a small town. Marmarth has 70 or 80 people now. It is an old railroad bunkhouse that they use as a hotel. The door is open for you if you need a place to sleep. Just put some money in the one slot.

That is part of a system of rural values that I think is important to understand. Another part of my State, down the road, also in the southern part of the State, is Havana, ND. People magazine did a story about Havana. They have a cafe in Havana, a little restaurant, but it is also a very small community. I believe it is under 100 people—perhaps just under 200. In any event, in order to keep the restaurant open, because they can’t afford to keep it open under regular circumstances, they asked the townspeople to sign up each week for when they can work there for 2 hours—for free, for nothing. That is the way the community keeps the store town open.

In Tuttle, ND, a little town of less than 100 people, they lost their grocery store. That wasn’t satisfactory to the people in Tuttle, so the city council decided they would build their own grocery store. So you have a city-owned grocery store. Some people say that socialism, but they simply wanted a grocery store, so the city built it. I was there the day they opened the new grocery store. They asked me to come. They cut a ribbon on Main Street. They had the high school band play on a beautiful day. The sun was shining, the wind was blowing gently, and the high school band played on the streets to celebrate the opening of the city-owned grocery store. Good for them.

In my hometown of Regent, they had a robbery. They had not had one for an awful long time. The county sheriff from Mott came rushing over in his car. He had his lights and sirens on because he doesn’t get a chance to use them very much. He came rushing in and discovered someone had stolen some money from a home. He investigated and announced that there was no sign of forced entry because these folks had gone on vacation for 2 weeks and had not locked their house. They had left some cash in their home and someone had stolen some cash. But there was no sign of forced entry because, having left for vacation for 2 weeks, they didn’t lock their home.

The sheriff told the residents: There are two things you ought to consider doing. One, if you are going on vacation, consider locking your home. Two, if you are going to leave your vehicle on Main Street, consider taking your keys. The people in my hometown down at the cafe talking about that discovered there was a practical problem for the first suggestion. Most people didn’t have keys for their homes. Regarding the second recommendation, the county newspaper pointed out that the county thought people should remove keys from vehicles on Main Street when they parked. They asked a rancher how he felt about that. His response was: Well, the question I have about the sheriff’s suggestion is, what if somebody needs to use my pickup truck?

So that is where I come from. That is a set of rural values that you won’t find in some other parts of the country. These are wonderful places in which to live and raise children, places with good neighbors. So this is more than just about dollars and cents. It is more than just about graphs and charts that people put on paper, it is about them. It is about values, a value system.

Let me speak for a minute about what is happening in rural America. The discussion we have heard this morning is about our plan versus their plan. Well, look, every plan that existed in the last 30 years had been a plan during which, when implemented, we have had this relentless march away from food on the land across Europe. There is a Lutheran minister in New England, ND, who told me that she conducts four funerals for every wedding. She says: For every wedding I conduct in my Lutheran Church, I conduct four funerals.

I thought, that is the opposite of that movie, “Four Weddings and a Funeral.” In rural America, it is four funerals and a wedding. Why is that the case? Because in rural America, growing older, young people are leaving, family farmers are going broke. This rural lifestyle of ours is decaying and atrophying. The question is whether the Congress cares about it, whether the State of North Dakota cares about it. There is a public policy in Congress that matches the kind of public policy Europeans have already embraced that says: Do you know what we want for our future? We want a network of food producers represented by families, producing America to the U.S. Congress, asking: Do you care whether family farms produce America’s food? If you do, give them a decent opportunity to make a living if they are good managers. That brings me to the point of the numbers. When a family farm in rural America today raises a bushel of wheat, they are paid a pitiful sum for that bushel of wheat by the grain trade because the grain trade tells them that the food they produce isn’t worth anything.

It is inexplicable to me that in a hungry world where half a billion people go to bed at night with an ache in their belly because it hurts to be hungry, our farmers are told their food has no value. It is just inexplicable. That is what the grain trade says to the family farmer, but that food the grain trade tells the family farmer has no value is put on a railroad that in most places charges monopoly rates to a farmer to haul that grain to the mill and is sold at a price that does not exist. It is put on a railroad that in most places charges monopoly rates to a farmer to haul that grain to the mill and is sold at a price that does not exist.

From that market, a cereal manufacturer will take from that bushel of wheat a kernel and puff it, and by the time they get that puffed kernel of wheat and stick it in a cereal box, seal it up, put bright colors on the box, send it to the grocery store, and put it on the shelf, they will sell that for $4 for a small box. All of a sudden that food does have value. It just had no value for the person who bought the tractor and ground the seed and took the risk.

The value is to the company that took the kernel of wheat and puffed it, or the rice or the corn and flaked it...
and created the pop and the crackle, and then sold it for $4 or $5 a box. That is where the value is, apparently.

Farmers have increasingly lost their share of the food dollar as they are pressed from above and pressed from below by monopolies and corporations that dictate virtually every direction that a farmer looks—hauling their product, selling their product, buying their chemicals, buying their seed in virtually every direction. Then when the Federal Government gets about the business of dealing with trade, saying to farmers, by the way, we will let you sell overseas that grain you raised, we discover the trade agreements this country has negotiated with others are fundamentally bankrupt in the way they treat family farmers.

We negotiated one with Canada and sold out American farmers, just sold them out. We negotiated one with Mexico and sold out American farmers. And the good news is, Farmers need a little help. Farmers are asking Congress to stand on their side for a change.

Let me go to this question of what kind of plan will work. We have a plan before the Senate that comes from the Senate Agriculture Committee. I know the administration does not like it. I also know some of our colleagues who spoke this morning do not like it very much. The administration wrote a statement of administration policy; it is called SAP. There is an acronym for everything in this town. They said supporting prices is self-defeating.

The point is, we really should not support prices for family farmers. And I fundamentally disagree with that. If a big economic interest has a headache, this town is ready to give them an aspirin, fluff up their pillow, and put them to bed. This town is ready to help them at the drop of a hat.

How about a family farmer who does not have much power? How about a family farmer who discovers the grain they need is going up in price? Colleague: Supporting prices is self-defeating. It is not self-defeating. Supporting prices for family farmers is an effort to help this country maintain a network of food production that promotes domestic security in this country, promotes a lifestyle and a culture in America that is very important. It is not self-defeating at all.

We have brought this bill out of the Senate Agriculture Committee, and Senator Harkin and many others brought it to the floor of the Senate. It was reported out unanimously. Every title of the bill but one was voted on unanimously, and that was the commodity title. That title was voted on and then was voted down, so it has a bipartisan flavor to it. This bill was virtually unanimously coming out of the Senate Agriculture Committee.

Despite the fact there is an urgency to get this done and give it a vote now, we are trying to get it done by the end of the year—yesterday we could not break a filibuster because some do not like the price supports in the bill.

Today we have a discussion by some who say they want to offer an amendment. We have been waiting for that amendment for, I believe, 4 days now; the amendment will reduce price supports for every single commodity. It will reduce the price supports for wheat, corn, barley, oats, oil seeds, and soybeans.

It seems to me reducing price supports—and the bill that came out of the Senate Agriculture Committee, in my judgment, is not generous enough, but at least it gets us at the starting line of what we need to do to help family farmers—reducing price supports from that level, in my judgment, would make no sense at all.

The proposition is: Let's have a direct payment to farmers that has no relationship to price. That is Freedom to Farm, too. That is the current farm law. The current farm law, Freedom to Farm—which title is sort of incongruous, in my judgment, but nonetheless, that title was voted on unanimously, and that was the commodity title of the bill but one was voted on unanimously. Every farm organization in America—every one that I am aware of, has come back and said. 'Bill, this bill is a miserable pitfall in terms of what farmers needed to stay out of bankruptcy.'

The circumstances are that a substitute is going to be offered that says: Let's go back to a fixed payment, and if prices improve, we will still give payments. That is not my interest. In my judgment, family farmers do not want a payment. If they get $5.50 for a bushel of wheat, they do not want, they do not need, they should not get a payment. It is just very simple.

What we ought to be doing for family farmers is something that is a countercyclical program that when prices are collapsing and times are tough, we help. When times are good, we do not need to help. That is very simple.

The bill that was brought to us by Senator HARKIN does exactly that. It makes a policy U-turn and says: Let's understand Freedom to Farm did not work, and let's put in place something that is truly countercyclical. It retails all the things farmers want; that is, planting flexibility. They want the flexibility to make their own planting decisions, and they should have that. Absolutely. They have it under the current law. They have it under the new law. That makes good sense.

It does not make any sense to begin, even more so this bill, and pulling the rug out from under price supports saying somehow we want to provide less to family farmers than they need to survive.

This is an extraordinary important time. We are not in session today with votes. We are in session but have no votes. We return with votes on Tuesday. We will be working Wednesday and through the remainder of the week, I expect. We expected and hoped we would get this farm bill that came out of the Senate Agriculture Committee passed by yesterday or the day before. We were not able to break a filibuster. So now we have to, on Tuesday, come back and see if we can—or perhaps Monday with no votes but then Thursday with no votes and provide some additional votes on amendments and get to the end stage.

My hope is those who have been developing this slow-motion strategy will understand that it serves no real interest. We are spending this bill.

The only thing that will have been accomplished is we will have delayed dramatically the ability to pass a farm bill, and we will not have had the opportunity to have a conference with the House of Representatives if this goes much longer.

We have a Republican chairman on the House side who is anxious to get to conference. Congressman COMBET—good for him—told the White House and the administration some months ago when they said, Don't write a farm bill this year; we do not want you to write a farm bill, Congressman Combest said to his own party: It does not matter what you want; we need a new farm law, and I am here. Good for him. I commend him. He is a good, strong guy who pushed ahead and did it. He wants to go to conference with us; the sooner the better.

My colleague, Senator HARKIN, has now brought a bill out of the Senate Agriculture Committee, and we should be in conference today had we not had a filibuster.

Hopefully we can be in conference next Wednesday. We owe it to the farmers in this country to get this bill done and get it done right.

We will. I suspect, hear from a lot of family farmers in the coming days through their farm organizations. Every farm organization in America, every one that I am aware of, has asked this Congress to do this job now. Farm organizations and commodity groups have said: We support this job being done now. It is just inexplicable to me that on behalf of family farmers this Congress will not rush to good policy. This is the economic sector with big companies and lobbyists filling the hallways, Congress would be rushing off and saying, When
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can we get this done? But somehow when it comes to the farm bill, we have people who do not seem very anxious to complete the work.

I began by talking about small towns and values, and let me end again by saying this is about values. What would America be without its family farms? Before that this country did for its food production in the future? Does it want family producers? If it does, then it has to develop public policy that complements those desires. I mentioned before that Europe has done it. We have not. Some of our friends point to Europe and say they are subsidizing their farmers. Yes, they are doing that. Good for them.

Do you know why they are doing it? Because Europe has been hungry, and it has decided it is never going to be hungry again. We have people who are just benign about family farmers. We have people who say it does not matter who farms America. We have big agrifactories that can line up tractors on farms from California to Maine. That would be fine. All that has been lost is families. Yard lights are not needed if there is nobody living out there. One can fly from Los Angeles to New York and see almost no lights then. I do not think that advances America’s interest. I think that retards it.

I think there is a difference in terms of this country’s future about who produces America’s food, and if we stand with family farmers and believe in a future with family farmers producing America’s food and believe the values that come from rural America are important to our country’s future, then it seems to me we have an obligation and an opportunity now to do the right thing.

Doing the right thing is passing the bill that came out of the Senate Agriculture Committee, getting it into conference, and joining with Congressman CONBEST and Senator HARKIN in getting this bill to the desk of the President. Whether the President will sign it. That is up to him. It is not our job to anticipate what this President might or might not do in agricultural policy. It is our job to write the best farm bill possible, and that is what we should be about doing.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I take the remaining few minutes we are in session today to respond to earlier statements of my colleagues, Senator ROBERTS and Senator COCHRAN.

Before I do that, I will respond to the editorial in the Washington Post today at the bottom of the editorial page, entitled “A Piggy Farm Bill.” I thought in honor of that I would wear my piggy tie today. I have a tie with pigs on it, but they are little pigs, not big pigs. That is what the farm bill is about—helping the little person, helping the family farmer who does not have a lot of economic power like the big corporations and the big businesses all over this country.

The Washington Post has it all wrong. They say the farm bill would institutionalize the insupportable excesses of the past few years. “... Ex- pensive spending on the farm bill is what they are alleging. They say we are spending too much money. We should not do this because it is too much money going out to our farmers. I had my staff do a little research. I thought I would put it in light of what we are spending in this country. During the Depression, public support to farmers was first established. In 1940, Federal farm support accounted for 3.9 percent of the Federal budget and .4 of a percent of the U.S. gross domestic product. Now, the Federal farm support account for 3.1 percent of the Federal budget and .55 of U.S. GDP. Over the last 3 years, Federal farm support has accounted for about 1.1 percent of the Federal budget and .2 of a percent of U.S. GDP.

In the farm bill we have before the Senate, S. 1731, for the next 5-year period, Federal farm support is projected to account for about .65 percent of the Federal budget, the lowest ever, and .1 percent of U.S. GDP, the lowest ever. In 1963 it was .55 percent of U.S. GDP. When the Washington Post says we are spending too much of our national income on agriculture, I have to wonder, what are they talking about? Look at the past. We are spending less and less of our national income on agriculture. I will have more to say about that next week.

Now I will respond to Senator ROBERTS and Senator COCHRAN, and Senator BASSLEY, my colleague from Iowa, who spoke this morning about the possibility that this bill would violate the WTO. He was greatly concerned about making sure we maintain our support to agriculture within the WTO limitations. I agree. I believe we should. We helped hammer out the WTO. I agree. I believe we should. We helped hammer out the WTO; we should remain within it. However, we should not be slaves to it to the point of neglecting the interests of U.S. farmers just because of WTO limitations.

Here is the data. This chart is complex, but under the so-called “amber box” we are allowed every year $19.1 billion to spend on support for agriculture in this category. That is what the concern is about. Right now the ceiling is $19.1 billion. That is what we are allowed to spend under WTO annually. Right now, the yellow is where we are, at a little over $11 billion. Under the projections of S. 1731, the bill before the Senate, the ceiling will go up to slightly less than $15 billion over the 5 years, in any given year over the 5 years; the maximum would likely be right at $16.6 billion—a lot less than the $19.1 billion we are allowed.

To hear some Members talk, one would think our support to U.S. farmers ought to be way down here. But as my colleague from North Dakota, Senator COCHRAN, pointed out many times, again, if we are down here, we are unilaterally disarming against the Europeans who are way up here. My point is, under the bill in the Senate, we are nowhere near coming to the WTO ceiling of $19.1 billion. I hope people do not have some kind of scare tactics out there that we cannot do anything to have an effective farm program. We cannot have loan rates. No, we cannot do that. We cannot have countercyclical payments. No, that might disrupt WTO. I will point to this chart next week to show we are nowhere near the $19.1 billion.

My main objective on this farm bill is to have a sound farm bill for our farmers. My principal goal is not to undermine the WTO. The Trade Organization in Geneva, Switzerland. I repeat that: My principal goal is to help farmers in America, it is not to satisfy the bureaucrats at the World Trade Organization in Geneva, Switzerland. I want to say that is $19.1 billion. And we will. But there is no reason we have to be so intimidated that we do not design a program that utilizes fully our ability to operate within that $19.1 billion.

Again, the bill we have before the Senate, S. 1731, came out of the conference, and joining with Congressman CONBEST and Senator HARKIN in getting this bill to the desk of the President. Whether the President will sign it. That is up to him. It is not our job to anticipate what this President might or might not do in agricultural policy. It is our job to write the best farm bill possible, and that is what we should be about doing.
any farmer in America what they think about the Freedom to Farm bill. They have suffered through years of depressed incomes and have had to rely on the uncertain prospect of emergency farm income assistance year after year. You will not find a more failed agricultural program in this country than Freedom to Farm.

But the Cochran-Roberts bill continues Freedom to Farm. That is all it is. It is the son or daughter of Freedom to Farm. It is not Freedom to Farm II. I say to all my friends in agriculture—just like we had in the last 5 years. If you like Freedom to Farm, you will love Cochran-Roberts because that is exactly what it is.

When my friend from Kansas, Senator Roberts, says the farm bill will take us back to the failed policies of the past, he must be talking about his own proposal because it is Freedom to Farm that has failed us.

What we do is we build four strong legs to some support our bill. Yes, we do keep direct payments, but not as much as what Cochran-Roberts does. Then we have modestly higher loan rates to help farmers when they need it the most. We have a countercyclical payment to farmers when prices are high. And we have conservation payments to farmers for being good stewards on their land.

The Cochran-Roberts bill is really focused on only one thing, direct payments, exactly what we have had under the failed Freedom to Farm program. It is a farm income stabilization account proposal, but it is only an add-on to the direct fixed payments. So if you have low prices, you get the same payment as you got when you had high prices. I will admit that if we have high prices for the next 3 or 4 years, the Cochran-Roberts bill will give farmers more money than what they would get under S. 1731. That is what they told farmers in 1996. In 1996 we had high prices for agricultural products. It was a good year for farmers. So they said: Oh, what we will do is we will have these direct payments out there. No matter what you get, we will have the direct payments. It looked good to farmers. Then commodity prices went in the toilet, we had very low prices, and every year for the past four years Congress has had to come in with an emergency bailout, emergency money for farmers. Is that what Cochran-Roberts stands for? What is that? Where every year we have to come back, again and again, for more emergency money for a failed farm program? That is what will happen. That is what will happen if Cochran-Roberts is adopted. It will be just like we had in the last 5 years.

At least I believe that if the 2604 Amendment for better loan rates, loan rates that will guarantee farmers that they will not get any less than a certain amount. Coupled with our countercyclical payments, and farmers will know that no matter what the price goes, they will have income protection at a set level. They are going to have that support in our legislation.

My friend from Kansas said the problem with loan rates is you have to produce the crop to get the loan rate. If you do not produce it, if you do not get a crop, you don’t get a loan rate. Every farmer knows that. That doesn’t come as any big revelation. What we have added is their direct payment is better because they put more money into direct payments than into loan rates. So if the producer does not have a crop, there is at least the higher direct payment. We are surprised to hear that the direct fixed payments are needed to cover crop loss. He has been taking credit, with former Senator Kerrey from Nebraska, for being the author of the crop insurance reform bill that we passed last year. That bill heeded up the crop insurance program, both in terms of loss of crops and in revenue protection. So not only do you have crop insurance but you have revenue loss insurance. That is what crop insurance is for. That is why we put money into it.

The Senator from Kansas with good reason touted his crop insurance bill last year. Now he must be saying that crop insurance is not enough after all. And he is correct. We don’t know for certain if that is what he is saying. I look forward to hearing from him on that question next week.

So that is what crop insurance is for. If you have a lost crop, that is why we have the crop insurance program. The reason we have a loan rate is so at harvest time, when prices are the lowest, is that when farmers need the money and that is when they can get that loan rate. And it goes to the farmer. It doesn’t go to the landlord in the way direct payments do. It goes to the farmer. That is where the loan rate goes.

The Senator from Kansas said farmers and lenders can bank on it. We have passed the crop insurance program. It is the best thing that crop insurance can be on it. Too. There is probably nothing that has driven up land prices more and created more of a land price bubble in the last few years than Freedom to Farm payments. AMTA payments are creating a land price bubble out there that has created real uncertainty and risk.

So what our bill does is provide different payments that phase down but continue. We also have modestly higher loan rates that keep those loan rates at the set level. We don’t allow the Secretary to reduce them.

Under the current farm bill, the Secretary may reduce loan rates. We say she cannot do that. We also establish a good countercyclical payment in case of low prices. And of course we have our direct payments under the conservation program.

So, again, that is why I believe S. 1731 is a more balanced bill. It is one that has a safety net for farmers. Yes, it will be the first to admit that if prices are high—they aren’t now—but if prices are high, farmers will receive more payments under Cochran-Roberts. If you believe the prices will be high, as they were in 1996, you may want to vote for Cochran-Roberts. But if you think we will have some years where prices are low, as they are now our bill is the better bill. And look at the projections. We are not having projections of huge increases in our commodities in the next few years. S. 1731, the bill that is before us, the committee-passed bill, is the one that provides that safety net to farmers.

I hope we can obtain a finite list of amendments; I hope we can list those amendments and bring this bill to closure early next week. The farmers and rural communities of America are demanding this. They need it. They need it before the new year comes. I am hopeful next week we can bring this to a close and we can give the farmers the Christmas present they need and they deserve and that is a farm bill that they can count on, one that will shore up farm income, one that will keep us within the WTO limits, but also one that will make sure that if there are low prices, we are going to be there for our farmers and we are going to have a countercyclical payment and we will have that safety net there for farmers which we have not had in the present farm bill.

Again, I hope we can bring this matter to closure early next week.

AMENDMENT NO. 2604, AS MODIFIED

Mr. HARKIN. Mr. President, I send to the desk a technical modification of my amendment No. 2604.
The amendment (No. 2604), as modified, is as follows:

On page 941, after line 5 insert the following:

(a) Definitions.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

"(1) DEFINITIONS. —The term ‘livestock contractor’ means any person, engaged in the business of raising and caring for livestock or poultry that provides the livestock for slaughter, if—

(A) the livestock is obtained by the person in commerce or;

(B) the livestock (including livestock products from the livestock) obtained by the person is sold or shipped in commerce.

(2) LIVESTOCK CONTRACTOR.—The term ‘livestock production contract’ means any growout contract or other arrangement under which a livestock production contract grows and cares for the livestock in accordance with the instructions of another person.

(3) LIVESTOCK PRODUCTION CONTRACT.—The term ‘livestock production contract grower’ means any person engaged in the business of raising and caring for livestock in accordance with the instructions of another person.

(b) Contractors.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended by striking ‘poultry’ each place it appears in sections 202, 203, 204, and 205 (7 U.S.C. 192, 193, 194, 195) (other than section 202(c)) and inserting ‘packer or livestock contractor’.

(2) EFFECT ON STATE LAWS.—(A) The livestock (including livestock products from the livestock) obtained by the person is sold or shipped in commerce.

(b) Rights to Discuss Terms of Contract.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by adding at the end the following:

SEC. 417. RIGHT TO DISCUSS TERMS OF CONTRACT.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by adding at the end the following:

(a) in General.—Notwithstanding a provision in any contract for the sale or production of livestock or poultry that provides that information contained in the contract is confidential, a party to the contract shall not be prohibited from discussing any terms or details of any contract with—

(1) a legal advisor;

(2) a lender;

(3) an accountant;

(4) an appraiser or manager;

(5) a landlord;

(6) a family member; or

(7) a Federal or State agency with responsibility for—

(A) enforcing a statute designed to protect a party to the contract; or

(B) administering this Act.

(b) In Case of Violation of State Laws.—Subsection (a) does not affect State laws that address confidentiality provisions in contracts for the sale or production of livestock or poultry.

Mr. HARKIN. Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I appreciate the statement the chairman has just concluded. Likewise, I have appreciated the statements of Senator ROBERTS and Senator COCHRAN because they have also given a comprehensive view of their thinking regarding their substitute amendments. Senator BURNS of Montana offered constructive amendments this morning, as did Senator WELLSTONE, to initiate our process earlier in the morning.

I believe it has been a good day, a constructive debate. Senators who are following the farm bill debate have a pretty good idea of the parameters of the present discussion and likewise the choices that are going to be before us on Tuesday when amendments come up for further debate and votes.

Let me interject into the debate today what I thought was a timely editorial which appeared in the editorial page of the Washington Post this morning. I was startled by the headline of the editorial, which is: "A Piggy Farm Bill".

It says:

The Farm bill that Democratic leaders—Majority Leader Tom Daschle, Agriculture Committee Chairman Patrick Leahy—are trying to push through the Senate before Congress adjourns for the holidays is obscene.

Those are very strong words to describe legislation we are now discussing.

It would institutionalize the insupportable excesses of the past few years, in which billions of dollars in supposedly emergency payments have regularly been made to some of the nation’s largest and least-needy producers.

In the House, the Republican leadership won approval of a similar bill over mild administration objections in October. Senate passage would make the indulgent policy—

—permanent, and add hundreds of additional “emergency” payments. The effect of the new bill would be to regularize and perpetuate the five-year experiment in supposed market reform.

That is a severe indictment that this farm bill abandons the philosophy of Freedom to Farm in 1996.

I continue with the editorial:

Some of the extra money in the Harkin bill—a couple of billion a year—would be directed to conservation programs. The policy is good, and the political effect has been to buy off environmental groups that might otherwise have opposed the broader pig-out in the bill. But these are relatively small amounts and a sop to conscience.

Sen. Richard Lugar tried the other day to change the priorities in the bill—limit the farm supports, spread them across more producers and use the bulk of the savings to strengthen the feeding programs, especially food stamps, which have been allowed to get way too big. He lost three Democrats supported him. It’s possible there will be other such efforts before the bill is passed. The Senate bill is flawed, but it is improvable. At the very least, a larger share of the enormous sum could be spent on people in need instead of on large producers who love to preach free enterprise but not to practice it. Is that not something Democrats support?

We still have an opportunity to make substantial improvements on the priority as well as the programs in which money provides a safety net, provide proper incentives to produce for the market, and provide support for our trade negotiators.

I urge each one of us at some time or another has given many speeches about the salvation of American agriculture coming from the great productive mechanism of our farm situation and exports and feeding people around the world—the humanitarian aspects as well as the commercial ones. That has been elusive for a great number of reasons—some beyond our control as the European Community and others have stymied these efforts. Nevertheless, our farm bill should not do so.

I appreciate the chairman’s careful attention to the green and amber payment situation of the WTO. I have no doubt this is going to come into play in the event we pass a farm bill coincident with that which now lies before us without taking more precautionary measures. That concerns me and a good number of others who are simply interested in the prosperity of this country governed by the rule of law. Movement in this direction is the commercial ones. That has been elusive for a great number of reasons—some beyond our control as the European Community and others have stymied these efforts. Nevertheless, our farm bill should not do so.

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and people give speeches that they can’t ever think of a time when they were lower and, therefore, an emergency payment is needed. And it is debated first in June, July, and August with regularity, fully predictable. It is fully predictable now in the event we pass another farm bill.

Despite all the protestations to the contrary, we will be back. The distinguished chairman will hear the drumbeat of persons who want him to bring another farm bill out 6 months after he passed one to remedy the deficiency. There will be low prices created by overproduction and stagnation in world trade, which exacerbates the problem.

There would be a year in which the weather situation is truly disastrous. I remember such a year in 1988 in which as many as 20 States, as I recall, had such severe weather problems, and a delegation of Senators talked to President Reagan in the White House and advised him that there was not only the country and most of the agricultural sector had been devastated by drought in particular. And the President supported a fairly large emergency proposition at that time.

Usually, as the distinguished chairman pointed out, the weather devastation situations are less than 20 States, and therefore Senators come a crop at a time, or whatever happens to be in harm’s way.

As I listened to my friend from Indiana, Mr. HARKIN, complimented Senator COCHRAN earlier on. Senator COCHRAN, at least in recent years, often has been there to add money to the Agriculture appropriations bill to help those folks out. But that really has not been enough.

The general proposition is that prices are low and, therefore, a double AMTA payment has been sent out. The chairman has pointed out correctly, the AMTA payments may not be the proper vehicle for total equity. They may include people who no longer are in farming but had a history, as in the 1996 bill. But for purposes of efficiency, so money would get to farmers, the rolls are there at USDA. They have been utilized. The money was gone as of the end of August of this year. It was received, to the applause of country bankers who were assured of getting repaid and farmers who were thinking about getting back in the field again. I understand that, but does the distinguished Chairman agree?

All I am pointing out is that I had hoped, in this farm bill, we would not repeat this cycle of predictable results. It does not do justice to farmers in the United States who, at some point, do want to produce, have the markets and do want to have a safety net that is not unpredictable. And any safety net based upon loan rates is certainly unpredictable. It may, in fact, be a cap on prices as opposed to a support.

I have told you, at least, of the concept I presented—namely, that farmers have assurance of some percentage of income every year, some money with which to purchase that assurance—I think, in fact, mechanisms, through bipartisan wisdom, have been set up in the crop insurance program that provide the mechanics for that kind of safety net.

I had attempted to propose a formula in which using whole farm income applicable to all 50 of our States equally and to all crops and all livestock operations—money would be provided through a voucher, but money, indeed, from the Federal Government, a transfer payment from taxpayers to assure a safety net for farmers, but with assurance, year in and year out, of a certain stream of revenue.

If Senators were to suggest that perhaps 90 percent, as a proposition, is too low a net, I would certainly be prepared to take pencil and paper in hand with any Senator and try out 85 percent. That is the level of crop insurance that I purchased for my own farm operation this year under the policies I have adopted. I think that that is a sound thing to do, and to have a marketing strategy based upon the certainty you have 85 percent of your crop before you even plant it. That is possible under current legislation and, in fact, they are encouraged with producers all over the country who are always at risk.

But I hope we will move toward more of a basis as I have suggested as we proceed through the debate. I certainly will encourage that as I listen to alternatives that are presented.

Mr. President, this concludes at least my thoughts for the day on the agriculture bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will just take a couple of minutes, not so much in response to the Senator. But as I listened to my friend from Indiana—though-provoking speech he made—I had some further thoughts.

My friend, the Senator from Indiana, said that under the bill we have, we could expect more emergency farm assistance bills. I know he said farmers will be coming to the chairman saying: We have to have an emergency bill.

If we continue on the present course, that will be true. But we have built into S. 1731 a countercyclical payment that has an income support wherein we should not have to come back.

If we continue on the present course, that will be true. But we have built into S. 1731 a countercyclical payment that has an income support wherein we should not have to come back.

I will say this: The reason we had—I believe for each of the last 4 years—to come in and provide for emergency funding for agriculture for farmers was because there was no effective safety net under Freedom to Farm.

I would ask my friend from Indiana to go back before Freedom to Farm, to go back before that was enacted—and I could be wrong; I have not researched this thoroughly—but I cannot remember in all the years I have been here that we came in with that kind of annual emergency funding because of low prices for farmers. We came in, sometimes, with disaster payments for a drought, flood or a hurricane, or something like that, but we did not as far as I can remember—and I can be proven wrong—but I cannot remember coming in with legislation that provided the money to get money out to farmers broadly based all over America. That started with Freedom to Farm, when we took away that safety net.

If we continue on with the Freedom-to-Farm type program, I dare say, yes, you are right, they are going to be coming to me and saying: We need emergency funding.

That is why I feel so strongly about the safety net provisions we enacted in S. 1731 with the countercyclical type of payments. If prices are low—and the lower they go, the larger the payment. On the other hand, if prices are good, then there is not the need for payments that magnitude.

So under that scenario, I really do not see why we would have to come in with emergency legislation other than something occurring disaster or something like that, I say to my friend.

Mr. LUGAR. If the Senator will yield?

Mr. HARKIN. I am delighted to yield.

Mr. LUGAR. The Senator, I think, is historically correct. Within my memory, we had the 1988 crisis with the 20 States. As I recall, we passed some legislation to alleviate that during the appropriations process. That is, at least, my recollection.

Mr. HARKIN. Wasn’t that the credit bill we did then?

Mr. LUGAR. No. It was this huge emergency created by the drought. And many of us were involved, in a bipartisan way.

Mr. HARKIN. Yes.

Mr. LUGAR. Probably the Senator himself. The memory grows dim as you go 13 years back in the farm business.

Mr. HARKIN. That is true.

Mr. LUGAR. I suppose my query is just this: You are correct, we have had all these annual situations since the 1988 legislation. But in this particular year, the Secretary of Agriculture, at the time we were debating the emergency in August, pointed out the net farm cash income was $61 billion. And this is historically an all-time high in terms of income in the country. It was higher than last year, but the last year was more than the year before that. In essence, even in the face of much higher net farm cash income, we have been reappearing.

The safety net under the bill we now have, of course, was these AMTA payments. These were the fixed payments that went to farmers regardless of what else happened. They were to diminish after 7 years, and have been heading down from, say, $5 billion of Federal expenditures into the $4 billion range, and so forth, each year, and then the loan deficiency payments, at least for certain of our rural crops.
For example, in my State $1.89 for corn is the loan deficiency payment level, which means you have $1.89 regardless of what the market price is, however low it may be recorded. At the time, admittedly, $1.89 seemed like a price that would not be approached as frequently.

During harvest time, we are regularly below $1.89 in terms of people coming into the elevator at that point. So this has led to much greater Federal Government expenditures; $6 billion, I think, in the loan deficiency program, not just for corn but for other crops. But that was meant to be the safety net. And it is arguable as to whether it should go higher or lower. It depends upon the Federal outlays. I suspect, quite apart from the fact that more production occurs.

I saw yesterday, as perhaps the chairman did, on the cover of USA Today, their first page, a chart on soybean production in the country. Soybean production through the Freedom to Farm experience, had been going up every year. This year’s crop is prophesied to be a whopper and, clearly, an all-time high. Given planting intentions, it might appear that next year would be another, to try to bring it into clear daylight. But that was meant to be the safety net.

I mention this because I hope the chairman is right. Let us say, for example, his bill and the Daschle substitute are adopted, but as it turns out, farmers think their incomes are not adequate. I suppose, has been that a part of the reason, even in the face of what I think have been fairly good incomes in the aggregate, although not for all States and not for all crops, and a fairly good safety net, is that both of the political parties represented in this body have been competitive for the allegiance of farm voters and people who were sympathetic to farmers.

I admit, throughout these emergency bills, we have privileged testimony as chairman. I have stood with you or with Senator LEAHY managing these bills. I was perfectly aware on our side of the aisle that a large majority of our Members wanted more money for farmers. It appeared that was true on your side of the aisle. Whoever was managing this legislation was left with at least the thought of trying to get it right technically so the farmers got the money in as soon a time as possible; so, if there were emergencies, these were met, right now as opposed to the hereafter.

So we strove to expedite a process that clearly our membership wanted. That seemed to be true on the other side of the Capitol as well.

None of these bills were veted by whoever was President during this period of time. If the White House had a budget objection to these, it was pretty mild or nonexistent.

I mention all this because I think that has been a part of the impediment for this bill. In other words, there is almost an annual expectation of correction or of enhancement of whatever may have occurred. Most of us have voted for that. The two of us may even have helped manage it in one form or another, to try to bring it into clear channels, to have the proper hearings and committee meetings. It may very well be—you are not discovering this but it is rather obvious—that the expectations of Members on both sides of the aisle are very large when it comes to their States and their constituents. As you strive to find a majority to vote for a farm bill, for a final product, I suppose, to put on to conference, you are forced daily to take into consideration the needs of various Members, some of them very legitimate and poignant. In the same way on our side of the aisle, we attempt to do likewise.

I say this not in sympathy because the chairman is a strong person and fully able to take care of himself and the situation. But I had hoped perhaps to try to guide the process in a different direction.

I would admit, having heard the debate and having seen the votes as recorded dutifully by the Washington Post and others, 70 to 30 is not close. I understand that. On the other hand, we roll together tarpapering along that; as the chairman has pointed out, may have been too much of a change all at one time, may not have been completely understood in terms of the arithmetic, how people come out. So I thought it was important to try to make some arguments for maybe a new day somewhere over the horizon.

In the meanwhile, I will continue to work with the chairman with the product we have at hand.

One reason why it has not moved expeditiously is that I suspect there are still some lingering thoughts on both sides of the aisle about limiting payments, for example. We heard a little bit of that this morning from Senator WYDEN. We heard this morning with regard to the EQIP program and specific extensions of livestock. I think we will hear more from the distinguished occupant of the chair and maybe others who have been concerned about the equities here involved. Therefore, in part, perhaps, the land bubble situation created not only as the chairman has pointed out, may have been too much of a change all at one time, may not have been completely understood in terms of the arithmetic, how people come out. So I thought it was important to try to make some arguments for maybe a new day somewhere over the horizon.

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That is what I think the debate ought to be—how we fashion those programs to help shore up a safety net, but not to encourage people to get bigger and actually use the Government largess to help people get bigger and to artificially boost up land prices. Certainly, this was a principle motivation for my focus on greater support for conservation and on a new program of income assistance tied to conservation. I have said enough on this matter today. I yield to the floor.

Mr. SMITH of Oregon, Mr. President, I rise today to recognize the importance of the Food Stamp Program addressed in the farm bill. I was recently surprised and dismayed to discover that a recent USDA study found Oregon to have the highest rate of hunger in the nation. I think my colleagues would also be surprised to discover how many people in their own home States go to bed hungry.

I have long been concerned that in many cases, children across the country are going to bed hungry simply because America’s families do not know about the resources available to them through the Food Stamp Program. It is astounding to note that among persons eligible for this important program, participation rates dropped from 34 percent in 1994 to 27 percent in 1999. More worrying is the fact that participation rates are also low among working poor families with children and the elderly. With additional outreach and targeting, the Food Stamp Program can make it easier for families to access the food support they need with dignity. I am pleased that improvements to this vital program are currently being addressed on the Senate floor as part of the reauthorization of the farm bill.

I would also like to take this opportunity today to recognize the other side of nutrition support: our Nation’s network of food banks. Places like the Oregon Food Bank in my home State are filling the plates of America. The Oregon Food Bank and its coalition partners have been working overtime to identify and address the root causes of hunger. Today, I would like to salute them for their hard work and dedication, which has come to fruition in the recent opening of a statewide food recovery and distribution center, all under one roof. Food banks are a vital component of the safety net for America’s elderly; they alone can meet every need. They are straining under the growing demand for emergency food, but we can help them by maintaining a strong Food Stamp Program.

In this country as blessed with abundance as ours, no family should go hungry, and I encourage my colleagues to support improvements to the Food Bank Program in the farm bill.

Mr. GRASSLEY, Mr. President, for years I have worked to decrease our reliance on foreign sources of energy to accelerate and diversify domestic energy production. I believe public policy ought to promote renewable domestic production that burns clean energy. That’s why, earlier this year, I introduced the Providing Opportunities With Efficient Renewable, or POWER Act, which seeks to cultivate another homegrown resource: swine and bovine waste nutrient.

The benefits of swine and bovine waste nutrient as a renewable resource are enormous. Currently there are at least 20 dairy and hog farms in the United States that use an anaerobic digester system to convert manure into electricity. These facilities include swine or dairy operations in California, Wisconsin, New York, Connecticut, Vermont, North Carolina, Pennsylvania, Virginia, Colorado, Minnesota, and my home State of Iowa.

By using animal waste as an energy source, a livestock producer can reduce or eliminate monthly energy purchases from electric and gas suppliers. In fact, a dairy operation in Minnesota that produces enough electricity to run the entire dairy operation, saving close to $700 a week in electricity costs. This dairy farm also sells the excess power to their electrical provider, furnishing enough electricity to power 78 homes each month, year round.

The benefits of using an anaerobic digester do not end at electricity production. Using this technology can reduce and sometimes nearly eliminate offensive odors from the animal waste. In addition, the process of anaerobic digestion results in a higher quality fertilizer. The dairy farm I referenced earlier estimates that the fertilizing value of the animal waste is increased by 50 percent. Additional environmental benefits include mitigating animal waste’s contribution to air, surface, and groundwater pollution.

The amendment I am offering will allow livestock producers the option of investing in systems such as a structural practice under the Environmental Quality Incentives Program. This option will provide livestock producers another opportunity when determining what is best for the future of their family farms. Livestock producers will have the ability to meet their own individual energy needs and possibly supply green, renewable energy to other consumers.

Using swine and bovine waste nutrient as an energy source can cultivate profitability while improving environmental quality. Maximizing farm resources in such a manner may prove essential to remain competitive and environmentally sustainable in today’s livestock market.

In addition, widespread use of this technology will create jobs related to the design, operation, and manufacture of energy recovery systems. The development of renewable energy opportunities will help us diminish our foreign energy dependence while promoting “green energy” production.

Using swine and bovine waste nutrient is a perfect example of how the agriculture and energy industries can come together to develop an environmentally friendly renewable resource. My legislation will foster increased investment and development in waste to energy technology thereby improving farmer profitability, environmental quality, and energy productivity and reliability.

This amendment is good for agriculture, good for the environment, good for energy consumers, and promotes good food, that good, renewable resource that will reduce our energy dependence on foreign fuels. It is my hope that all of my colleagues join with me to advance this important piece of legislation.

Ms. SNOWE. Mr. President, I rise today to praise the consensus that has been reached on dairy programs within the farm bill we are considering today. The farm bill, which needs authorization every 5 years, not only addresses farm income and commodity price support programs, but includes titles on agricultural trade and foreign food aid, conservation and environment, nutrition and domestic food assistance, agricultural credit, rural development, and agricultural research and education.

I am particularly pleased that the Harkin bill before us restores the safety net for dairy farmers in Maine and in 11 other States in the Northeast and Mid-Atlantic with a provision that will again give monthly payments to small dairy producers only when fluid milk prices fall below the Boston price of $16.94 per hundredweight.

As my colleagues are aware, the successful Northeast Interstate Dairy Compact was allowed to expire on September 30. Throughout New England, this compact literally kept small dairy farms in production. When it was in effect, this compact paid for the program by adding a small incremental cost to the price of milk; the rate set by the current Federal milk marketing order system, which determines the floor price for fluid milk in New England.

Along with 38 of my Senate colleagues and the legislators and Governors of 25 States, I have made numerous attempts throughout this past year to have the compact reauthorized and a new Southern Compact authorized. Dairy compacting is really a States rights issue more than anything else, and the only action I attempted to take was to give its congressional consent under the Compact Clause of the United States Constitution, Article I, section 10, clause 3, to allow the 25 States who requested to compact to proceed with these two independent compacts.

Unfortunately, we could not get a majority of votes for the Senate’s permission to allow dairy compacting to go forward even though half of the States in the country had requested this approval. So, since my number one agricultural priority has been to assure that Maine dairy farmers have a safety net when prices are low that would
allow them to stay on their small family farms. I have attempted to bridge the gap with opponents of compacts.

I am very pleased that we were able to forge a compromise that is included in the Harkin amendment in the nature to the Agriculture Committee-passed farm bill that pledges $2 billion to help dairy farmers throughout the Nation. Most important to me, the provision provides $500 million to establish the very safety net tant to me, the provision provides $500 million to establish the very safety net. These also for farmers in the States of New England dairy farmers, and for farmers in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and West Virginia, that was provided by the Northeast Dairy Compact, that of monthly payments to producers when the price of Class I, or fluid, milk drops below the Boston, MA price of $16.94. These States produce approximately 20 percent of the Nation’s milk and under this provision will receive about 20 percent of the funding, so this is a very fair hedge.

Dairy farmers from other States will also benefit through a $1.5 billion provision that will extend the current national dairy price support system for farmers in the other 36 contiguous States. The Commodity Credit Corporation, CCC, to purchase surplus nonfat dry milk, cheese, and butter from dairy processors, thus protecting the industry from seasonal imbalances of supply and demand.

The cost of this price support system that pays $9.90 per hundredweight was due to expire this December, but was extended for 5 months, or until May 2002, in the fiscal year 2002 Agriculture appropriations bill. The farm bill before us extends both of these dairy programs for 5 years.

Do I believe this is the best way to fund dairy programs? In my estimation, the Northeast Dairy Compact was preferable because not one cent came out of Federal funds and it did not have any appreciable effect on consumer prices.

So, the provisions in the farm bill we are considering, unfortunately, will cost the Government $2 billion. This is not much considering the billions of dollars that go to for price supports for other farm commodities, but it is Federal money nonetheless. But, the reality is that compromises must be made to ensure that the majority of Senate and House-consensus has been reached that they can live with, and I thank the Senators from the upper Midwest, who did not want a compact-like dairy program for their region but preferred direct yearly Federal payments, for working together with us on the dairy provisions.

My motive throughout this year has been a simple one: I do not want to see one more small family dairy farmer in Maine, or in any other rural area of the country, go out of business. And I do not want to see any more acreage of pastoral farmland in New England, most of which has been in families for three generations, turned over to suburban sprawl. So I am pleased with the compromise and feel that my goal has been reached, not for myself, but for the dairy farmers to whom I have pledged not to give up the fight.

The farm bill before us also recognizes the diversity and technical differences in agriculture, and shifts $1 billion to voluntary agriculture programs, especially in regions that have been traditionally underserved by past farm bills, such as my State of Maine, I want to thank the bipartisan group that worked with me through the “Eggnog Caucus”, an ad hoc group of bipartisan Northeast Senator, to make these funds a reality and for bringing regional equity through an increase in Federal funding to our States.

This conservation funding, for which Maine stands to receive a minimum of $12 million a year for the next 5 years, will help our farmers improve water quality, restore wildlife habitat and stave off suburban sprawl. In the past, more than half of our farmers have been turned away from conservation assistance because these popular programs have not had the funding to meet the applications.

More funding for the Environmental Quality Incentives Program, or EQIP, for instance, will allow many more farmers to enroll in contracts to manage natural resource concerns. The voluntary program offers cost share and incentive payments toward technical assistance to design and install practices for locally-designated natural resource priorities.

Another aspect of regional equity in the bill are provisions that improve assistance to our Nation’s fruit and vegetable growers, the specialty crop sector. This growing sector of the U.S. farm economy represents almost one-fifth of all farm cash receipts and a growing portion of our Nation’s agricultural output. I am pleased to note provisions for a fruit and vegetable pilot program promotion and a USDA purchase program for specialty crops, providing funds so that the USDA can purchase those fruits and vegetables that are the most prevalent for instance, will allow many more farmers to enroll in contracts to manage natural resource concerns. The voluntary program offers cost share and incentive payments toward technical assistance to design and install practices for locally-designated natural resource priorities.

I believe the Harkin bill before us gives needed assistance to the agricultural community throughout the Nation. We should never forget that these hard working men and women are responsible for providing our Nation with the highest quality of a tremendous variety of quality food products easily accessible at our local markets and at the lowest cost of any nation in the world.

Mr. GRAHAM. Mr. President, I rise today in strong support of the farm bill before us.

While we have heard about many components of the bill today, I would like to focus my remarks on the title that is of particular importance to me, the nutrition title. It is easy to forget how many people in the United States. The Department of Agriculture classifies 31 million Americans as “food insecure,” meaning that they do not know from month to month whether they will be able to get enough food for themselves and their families.

Families with children are disproportionately more likely to experience hunger. Last year, over 3 million children and 6 million adults in the United States were hungry to malnourished. Without the Federal Food Stamp Program, which provided nutrition assistance to over 17 million people, the majority of them children, elderly people and the disabled, the number would have been far higher.

I am also acutely aware of the role the Food Stamp Program plays in helping families leave welfare for work. The typical mother leaving welfare is earning about $7 an hour, yet not be able to get 40 hours of work a week. For a parent like that, food stamps can make a difference between being able to feed the family and having to return to public assistance. A single mother with two children and a typical postwelfare income can double her income if she gets food stamps and the EITC. If she gets both, she can almost reach the Federal poverty line. Without them, she often cannot make ends meet.

I supported the 1996 welfare reform law. Some of my original interest in the Food Stamp Program grew out of my desire to see welfare reform succeed.

Knowing how important it was for people leaving welfare to stay connected to programs like Food Stamps and Medicaid, I was disturbed to find out that food stamp participation had dropped by more than a third since we passed welfare reform, and the improved economy accounted for only about half of the drop.
Among single-parent families with earnings, the most common demographic of people leaving welfare, food stamp participation dropped 12 percentage points between 1995 to 1998. A recent study the General Accounting Office conducted identified a “growing gap” between the number of children in poverty and the number of children receiving food assistance. At the same time, emergency food providers reported that their clientele had changed since 1996.

Mr. JOHNSON. Mr. President, I rise today because outreach, while critical, is only the first step. We need to restore some of the cuts to food stamps made in 1996, and we need to improve the program to make it work better for working families. The Harkin bill provides new funds to do just that. Cuts in food stamp benefits were not part of achieving our basic welfare reform goal of moving people from welfare to work. In fact, many Republican and Democratic Members agree that one of the most disturbing outcomes of the welfare reform legislation that was here before 1996, but much more needs to be done. One of the results of the cutoff of adult legal immigrants has been a 74 percent drop in the number of citizen children of immigrants who get food stamps.

As we debate this bill, I would urge my colleagues to remember the millions of children and families who depend on the Food Stamp Program to help them purchase the food our farm- ers, consumers, and rural citizens have worked so hard to produce. In front of the House of Representatives this week, the GAO described as the “growing gap” between the number of children in need and the number of children getting food assistance.

A provision of the 1996 law also cut off food stamps to legal immigrants. This was unnecessary to achieve the goals of the law, since over 90 percent of legal immigrants are working. We have succeeded in restoring eligibility to nearly 400,000 people who were here before 1996, but much more needs to be done. One of the results of the cutoff of adult legal immigrants has been a 74 percent drop in the number of citizen children of immigrants who get food stamps.

I would also urge my distinguished colleagues to consider the many provisions in this bill that will improve the Food Stamp Program to better assist working families and finish the work of welfare reform by getting families out of poverty.

I would call particular attention to the nutrition title in the Harkin farm bill. The nutrition title in the Harkin farm bill allows the Senate to step up to the plate so that we can play a real role on the team fighting hunger in our Nation.

Last year, working with many of you, the Agriculture Appropriations Subcommittee, and the former administration, we were able to designate $3.5 million to be used for food stamp outreach to get more of these eligible families and children back on the program, $3.5 million has already been awarded to community organizations and emergency food providers across the country. These groups are taking imaginative steps to reach out to families in need. I encourage all of you to find out more about the grantees in your area.

Last month, USDA announced that it would award an additional $2 million to State-community partnerships that wanted to test strategies for enrolling more senior citizens in the food stamp program. Currently, only 30 percent of eligible seniors participate. I am here today because outreach, while critical, is only the first step. We need to restore some of the cuts to food stamps made in 1996, and we need to improve the program to make it work better for working families. The Harkin bill provides new funds to do just that. Cuts in food stamp benefits were not part of achieving our basic welfare reform goal of moving people from welfare to work. In fact, many Republican and Democratic Members agree that one of the most disturbing outcomes of the welfare reform legislation that was here before 1996, but much more needs to be done. One of the results of the cutoff of adult legal immigrants has been a 74 percent drop in the number of citizen children of immigrants who get food stamps.

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and livestock combined with an inadequate safety net in the current farm bill may have inflicted irrevocable results, a loss of family farmers, an economic recession in small, rural communities, and growing market power by a small number of agribusinesses. While the farm bill probably isn’t intended to correct all of the problems in our rural economy, it should better sustain the lives of family producers and rural communities. Additionally, it should provide a more predictable safety net than the current farm bill.

The outlook for positive indicators in farming and ranching has been dimmed by a number of factors. For several years now, commodity prices have collapsed, production costs have skyrocketed, and harsh weather has destroyed agricultural production. Furthermore, meatpacker concentration and unfair trade agreements have crippled the ability for independent farmers and livestock producers to prosper. While some of us wanted to change the underlying farm bill in a way to alleviate these tough conditions, we were told the 1996 farm bill was a sacred cow that couldn’t be touched, and efforts to amend it or to provide a better economic safety net were defeated. I am not suggesting the 1996 act was the source of all the problems farmers faced these last few years, but the lack of a real safety net and low loan rates in the bill did not provide a fair support of America’s agricultural producers.

Four years of ad hoc emergency assistance for farmers and ranchers totaling approximately $23 billion, over and above farm program payments contained in the 1996 farm bill, has painfultly taught us that depressed conditions in rural America matched with an inadequate safety net resulted in a very expensive price tag for U.S. taxpayers as well.

Fortunately, today we have the chance to improve farm policy by providing family farmers and ranchers with a better farm bill containing a more meaningful safety net. Moreover, it is my hope this bill provides taxpayers with some assurance that the need for multi-billion dollar ad hoc emergency programs will be fore-stalled.

While it is not perfect, I am pleased that a number of my farm bill priorities, and the priorities of South Dakota farmers and ranchers, were included in S. 1731, the Senate farm bill. First, the bill passed out of the Senate Agriculture Committee includes my legislation, S. 280, the Consumer Right to Know Act of 2001, requiring country of origin labeling for fresh produce and meat products in the country for retail sale to maintain information to the grocery stores. Second, a letter signed by 87 farm, ranch, and consumer organizations, in support of my country of origin labeling legislation which was added to the farm bill in the Agriculture Committee. Some of the 87 groups include: the majority of the Florida and California fruit and vegetable associations, the major consumer groups in the United States, and national farm and ranch groups. Moreover, approximately half of all the Farmers Union and Farm Bureau state organizations signed this letter. These 87 groups say, “We seek your support for inclusion of a measure to provide mandatory country of origin labeling for fresh produce and meat products in the country for retail sale. American consumers prefer to know where their food is grown.”

Finally, I have a letter from three of the largest consumer groups in the United States, the Consumer Federation of America, the National Consumers League, and Public Citizen, expressing their strong support for country of origin in the farm bill. These groups say, “When the Senate takes up the farm bill, please support legislation to require country of origin labeling at the retail level.

Finally, I have learned that identical legislation for country of origin labeling has been included in the proposed alternative amendment to be offered by Senator’s Cochran and Roberts.
reviewing that proposal and confirming that my provision is included word-for-word, I am driven further to see the farm bill conference report finalized with the same country-of-origin labeling language. I feel confident that the final version from my colleagues in the Senate and House will include the exact language for country-of-origin labeling that is included in both S. 1731 and the Cochran-Roberts proposal. I believe that my colleagues will recognize the importance of not only keeping the provision in the final farm bill, but to ensuring that the language is not watered down by outside interests. Anything less is unacceptable to America’s consumers and livestock producers.

Country of origin labeling and quality grade certification were integral components in the proposed “Competition Title” which Chairman HARKIN included in his farm bill proposal. I led a bipartisan effort to include the Competition Title in the farm bill. A majority—one-fifth—of the Senate, both Republicans and Democrats, signed a letter I authored to Chairman HARKIN seeking this new Competition Title. Regrettably, the Competition Title was defeated, resulting in a win for large agribusiness to muscle its way into the marketplace, only to hurt family farmers and ranchers. This is very frustrating, considering the record profits made by agribusiness recently: Cargill increased profits by 67 percent, JBS increased profits by 57 percent and Smithfield increased profits nearly 30 percent. Finally, Tyson, now 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 1-month drop in crop prices since USDA has been keeping records, some 90 years now. We must inject powerful, competition transparency, and fairness into the marketplace if we are to see these tragic circumstances change.

That is why I authored an amendment which was accepted by a 51–46 vote in the Senate yesterday to prohibit meatpackers from owning livestock prior to slaughter. This amendment was modeled after legislation I crafted last year, S. 142, the Rancher Act. I thank Senators GRASSLEY, WELLS, THOMAS, and DASCHLE for cosponsoring this amendment. It prohibits meat packers from owning cattle, swine or sheep more than 14 days before slaughter. However, it exempts cooperatives as well as all producer owned plants with less than 2 percent of the national slaughter. Packer ownership and control of livestock has been disrupting markets and harming competition at the farm gate level for a long time. This amendment is a major first step toward solving the problem. If this passes, packers will now have less opportunity for self dealing and giving preference to their own suppliers. Rather, they will have to go out on the market and compete for livestock.

In addition to competition, another new farm bill strategy I promoted was to increase the capacity of renewable energy produced on American soils. Agriculture in South Dakota have been disrupted less than 2 percent of the national energy production. However, it exempts cooperatives as another integral part of our national security strategy, which is why I asked Chairman HARKIN to include a new “energy title” in the farm bill. The energy title in the Senate bill includes loan and grant programs to promote the increased production of ethanol, biodiesel, biomass, and wind energy. This is a landmark change to farm policy because neither the current farm bill nor the new proposal in the House contains this important title.

Farmers, ranchers, and their lenders also need some assurances that price supports in the new farm bill will be predictable and meaningful, especially in times of woefully low crop prices. The farm bill is not perfect, but, I remain confident the changes made in the Senate proposal will better stabilize farm income, minimize the impact of catastrophic market losses, and reduce the financial risks associated with production agriculture. Specifically, I believe that the commodity support provided through loan rates, countercyclical payments, and direct payments in the Senate farm bill is a significant improvement over the current farm bill.

The Senate bill retains total planting flexibility which has proven extremely popular among the Nation’s farmers, moreover, it allows producers the option to update their base acres and yields on planted crops and yields on data from 1998–2001, for the purpose of receiving both direct (AMTA-like), payments and the new countercyclical payment, which is made when crop prices fall below a certain target level. While an outside observer may think it is only fair to base payments on a farm’s current yields from crops that are actually planted on a farm, remarkably, this is not the case with the 1996 farm bill. Rather, the current farm bill updates farmer’s base acres, and calculates payments upon 20-year-old yields.

Therefore, this significant change to update yields and planted acres contained only in the Senate farm bill may prove one of the most important ways we can improve support to South Dakota’s farmers. Crop yields in South Dakota have made enormous advances over the last twenty years, primarily because South Dakota farmers have become more productive, efficient and innovative in their crop growing methods and practices. I am very pleased that the Senate farm bill proposal offers a reward to South Dakota farmers for these yield improvements. The direct and countercyclical payments will be made on 100 percent of a farmer’s updated base acreage and yield.

I am troubled by the fact that the alternative expected to be offered by Senators COCHRAN and ROBERTS, as well as the House-passed farm bill, does not reward farmers with an allowance to update their yields for basing payments—yields used to make payments under the Cochran-Roberts and House farm bill will remain at 1985 levels. While updating base acres for calculating payments, the House farm bill and Cochran-Roberts alternative simply make payments on 85 percent of a farmer’s 20-year-old yields and updated acres. Unfortunately, these proposals perpetuate some of the most glaring failures of the 1996 farm bill.

Finally, the Senate bill continues the availability of 9-month marketing loan deficiency payments for program crops: wheat, feed grains, soybeans, oilseeds, and new marketing loan authority for wool, honey, lentils, and chickpeas. The loan rates in the Senate bill are set higher than both the House bill, and the Cochran-Roberts alternative, because both proposals freeze loan rates at levels in the 1996 farm bill. It appears to me that the Cochran-Roberts and the House farm bill fail to recognize the desire that most producers have for a modest increase in loan rates, as marketing loans and are one form of countercyclical support.

As we take this legislation up in the Senate, I may work with my colleagues to provide for payment limitations. The current farm bill essentially contains meaningless payment limits, and the House and Senate proposals aren’t a whole lot better. We must tighten the payment limits and redirect benefits to small and mid-sized family farmers. The single most effective thing we could do to strengthen the fabric of family farms across the Nation is to stop subsidizing mega farms that drive their neighbors out of business by bidding land away from them. From the top 10 percent of individuals and farm corporations in the U.S. snatched two-thirds of all the Federal farm payments and disaster aid, averaging $40,000 annually per individual. Conversely, the bottom 80 percent of farmers averaged a mere $1,089 per year. The current program especially hurts beginning farmers because it increases the cost of getting a start in farming. Current farm legislation subsidizes and induces large farmers to engage in agribusiness commercial farming, buying up land values in hopes of becoming the high-volume, low-cost producers. By reducing the number of middle-size and
beginning farmers, the current payment structure has deprived rural communities and institutions of the population base they need to thrive. We have the opportunity to stop millions of dollars going into the pockets of larger farms, in which the end result will be viability of family-sized farms and ranches.

Additionally, I may work to provide an amendment to the farm bill that permits farmers to elect a pre-harvest "lock-in" price for their loan deficiency payments, LDP, prior to the time in which they harvest a crop. Currently, when the local cash price for corn or wheat falls below a commodity's loan rate price, producers are able to receive a loan deficiency payment as one means of counter-cyclical support. However, experience under current legislation has uncovered some regional inequities in the marketing loan and LDP provisions. For instance, when wheat harvest begins in Texas and Oklahoma in the Spring, the winter wheat crop in South Dakota and other Northern Plains States is virtually still in its developing stage. During this time, wheat stocks are often low and local cash prices may have been driven up; therefore, when growers in southern states have enjoyed the opportunity to trigger large counter-cyclical support by receiving sizable LDP payments early in the harvest season.

Under the current farm bill prohibits wheat farmers across the rest of the country from receiving this same kind of support through an LDP at that same time. So, by the time July or August rolls around and wheat is ripe for harvest in South Dakota and other States in the Upper Midwest, oftentimes, a different set of market conditions limits farmers' choices to secure an LDP. This is due to the fact that harvest is nearly complete, a surplus of wheat may be hanging over the market and the difference between the cash price and the loan rate is not as large as in the Spring. Therefore, I may offer an amendment to allow farmers to select an LDP prior to harvest.

The farm bill is about many national priorities, and I am pleased the rural development title of this bill addresses the small, rural communities that serve as the backbone of our economy. It is important that our farm bill provide opportunities for value-added agriculture, forestry, and rural communities. The level of funding for rural development initiatives in S. 1731 is a huge win for rural citizens and communities in South Dakota. Namely, I am pleased with the $75 million per year for value-added grants. South Dakota has been on the cutting edge of developing value-added projects in recent history. With the expansion of funding for these grants, we can expect to see profits from value-added agriculture increase in South Dakota. As in many of the Upper Midwest, dictable weather is a way of life for South Dakotans. With $2 million in funding to acquire more weather radio transmitters, people in rural communities can rest easy knowing they will have better access to accurate and up to the minute weather reports as a result of the farm bill.

Additionally, South Dakota is one of the States that benefitted in the reauthorized Northern Great Plains regional authority in the rural development title. This Authority has access to $30 million per fiscal year to provide grants to states in the Northern Great Plains Authority to promote the development of transportation, communications and telecommunication infrastructure projects, job training, and entrepreneurship. I applaud the chairman for all of his hard work in maintaining a priority for America’s rural communities.

A priority of mine, the Senate farm bill provides more emphasis on conservation than any farm bill passed by the House or Senate heretofore. Our bill contains a number of conservation programs, including a reauthorization of the very successful Conservation Reserve Program and an increase in the total acreage eligible for the program to 41.1 million acres. While this is not the $5 billion acre cap that many advocates advocated with. In the past, it is a step in the right direction. As we move forward to expand CRP, it is my belief that Congress and USDA must look at the criteria chosen by USDA to award contracts to landowners. Too often in recent years producers and landowners have been penalized by the Environmental Benefits Index which now requires very costly mixtures of seed varieties to be planted on new CRP tracts. It is my hope we can apply some greater flexibility to the EBI so this program can be effective in South Dakota. I believe the farm bill must direct more attention towards programs such as CRP which protect soil and water, promote habitat and wildlife growth, and help farmers and ranchers take conservation measures to conserve our resources. Additionally, the bill includes a version of the Harkin-Johnson Conservation Security Program which is a new initiative placing emphasis on conservation practices that are compatible to working lands on farms and ranches. Furthermore, the conservation title includes a reauthorization of my Farmable Wetlands Pilot, which is reauthorized through fiscal year 2006, and the Federal Waterfowl Program was crafted last year by South Dakotans to protect small and sensitive farmed wetlands and to compensate producers for taking these acres out of production. When USDA would not administratively implement this idea, Senator Daschle and I introduced legislation which was signed into law. The legislation called for a two-year pilot program to enroll small, farmed wetlands, up to 5 acres in size, into CRP. I am very proud that South Dakota was only one State included in this pilot program. I introduced the conservation title of this farm bill with the extension of this Farmable Wetlands program. Finally, the conservation title contains a new Grassland Reserve Program to protect prairie and grasslands across the country.

Finally, I am also pleased with the nutrition title within the Senate farm bill that would ease the transition from welfare to work, provide benefits for working families and children, simplify regulations within, and increase outreach for the Food Stamp Program. Given our Nation’s current economic conditions, it is especially important that we reach out and provide services to our South Dakota neighbors in need. I would like to take special note of a provision included in this bill that would prevent the School Lunch Program from losing at least $100 million over the next 2 years by adjusting the way the program counts the value of commodities in the program. I introduced legislation earlier this year to prevent this problem, and I am pleased that this provision was included in the committee version of the bill.

In agriculture, I think the best economic stimulus is a long-term strategy that provides a meaningful income safety net for family farmers and ranchers. Therefore, the farm bill is the economic stimulus for rural America and family farmers and ranchers. The facts about the need to act are clear. In September, crop prices experienced the most dramatic one-month price drop in a recorded history. We must enact a farm bill to provide greater economic security to our Nation’s family farmers and ranchers.

I ask unanimous consent to print the letter to be ordered to be printed in the RECORD, as follows:


Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.

Hon. RICHARD G. LUGAR,
Ranking Member, Senate Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, House of Representatives.

Hon. CHARLES W. STENHOLM,
Ranking Member, House of Representatives, Washington, DC.

DEAR CHAIRMAN HARKIN AND COMBEST, SENATOR LUGAR, AND REPRESENTATIVE STENHOLM:

The U.S. cattle industry invested considerable time, effort, and money to improve, promote, and advertise its finished product—U.S. beef. The U.S. cattle industry now needs the ability to identify beef from among the growing volume of beef supplied by its foreign competitors. The ability to differentiate domestic beef from foreign beef is necessary to ensure that U.S. cattle producers have a competitive market that allows consumer demand signals to reach domestic cattle producers.

We strongly support the mandatory country-of-origin labeling language passed by the Senate Agriculture Committee. Specifically, we strongly support the following key elements:

(1) Mandatory country of origin labeling for beef, lamb, pork, fish, fruits, vegetables, and peanuts.

(2) Only meat from animals exclusively born, raised, and slaughtered in the United States shall be eligible for a USA label.

(3) The USDA Quality Grade Stamp cannot be used on imported meat.
Several importing and processing industry groups are aggressively working to weaken the Senate Farm Bill’s mandatory country-of-origin labeling language. They want to eliminate the currently born, raised, and slaughtered definition of origin. They also want to exempt ground beef from the mandatory labeling legislation. We strongly oppose any such changes as they would severely impair the competitiveness of U.S. cattle producers.

Since 1997, the U.S. cattle industry has invested millions toward a mandatory check-off program to research, promote, and advertise beef. It is now time to take the next logical step and require country-of-origin labeling so consumers can identify the very best U.S. cattle producers have worked so hard to promote. Proper labeling of beef will benefit all cattle owners, breeders, and processors. The identification of meat in the marketplace is also becoming increasingly important given the global threat of bio-terrorism. With labeling, we cannot segregate or recall meat now flowing through our food distribution channels if a contamination or outbreak were announced by any one of our many trading partners. Finally, consumers deserve to have accurate country-of-origin labeling so they can make informed purchasing decisions.

We urge you to fully support the mandatory country-of-origin language passed by the Senate Agriculture Committee and now included in the Senate Farm Bill.

Sincerely,

Adams County Cattlemen’s Association (Washington), Alabama Cattlemen’s Association (Alabama), American Indian Livestock Association, Baker County Livestock Association (Oregon), Beartooth Stockgrowers Association (Montana), Belgian Blue Beef Breeders, Bent-Prowers Cattle and Horsegrowers’ Association (Colorado), Big Horn Cattlemen’s Association (Wyoming), Bitterroot Association (Missouri), Black Hills Angus Association (South Dakota), Bonner-Boundary Cattle Association (Idaho), British White Cattle Association of America, LTD, Cattlemen’s Weighing Association (North Dakota), Colstrip Community Stockyard Association, Crazy Mountains Stockgrowers (Montana), Eastern Cattlemen’s Association (Colorado), Fallon County Stockgrowers’ and Landowners’ Association (Montana), Farmers’ Cooperative Association (Washington), Holy Cross Cattlemen’s Association (Colorado), Idaho-Lewis Cattle Association (Idaho).

In addition to the Associations of Texas, Kansas Cattlemen’s Association, Kansas Hereford Association, Kootenai Cattlemen’s Association (Idaho), Lane County Livestock Association (Oregon), Livestock Marketing Association, Minnesota Cattlemen’s Association, Mississippi Cattlemen’s Association, Missouri Stockgrowers Association, Montana Stockgrowers Association, Nevada Cattlemen’s Association, Nevada Live Stock Association, New Jersey Angus Association, New Mexico Cattlemen’s Association, North Central Stockgrowers Association (Montana), North Dakota Stockgrowers, Nevada Livestock Association, Kansas Hereford Association, North Idaho Cattlemen’s Association (Idaho), Owyhee Cattleman’s Association (Oregon), Pennsylvania Cattlemen’s Association, Pueblo County Cattlemen Association (Colorado), Ranchers-Cattlemen Action Legal Fund United Stockgrowers of America (R-CALF USA), Sheridan County Stockgrowers (Wyoming), South Dakota Livestock Auction Markets Association, South Dakota Stockgrowers’ Association, Southwestern Montana Livestock Association, Spokane County Cattlemen’s Association (Washington), Stevens County Cattlemen’s Association (Washington), Stockgrowers Association, Spokane County Cattlemen’s Association, Washington Cattlemen’s Association, Wallowa County Stockgrowers Association, Western Ranchers Beef Cooperative (California), Wyoming Stock Growers Association.


Member
U.S. Senate, Washington, DC.

RE: DEAR SENOAR: On behalf of the members of the American Farm Bureau Federation (AFBF) and the National Farmers Union (NFU), we write to urge your support for country of origin labeling when you vote for the farm bill. The Senate Agriculture Committee-passed farm bill requires mandatory labeling for fresh fruits and vegetables, peanuts, and meat products including beef, lamb, pork and farm-raised fish.

Producers and consumers both benefit. Country of origin labeling is a valuable marketing opportunity that may improve the ability of U.S. producers to compete in a growing market of health conscious consumers.

Likewise, consumers have expressed strong support for country of origin labeling for agricultural products. According to a March 1999 Wirthlin Worldwide survey, 86 percent of consumers support country of origin labeling for meat products.

The U.S. General Accounting Office has reported that, according to surveys conducted by the fresh produce industry, between 74 and 83 percent of consumers favor country of origin labeling for fresh produce. The Farm Foundation’s, “The 2002 Farm Bill: U.S. Producers Preference for Agricultural, Food and Public Policy” indicates that support for labeling the country of origin on food products is nearly unanimous, with 98 percent in agreement, among producers.

The Senate Agriculture committee-passed farm bill respects, peanuts, and perishable agricultural commodities to be labeled as to the country of origin. In order to qualify as U.S.-produced, meat products must come from an animal born, raised and slaughtered in the U.S. and fresh produce and peanuts must be exclusively grown and processed in the U.S. Language is included stating that there will not be a system of mandatory identification imposed and that a system will be based on a current program used by USDA to verify that the animals are born, raised and slaughtered in the U.S.

A significant number of U.S. trading partners have domestic country of origin labeling laws for produce and meat products. According to the USDA’s 1998 Foreign Country of Origin Labeling Survey, the United States is among only six of the 37 reporting countries that do not require country of origin labeling on processed meat. Since the time of the 1998 survey, additional countries, such as Japan, have begun requiring country of origin labeling of meat. In addition, some 35 out of the 46 surveyed countries require country of origin labeling for fresh fruits and vegetables. Many producers and consumers have a right to know where their food is produced. We hope that you will support country of origin labeling as it moves to the Senate floor.

Sincerely,

BOB STALLMAN


Hon. Tom Harkin, Chairman, Senate Committee on Agriculture, Nutrition and Forestry U.S. Senate.

Hon. Richard G. Lugar, Ranking Member, Senate Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR LUIGAR: We are writing to ask for your support for an initiative that will allow consumers to make more informed choices about their purchases of fruits, vegetables and meats. We seek your support for inclusion of a measure to provide mandatory country-of-origin labeling for fresh produce and meats in the Senate version of the farm bill.

American consumers prefer to know where their food is grown. In multiple national surveys, more than 70 percent of produce shoppers support country-of-origin labeling for fruits and vegetables. In Florida, where such labeling has been the law for more than 20 years, more than 95 percent favor produce origin labeling in stores. Recent surveys also indicate that 86 percent of Americans prefer labeling country-of-origin for meat products.

The Consumer Right to Know Act of 2001 (S. 280) would mandate point-of-purchase labeling for fruits, vegetables and other fresh perishables, as well as meat products such as beef, lamb and pork. Food service establishments would be exempt. The bill grants USDA the authority to coordinate enforcement with each state.

The Consumer Right to Know Act of 2001 would require that the USDA inspect and certify products clearly labeled as produced in the U.S. and produce and meat in the Senate version of the farm bill.

We urge you to consider the benefits of S. 280 and support its inclusion of it in the Senate version of the farm bill.

Sincerely,

Alaska Farmers Union, American Corn Growers Association, Alabama Farm Bureau Federation, Arizona Farm Bureau Federation, Arkansas Farm Bureau Federation, Arkansas Farmers Union, Burleigh County Farm Bureau, California Citrus Mutual, California Grape and Tree Fruit League, California Farm Bureau, California Farmers Union, Center for Food Safety, Consumer Federation of America, Desert Grape Growers League of California, Florida Citrus Mutual, Florida Department of Agriculture & Consumer Services, Florida Farm Bureau Federation, Florida Farmers & Suppliers Coalition, Inc., Florida Fruit and Vegetable Association.

Florida Tomato Exchange, Georgia Farm Bureau Federation, Georgia Fruit and Vegetable Growers Association, Idaho Farm Bureau Federation, Idaho Farmers Union, Illinois Farmers Union, Independent Cattlemen’s Association of Farmers Union, Indian River Citrus League, Intertribal Agriculture Council, Iowa Farmers
Union, Kansas Cattlemen’s Association, Kansas Farmers Union, Livestock Marketing Association, Louisiana Farm Bureau Federation, Maryland Farm Bureau, Michigan Aparage Council.


North Dakota Farm Bureau, North Dakota Farmers Union, North Idaho Cattlemen’s Association, Northwest Horticultural Council, Ohio Farm Bureau Federation, Ohio Farmers Union, Oklahoma Farmers Union, Oregon Farm Bureau Federation, Oregon Farmers Union, Organization for Competitive Markets, Pennsylvania Farm Bureau, Pennsylvania Farmers Union, Ranchers-Cattlemen Action Legal Fund (R-CALF USA), Rhode Island Farm Bureau Federation, Rocky Mountain Farmers Union, South Carolina Farm Bureau.

South Dakota Farm Bureau Federation, South Dakota Farmers Union, Southern Colorado Cattlemen’s Association, Texas A&M University, United Fruits and Vegetable Association, Utah Farmers Union, Virginia Farm Bureau, Washington Farmers Union, Washington State Farm Bureau, Western Organization of Resource Councils (WORC), Wisconsin Farmers Union, Wyoming Farm Bureau Federation, Wyoming Stock Growers Association.

DEAR SENATOR: When the Senate takes up the 2001 farm bill, please support legislation to require country-of-origin labeling at retail for meat products and fresh fruits and vegetables. Senator Tim Johnson (D-S.D.) has introduced this legislation as S. 280, the Consumer Right to Know Act of 2001. Please oppose efforts to water down country-of-origin labeling requirements in this country. Why should agriculture be held to higher standards than retail for perishable goods, yet allowed to sell products to the consumer without any indication of where they were produced?

We were hearing, from the left to the right, concern that it was so unilateral that it might not stand constitutional muster. So in seeking as many voices on this as possible, we heard from some who endorsed wholeheartedly the use of military tribunals, others who said we should only use our court system—the tried and tested method of the civil courts system. On the other hand, others who said—and I find myself in this category—sometimes military tribunals can be appropriate provided they are duly authorized and provided there are reasonable limits and proper safeguards for them.

I will put in the Record a copy of a letter from a large number of lawyers and law professors on this issue, and also a summary of some of the things we found in our committee hearings. I also include a proposal in the Record because I know Senators have been considering proposals for a military tribunal. Several Members of both parties have come forward with very constructive suggestions. I want to make sure if we are going to use military tribunals, we bring the procedure into compliance with international law, but with treaty obligations we have elsewhere. I want to make sure we sort out very clearly the question of what our limits are, what these U.S. military tribunals can do in fact, some of the best in the world have had to do it in the open and we have to have safeguards and we have to know what is going on. Certainly, you must carry out your own laws, but let’s do it in the open and make sure they have a chance to speak, that they know what the evidence is against them, and that they have a chance for appeal.

A military tribunal is not a court-martial. Our courts-martial in the United States follow very specific procedures—in fact, some of the best in the world. If it is simply a question of these being, in effect, a court-martial, I don’t think there would be any problem.

But what is a military tribunal? Senator, what is a military tribunal? You know that a bare majority, or even less, could vote for the death penalty? What is the standard of proof? It is mere suspicion, or is it preponderance of the evidence,
or is it beyond a reasonable doubt? Does the person accused have any chance to give any kind of a defense? These are all issues that should be laid out.

If we are going to use military tribunals, let’s make sure we are putting forth the best face of America. We have so much for which to be proud. We have a great deal to be proud of in our civil courts and in our military courts. At a time when we are asking nations around the world to join us in our battle against terrorism, the acts we saw on September 11 in New York, the Pentagon, and in a lonely field in Pennsylvania—as we properly and appropriately defend ourselves and seek to eradicate the source of this terror, let’s make sure, as we line up countries around the world to join us in that battle, that we keep those countries as our allies for further battles. Even after bin Laden is gone—and eventually he will be—there will be other threats. We have had threats for not only 20 years, but over 400 law professors from all over the country, expressing their collective confidence in our courts-martial system. I have great confidence in our courts-martial system, which offers protections for the accused that rival, and in some cases even surpass, protections in our Federal civilian courts and includes judicial review.

Fourth, nothing in the military order would prevent commission trials from being conducted in secret, as was done, for example, in the case of the eight Nazi war criminals who were sentenced under the Uniform Code of Military Justice. I have great confidence in our courts-martial system, which offers protections for the accused that rival, and in some cases even surpass, protections in our Federal civilian courts and includes judicial review.

This is in sharp contrast to the statements before our hearings that the “proceedings promise to be swift and largely secret, with one military officer and his agents saying that the release of information might be limited to the barest facts, like the defendant’s name and sentence.” Finally, the order expressly states that the accused in military commissions “shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly . . . in (i) any court of the United States, or any State thereof, (ii) any controversy of foreign nation, or (iii) any international tribunal.” Yet, the administration’s most recent statements are that this is not an effort to suspend the writ of habeas corpus. The explanations of the military order by both anonymous and identified administration representatives suggest that, one, the administration does not intend to use military commissions to try people arrested in the United States; two, these tribunals will be limited to “foreign enemy war criminals” for “offenses against the international laws of war”; three, the military commissions will follow the rules of procedural fairness used for trying U.S. military personnel; and four, procedures in military commissions will be subject to some form of judicial review. We hope that the Attorney General’s responses to written questions from the committee will continue to clarify these critical matters.

The administration apparently contends that an express grant of power from this Congress to establish military commissions is unnecessary. The Attorney General testified before the Judiciary Committee on December 6 that, “the President’s power to establish war-crimes commissions arises out of his power as Commander in Chief.” A growing chorus of legal experts casts doubt on that proposition, however. Nevertheless, the administration appears to be adamant about going alone and risking a bad court decision on the underlying legality of the military commission. Why take a chance that the punishment meted out to terrorists by a military commission will not stick due to a constitutional infirmity in the commission’s jurisdiction? I have received a letter signed by over 400 law professors from all over the country, expressing their collective wisdom that the military commissions contemplated by the President’s Order are “legally deficient, unnecessary, and unwise.” More specifically, these hundreds of legal scholars point out that Article I of the Constitution provides the President with the power to “define and punish . . . Offenses against the Law of Nations.” Absent specific congressional authorization, they say, the order “undermines the tradition of the Separation of Powers.”

To our last hearing with the Attorney General, some of my colleagues on the other side of the aisle suggested that the administration had “essentially won” the argument on military commissions. This impression is wholly mistaken. I would urge my colleagues to review the record of the hearings before the Senate Judiciary Committee on this issue.
This debate is not about following the polls and playing a game of political “gotcha” when the cameras are rolling. When more than 400 law professors speak with one voice, and anyone who has been to law school knows that it is no easy matter to get even two law professors to agree on something, we must carefully consider their opinion that there are serious legal and constitutional problems with the President’s course of action.

Their views are consistent with the conclusion of the constitutional and military justice experts who testified before the committee. Let me just cite a few examples.

Retired Air Force Colonel Scott Silliman and law professor Laurence Tribe argued that the legal basis of the President’s Military Order is weak and should be remedied by Congress.

Cass Sunstein of the University of Chicago recommended that basic requirements of procedural justice be met if commissions are established.

Neal Katyal of Yale Law School opined that the order “usurps the power of Congress” and ignores the focus of our Constitution’s framework.

William J. Baer, Director of the Center for National Security Studies states that the military order “violates separation of powers as the creation of military commissions has not been authorized by the Congress and is outside the President’s constitutional powers.”

She further argued, with this current situation to that “[w]hen the Supreme Court approved the use of military commissions in World War II and “Congress has specifically authorized their use in Articles of War adopted to prosecute the war against Germany and Japan.”

Phillip Heymann of Harvard Law School testified that he regards the Military Order “as one of the clearest mistakes and one of the most dangerous claims of executive power in the almost 210 years that the U.S. has been in and out of government.”

Kathleen Clark of Washington University Law School, St. Louis, in a submitted testimony, examines each of the four sources cited by the President for authority for the order and concludes, “None of these authorize the creation of this type of military tribunal.” She concludes that “In this time of uncertainty and fear, it is as important as ever for Congress to ensure that remaining executive branch abides by the constitutional limits on its authority.”

Timothy Lynch, Director of the CATO Institute’s Project on Criminal Justice contends that “because Article I of the Constitution vests the legislative power in the Congress, not the Office of the President, the unilateral nature of the executive order clearly runs afoul of the separation of powers principle.”

Legal experts around the country are concerned that the President’s order does not comport with either constitutional or international standards of due process. As pointed out in the letter from over 400 law professors, this defect has both practical and legal consequences. Legally, it means that the order may be inconsistent with our treaty obligations, which under our Constitution are the “supreme Law of the Land.” Practically, it gives political cover to the political discrimination around the world to mistreat foreign defendants in their courts, and thereby places Americans around the world at risk.

On December 5, I forwarded to the Attorney General in advance of the Judiciary Committee hearing proposing legislation to authorize the President to establish military tribunals to try terrorists captured abroad in connection with the September 11 attacks. In that proposal I outlined a number of procedural safeguards to fulfill the President’s command in his military order for a “full and fair hearing.” These procedures would bring these tribunals into line with our Nation’s obligations under international law and treaties to which the United States is a party.

The authorization for and literal terms of the order present serious questions. The authorization and the proposed legislative act. That is why I have offered to work with the administration and other members to draft and pass legislation that will clearly authorize and establish procedures for military commissions.

Those of us who take an oath of office to uphold the Constitution, both in the Congress and the administration, have a duty to do more than just listen to the polls. The important thing, after all, is not who wins some political debate but the important thing is that America gets this right.

I ask unanimous consent to have the following letter dated December 5, 2001, and an outline of safeguards and the sources for them be printed in the RECORD.

DEAR SENATOR LEAHY: We, the undersigned law professors and lawyers, write to express our concern about the November 13, 2001, Military Order, issued by President Bush and directing the Department of Defense to establish military commissions to decide the guilt of non-citizens suspected of involvement in terrorist activities.

The United States is a constitutional court system of which we are rightly proud. Time and again, it has shown itself able to adapt to complex and novel problems, both criminal and civil. Civil functioning is a worldwide emblem of the workings of justice in a democratic society.

In contrast, the Order authorizes the Department of Defense to create institutions in which we can have no confidence. We understand the sense of crisis that pervades the nation. We appreciate and share both the urgency and the passion. But we must not let the attack of September 11, 2001 lead us to sacrifice our constitutional values and abandon our commitment to the rule of law. In our judgment, the untested institutions contemplated by the Order are legally deficient, unnecessary, and unwise.

This is a triumph of the United States that, despite the attack of September 11, our institutions are fully functional and appropriate. The disruption of offices, phones, and the mail has not stopped the United States government from carrying out its constitutionally-managed responsibilities, would be at risk. The United States has taken other countries to task for proceedings that violate basic civil rights. Recently, for example, when Peru branded an American citizen as a terrorist, we gave her a secret “trial,” the United States properly protested that the proceedings were not held in “open civilian court with full rights of legal defense, in accordance with international judicial norms.”

The proposal to abandon our existing legal institutions in favor of an institutionally questionable endeavor is misguided. Our democracy is at its most resolute when we meet crises with our bedrock ideals intact and unyielding.

Respectfully submitted,

Benjamin Aaron, Professor of Law Emeritus, University of California-Los Angeles School of Law; Kenneth Abbot, Elizabeth Froehling Horner Professor of Law and Commerce, Director, Center for International

CONGRESSIONAL RECORD — SENATE

December 14, 2001

S13277

In this brief statement, we outline only a few examples of the serious constitutional questions this Order raises:

The Order undermines the tradition of the Separation of Powers. Article I of the Constitution provides that the Congress, not the President, has the power to “define and punish” offenses against the Law of Nations. The Order, in contrast, lodges that power in the Secretary of Defense, acting at the direction of the President and without congressional approval.

The Order does not comport with either constitutional or international standards of due process. The President’s proposal merely provides for indefinite detention, secret trials, and no appeals.

The text of the Order allows the Executive to violate the United States’ binding treaty obligations. The International Convention on Civil and Political Rights, ratified by the United States in 1992, obligates State Parties to protect the due process rights of all persons subject to any criminal proceeding. The third Geneva Convention of 1949, ratified by the United States in 1955, requires that every person having made a claim before a military tribunal have a right to appeal a sentence or a conviction. Under Article VI of the Constitution, these obligations are the “supreme Law of the Land” and cannot be suspended by a unilateral presidential order.

No court has upheld unilateral action by the Executive that purports to as dramatic a departure from constitutional norms as does this Order. While in 1942 the Supreme Court allowed President Roosevelt’s use of military commissions during World War II, Congress had expressly granted him the power to create such commissions.

Recourse to military commissions is unnecessary to the security of the United States and the fight against terrorism. It presumptively violates the treaty obligations. The United States has taken other countries to task for proceedings that violate basic civil rights. Recently, for example, when Peru branded an American citizen as a terrorist, we gave her a secret “trial,” the United States properly protested that the proceedings were not held in “open civilian court with full rights of legal defense, in accordance with international judicial norms.”

The proposal to abandon our existing legal institutions in favor of an institutionally questionable endeavor is misguided. Our democracy is at its most resolute when we meet crises with our bedrock ideals intact and unyielding.

Respectfully submitted,

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Tracey E. Higgins, Professor of Law, Fordham Law School, Co-Director, Crowley Program in International Human Rights; Barbara Hines, Lecturer/Director of the Immigration Clinic, University of Texas School of Law; William Hodes, Professor, The William Hodes Professional Corporation; Professor Emeritus of Law, Indiana University; Joan M. Hoots, Director of the Professional Responsibility Program and Director, Child Advocacy Program, School of Law (Boalt Hall), University of California at Berkeley; Kath-Arlinee W. Howe, Boston College Law School; J. Cotton Howard, Clinical Professor of Law, Tulane University; Darren Lenard Hutchinson, Assistant Professor of Law, University of California—Irvine School of Law; Sarah I. Hurwitz, Cover-Lowenstein Fellow in International Human Rights Law, Yale Law School; Alan Hyde, Professor and Sidney Reitman President’s Professor of Law, Rutgers School of Law—Newark; Jonathan M. Hyman, Professor of Law, Rutgers School of Law—Newark; Allan Ides, Loyola Law School; and, Sherrilyn A. Ifill, Associate Professor of Law, University of Maryland School of Law.

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Margaret Orentlicher, American University, Washington College of Law; John E. Rusk, John E. Rusk, Jr., Center for International Human Rights, University of Chicago; Ann Seidman, Adjunct Professor, Boston University School of Law; Robert B. Seidman, Professor Emeritus, University of New York School of Law; Ann Selbin, Lecturer, School of Law (Boalt Hall), University of California at Berkeley; Elisabeth Smeal, Acting Clinical Professor; School of Law (Boalt Hall), University of California at Berkeley; Ann Shalleck, Professor of Law, American University, Washington College of Law; Julie Shapiro, Associate Professor of Law, Harvard Law School; David S. Lowe, George W. Hutchison Professor of Law, University of Iowa College of Law; John Thostra-Ellen Tye Distinguished Professor of Law, University of Northern Iowa; Richard K. Sherwin, Professor of Law, New York School of Law; Seanna Shiffрин, Professor of Law and Associate Professor of Philosophy, University of California—Los Angeles; Steven Shiffrin, Professor of Law, Cornell University; James J. Silk, Executive Director, Orville H. Schell, Jr., Center for International Human Rights, Yale Law School; Richard Singer, Distinguished Professor, Rutgers Law School—Camden; Professor Ronald C. Slye, Seattle University School of Law; Professor, Professor of Law, Georgia State University College of Law; Norman W. Spaulding, Acting Dean, School of Law; Richard J. Stern, Professor of Law, University of California—Los Angeles School of Law; and Christina Spiesel, Senior Research Associate, Yale Law School, Adjunct Professor of Law, Quinnipiac University School of Law, and Professor Of Law, New York Law School.

Peter J. Spiro, Professor of Law, Hofstra University School of Law; Joan Steinman, Distinguished Professor of Law, Chicago-Kent College of Law; Barbara Stark, Professor of Law, University of Tennessee College of Law; Margaret Stewart, Professor of Law, Charles Evans Hughes Professor of Law, Cornell Law School; Victor J. Stone, Professor Emeritus of Law, University of Illinois at Urbana-Champaign; Robert N. Strassfeld, Professor of Law, Case Western Reserve University School of Law; Peter L. Strauss, Betta Professor of Law, Columbia University School of Law; Beth Stephens, Associate Professor of Law, Williamette School of Law; Ellen Y. Sun, Professor of Law, University of Missouri-Kansas City School of Law; Michael Sweeney, Esq., Eleanor Swift, Professor of Law, University of California at Berkeley; David Taylor, Professor of Law, Northern Illinois College of Law; Kim Taylor-Thompson, Professor of Law, University of Texas School of Law; and Peter R. Teachout, Professor of Constitutional Law, Vermont Law School; Harry F.
Tepko, Calvert Chair of Law and Liberty and Professor of Law, University of Oklahoma; Beth Thornburg, Professor of Law, Dedman School of Law, Southern Methodist University; Professor of Law, Capital University Law School; Mark Tushnet, Georgetown University Law Center; Kathleen Waits, Associate Professor, University of Pennsylvania Law School; Geoffrey Wells, Fletcher Professor of Law, Boston College Law School; Jamison Wilcox, Quinnipiac School of Law; Cynthia Williams, Associate Professor, University of Illinois College of Law and Visiting Professor Fordham University Law School; Verna Williams, Assistant Professor of Law, University of Cincinnati College of Law; Harvey Wingo, Professor Emeritus of Law, Boston University; Stephen L. Winter, Professor of Law, Brooklyn Law School; Ziporah B. Wiseman, Thomas H. Law Centennial Professor of Law, University of Michigan; Patricia Winters, former Assistant Professor of Law, Kent College of Law; Larry Yackie, Boston University School of Law; Professor Ellen Yaroshetsky, Jacob Burns Ethics Center, Cardozo Law School; Yasha University; and Karen Kithan Yau, Robert M. Cover Clinical Teaching Fellow, Yale Law School and Member of the Connecticut, Massachusetts and New York State Bars.

PROCEDURAL SAFEGUARDS FOR MILITARY TRIBUNALS

(i) That the tribunal is independent and impartial—Sources: Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol II) Part II, Art. 6, No. 2; International Covenant on Civil and Political Rights (ICCPR), Part III, Art. 14, No. 1; Universal Declaration of Human Rights (UDHR), Art. 10.

(ii) That the particulars of the offense charged or alleged against the accused are given without delay—Sources: Protocol II, Part II, Art. 6, No. 2(a); ICCPR, Part III, Art. 14, No. 3(a) and (c); Statute of the International Criminal Tribunal for former Yugoslavia (ICTY), Art. 20(3), 21(4)(a); Additional Protocol I to the Geneva Conventions (Protocol I), Art. 75(4)(a); U.S. Rules of Courts-Martial (RCM) 308; RCM 405(f)(1), (2), and (6); and RCM 602.

(iii) That the proceedings be made intelligible by translation or interpretation—Sources: ICCPR, Part III, Art. 14, No. 3(a) and (f); ICTY, Art. 21(4)(a) and (f); Geneva Convention 3, Art. 105; Implicit in Protocol I, Art. 4(a).

(iv) That the evidence supporting the conviction is given to the accused, with exceptions only for demonstrable reasons of national security or public safety—Sources: ICCPR, Part III, Art. 14, No. 1; Geneva Convention 3, Art. 105; Protocol I, Art. 75(4)(e); Universal Declaration of Human Rights, Art. 11; ICTY 21(4)(e); RCM 308; RCM 405(f)(3) and (5); RCM 405(g)(1)(B); RCM 703(f); Military Rules of Law (MRE) 301; and RCM 602.

(v) That the accused has the opportunity to be present at trial—Sources: Protocol II, Part II, Art. 6, No. 2(e); ICCPR, Part III, Art. 14, No. 3(e); Geneva Convention 3, Art. 99; Protocol I, Art. 75(4)(e); RCM 804.

(vi) That the accused may be represented by counsel—Sources: ICCPR, Part III, Art. 14, No. 3(b) and (d); ICTY, Art. 21(4)(b) and (d) implicit in Protocol II, Part II, Art. 6, No. 2(a); MRE 401; RCM 506.

(vii) That the accused has the opportunity to respond to the evidence supporting conviction and present exculpatory evidence—Sources: Protocol II, Art. 6, No. 3(e); Geneva Convention 3, Art. 105; RCM 405(f)(10) and (11).

(viii) That the accused has the opportunity to cross-examine adverse witnesses and to offer witnesses—Sources: ICCPR, Part III, Art. 14, No. 3(e); ICTY, Art. 21(4)(e); Geneva Convention 3, Art. 105; RCM 703(f); Universal Declaration of Human Rights, Art. 11; RCM 405(f)(8) and (9); RCM 703(a); MRE 611(b).

(ix) That the proceeding and disposition are expeditious—Sources: ICCPR, Part III, Art. 14, No. 3(c); ICTY, Art. 20(1), Art. 21(4)(c); implicit in Protocol II, Part II, Art. 6, No. 2(a); Geneva Convention 3, Art 105; Additional Protocol I to the Geneva Conventions, Art. 75(4)(e); UDHR, Art. 11; RCM 707(a)(a) [calls for arraignment within 120 days].

(x) That reasonable rules of evidence, designed to ensure admission only of material with probative value, are used—Sources: This is a suggestion made by Case Sunstein in testimony before the Judiciary Cmte on 12/4/2001; it responds to section 4(c)(3) of the President’s military order; see also Geneva Convention 3, Art 103; Protocol I, Art. 75(4)(e); Richard Posner’s recommendations are nearly equal to safeguards in federal civilian courts.

(xi) That before and after the trial, the accused is afforded all necessary means of defense—Sources: Protocol II, Part II, Art. 6, No. 2(a); ICCPR, Part III, Art. 14, No. 3(b).

(xii) That conviction is not based upon acts, offenses or omissions which were not offenses under the law at the time they were committed—Sources: Protocol II, Part II, Art. 6, No. 2(c); UDHR, Art. 11(2); ICTY, Art. 7; Protocol I, Art. 75(4)(b).

(xiii) That the penalty for an offense is not greater than it was at the time that the offense was committed—Sources: Protocol II, Part II, Art. 6, No. 2(c); UDHR, Art. 11(2); ICTY, Art. 10; ICCPR, Art. 15; Protocol I, Art. 75(4)(f).

(xiv) That the accused is presumed innocent until proved guilty—Sources: Protocol II, Part II, Art. 6, No. 2(d); ICCPR, Part III, Art. 14, No. 2; Art. 15; UDHR, Art. 11(f); ICTY, Art. 21(3); Protocol I, Art. 75(4)(c).

(xv) That the accused is not compelled to confess guilt or testify against himself—Sources: Protocol II, Part II, Art. 6, No. 2(f); ICCPR, Part III, Art. 14, No. 3(g); ICTY, Art. 21(4)(g); RCM 405(f)(7); MRE 301; Implicit in Geneva Convention 3, Art 99; Protocol I, Art. 75(4)(d).

(xvi) That the trial is open and public, including public availability of the transcripts of the trial and pronouncement of judgment, with exceptions only for demonstrable reasons of national security or public safety—Sources: ICCPR, Part III, Art. 14, No. 1; ICTY, Art. 20(4) and 21(4)(b); Protocol I, Art. 75(4)(f); RCM 806; RCM 922; RCM 1007.

(xvii) That a convicted person is informed of remedies and appeals and the time limits for the exercise thereof—Sources: Protocol II, Part II, Art. 6, No. 3; ICCPR, Part III, Art. 14, No. 5; Geneva Convention 3, Art 106; Protocol I, Art. 75(4)(j) [to be informed if available]; UDHR, Art. 14; ICTY, Art 25.

Mr. LUGAR. Mr. President, I want to take advantage of the distinguished Senator from Vermont and the present chairman of the Agriculture Committee, who are the sole survivors of the agriculture debate today. This may be indicative of the kind of stamina required for this work. I would be more than pleased in morning business to, in fact, give a statement about national security. I ask the Chair informally, because he has had a very long week, and I had not anticipated that he would be assuming this responsibility—nor do I wish to take advantage of that—if I may, I would like to proceed in morning business.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

NATIONAL SECURITY

Mr. LUGAR. Mr. President, I found in the current issue of the National Journal a very important article entitled ‘‘Nightmares of Nuclear War’’ by James Kitfield, who has written knowledgeably in the past about matters of national security, and particularly those involving nuclear energy and weapons of mass destruction.

I want to place this article by James Kitfield into the RECORD. I ask unanimous consent that it be printed in the RECORD.

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

[From the National Journal, Dec. 14, 2001]

NUCLEAR NIGHTMARES

(By James Kitfield)

The recent disclosure that documents about nuclear bombs and radiological ‘‘dirty bombs’’ had been found at captured Al Qaeda terrorist network facilities in Afghanistan, immediately triggered alarms among the nuclear scientists who work atop the high desert mesas in this remote region of New Mexico. For more than 50 years, nuclear experts at Los Alamos and at nearby Sandia National Laboratories have studied terrorist and criminal groups for any signs that they were on the verge of cracking the nuclear code first broken here. Everything they knew about Al Qaeda told them that these terrorists might be drawing too close to terrible discovery.

Indeed, ever since members of the Manhattan Project tested the first atomic bomb in New Mexico in 1945, scientists at Los Alamos have been the pre-eminent keepers of the nuclear flame. When the former Soviet Union created the secret nuclear city ‘‘Arzamas-16’’ as the birthplace of its own atomic bomb, it owed closely to the Los Alamos blueprint. So much so, in fact, that Russian residents later jokingly referred to their town as ‘‘Los Arzamas.’’

Almost from the inception of the nuclear age, no one understood better the apocalyptic threat of these weapons than the nuclear scientists who made them. J. Robert Oppenheimer, the director of the Manhattan Project and the father of the atomic bomb, eventually felt out of favor with the U.S.
military at least partly over his strident support for arms control and his opposition to development of the much more powerful hydrogen bomb. The scientists at Los Alamos are concerned by the Billion Dollar train and the Energy Department’s secretive Nuclear Emergency Search Teams that for 30 years have stood poised to respond to the threat of nuclear weapons or other weapons of mass destruction. As cases concerning Pakistani and some Russian nuclear proliferation. From that standpoint, the United States has closely watched various terrorist organizations for telltale indications that they might become a nuclear threat, he told National Journal. Possible warning signs include evidence of state sponsorship, a display of rapidly increasing technological sophistication, or persistent attempts to acquire nuclear expertise associated with nuclear weapons.

The reason we’ve been so concerned about Al Qaeda for some time is because the warnings were positive,” Hagengruber said, citing bin Laden’s statements that acquiring nuclear and other weapons of mass destruction was a “religious duty” for Muslims. And intelligence reports of persistent attempts by Al Qaeda operatives to acquire nuclear fissile material. “You have a large, seemingly well-funded terrorist organization that has persisted over a long period of time. They have operated with either direct or indirect state support in a region of the world where the security infrastructure of nuclear materials is under significant stress. And they have an unprecedented degree of enmity toward the United States. I still think it’s relatively unlikely that bin Laden actually acquired a crude nuclear weapon, or even significant amounts of weapons-grade fissile material, but in a set of circumstances that engenders either confidence or complacency. The consequences of being wrong or not paying the requisite attention are just too catastrophic.

One of the most formidable weapons is the MK-54 Small Atomic Demolition Munition. Given the stringenter security systems that nuclear states create to guard such weapons, however, the scientists consider the threat of loose mini-nukes as the least likely of all nuclear threats.

December 14, 2001
CONGRESSIONAL RECORD—SENATE
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Gen. Aleksandr Lebed, a former Russian national security adviser, spoke the speculation in 1997 when he told CBS’s 60 Minutes that the Russian military had lost track of 200 nuclear weapons, or 10 portable atomic weapons, out of a total arsenal of some 250. The Russian atomic energy commission denied the report—and even the existence of such weapons, Lebed told The Washington Post. But members of the Russian National Security Council, told Congress that the suitcase nukes were actually controlled by the KGB, the former Soviet intelligence service, and were thus outside the inventory-accounting system of the Russian military.

Yosses Bodansky, the director of the U.S. Congressional Task Force on Terrorism and Unconventional Warfare, heightened concerns over the Russian suitcase bombs. Citing unnamed intelligence sources in his 2000 book The Three Worlds of America: The Making of a Nuclear Superpower, Bodansky claimed: “Although there is debate over the precise quantities of weapons purchased, there is no longer much doubt that bin Laden succeeded in his quest for nuclear suitcase bombs. Bin Laden’s emissaries paid the Chechens $30 million in cash, and gave them two tons of Amzer containing two tons of plutonium. Bin Laden was the to which a stolen Russian nuclear weapon, that would be extremely difficult to accomplish, and the Russian proliferation, and almost certainly know about such a theft immediately.”

Immele of Los Alamos concurs. “There is no question that both the United States and the Russians developed suitcase-sized atomic demolition munitions,” he said. “We studied Lebed’s comments very closely and compared them to our extensive knowledge about what the Russian military has done to account for its nuclear weapons, however, and we have no intelligence leading us to believe that those weapons are in Russian control. What you find is that even a country with 25,000 nuclear weapons and a less-than-state-of-the-art accounting system would be very careful to assure and keep track of why so much of our concerns about Russia are focused on its nuclear fissile material and scientists.

DOOMSDAY INGREDIENTS

Most analysts cite as a success story the joint U.S.-Russian programs designed to rid the former Soviet states of their nuclear
wepons, and to help Russia secure and dismantle its own weapons. The United States has spent roughly $4 billion on the Nunn-Lugar Cooperative Threat Reduction program to support Russia’s fissile-material consolidation. (Former Sens. Sam Nunn, D-Ga., and Richard Lugar, R-Ind.). To date, the Nunn-Lugar program has deactivated 5,700 nuclear warheads, destroyed 287 cold-war era missiles, and eliminated hundreds of Russian bombers, submarines, and missile launchers.

Hard work and determination helped clear the much larger Russian stockpile of nuclear fissile material—the essential ingredient of these doomsday weapons—has a more checkered record. Indeed, the first indication that Russia might be leaking lethal nuclear material from its increasing storage. In 1994, police in Munich, Germany, seized 360 grams of plutonium and 5 pounds of uranium, part of a shipment from a Russian nuclear research center in Obninsk, Russia. In one of the most worrisome incidents, an anonymous tip enabled the Czech police to seize 2.7 kilograms of highly enriched uranium in December 1994.

Because nuclear experts consider the difficulty of acquiring weapons-grade fissile material as the greatest impediment to a group or nation that wants to build nuclear weapons, these seizures sounded a loud wake-up call. The theft of significant amounts of uranium is particularly frightening because uranium can be used as the key ingredient in relatively rudimentary nuclear devices that experts consider most within reach of international groups of nuclear facilities or terrorist groups.

The Energy Department’s efforts, under its “Lab-to-Lab” initiative, to protect Russia’s stockpile of fissile material have encountered severe obstacles. One is the continuing Russian reluctance to open its secret nuclear cities and research facilities to prying Western eyes. The second has been the unwillingness of both Russian and American authorities to acknowledge the vast scope of the problem. The enormous Russian stockpile of fissile material.

“I think it’s fair to say that the Russians themselves didn’t have a complete handle on the scattered locations from which they made up their fissile-material stockpile,” said Kent Biringer, who works on cooperative international programs at Sandia. “As we start out on these programs, we don’t have a solid baseline from which to work that told us what we were trying to get our arms around.”

When the true size of the Russian stockpile eventually came into clearer focus, U.S. officials realized they had greatly underestimated the problem. Richard Wymore, the program manager for material protection, control, and accounting in the Russian Nonproliferation Program at Los Alamos, said: “What we found was that Russia had produced roughly 10 times more nuclear fissile material during the Cold War than the United States, and they had it scattered at many more sites. They also had 10 secret nuclear cities,” Wallace said, “and each one dwarfed one of our comparable nuclear weapons laboratories. The Russians also had to go through a major cleanup effort in one of these secret nuclear cities.

Eventually, U.S. experts were able to estimate that Russia has between 50 and 100 tons of weapons-grade material—enough for more than 70,000 nuclear weapons—stored at 96 separate sites. Because it takes only about 17.5 pounds of plutonium or 55 pounds of enriched uranium to make a nuclear weapon, securing that vast trove of fissile material has been the United States’ top nonproliferation priorities of the 1990s.

The lax security systems at some of those Russian sites have occasionally taken us by surprise within the weapons-lab community. Security experts talk about perimeter fences with gaps in holes; fissile material stored in unguarded boxes; guarding facilities; and facilities without air conditioning, where windows without bars were routinely kept open to ease the summer heat. Another Los Alamos insider,” managers of Russian nuclear reactors also routinely set aside extra stashes of plutonium and uranium “off the books” to make up for potential shortfalls in their production quotas at the end of each accounting period.

U.S. experts thus focused in the early years of the Lab-to-Lab program on rudimentary fixes such as consolidating fissile material at fewer sites, and protecting it with radiation detectors, closed-circuit televisions, and alarm systems. But even those that require perimeter fences, and computerized accounting systems. Even some of these relatively simple things that U.S. experts discovered, for example, that the Russians are in many of their security systems failed in the harsh Siberian winters. Levels of radiation dust and radiation contamination on workers that were considered routine at some Russian facilities often set off U.S. radiation detectors.

Today, U.S. experts at Los Alamos estimate that roughly 570 tons of Russia’s total 850 tons of weapons-grade material are more secure as a result of the security upgrades. They concede, however, that more than 200 tons of fissile material remain largely secured. A May 2000 report by the General Accounting Office, Congress’s investigative arm, found that U.S. officials have yet to gain access to 104 of 232 nuclear sites requiring improved security systems.

“There is still a lot of room for improvement in securing Russia’s fissile materials,” according to Larry Walker, the manager of Cooperative International Programs at Sandia. “What you find is, the closer you get, the more you get a sense of the Russian equipment and how secretive and less willing to give access the Russians become. Access remains an issue, because it’s difficult to improve security unless you can see the large sites and witness how things are stored and handled.”

STALLED PROGRESS

After making significant headway in the early years, the U.S.-Russian cooperative program to secure Moscow’s fissile material stockpile got stuck in 1998 and have not yet recovered. The reasons for the lagging progress are varied, experts say. As the breakdown in political relations between the two countries has frozen, the Russians balked. A bureaucracy that had been thrown into disarray by the dissolution of the Soviet Union in the early 1990s has become less interested in acquiring the trillions of dollars Russian officials have estimated would be needed to consolidate and secure their fissile-material stockpile.

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Partly because the U.S. government lost its momentum by concentrating its efforts in the Persian Gulf and Afghanistan, the Clinton Administration never really had a coherent strategy for dealing with the Russian nuclear complex and setting priorities among all the various competing demands. The Clinton Administration has been in many respects. And until we can restore a common sense of purpose between us and the Russians, we will not be able to fix the Russian nuclear security problems. Meanwhile, indications of serious Russian security lapses continue. Russian officials in 1999 have acknowledged a theft of 2.7 kilograms of weapons-grade Plutonium by Russian nuclear facilities.

After making enormous progress in the early years, the U.S.-Russian cooperative program to secure Moscow’s fissile material stockpile got stuck in 1998 and have not yet recovered. The reasons for the lagging progress are varied, experts say. As the breakdown in political relations between the two countries has frozen, the Russians balked. A bureaucracy that had been thrown into disarray by the dissolution of the Soviet Union in the early 1990s has become less interested in acquiring the trillions of dollars Russian officials have estimated would be needed to consolidate and secure their fissile-material stockpile.

In 1999, Russian police arrested members of a criminal gang that, on two occasions last year, terrorrists had staked out Russian nuclear facilities. Earlier this month, on December 6, Russian police arrested members of a criminal gang who were trying to sell uranium for $30,000.

Reports coming in a steady drumbeat from U.S. commissions and blue-ribbon panels have warned that the inadequacy of the fissile-material stockpile of the former Soviet Union remained a serious weakness in the global system designed to prevent a nuclear catastrophe. A 1997 Defense Science Board Study noted: “Defense planners are increasingly concerned about possible state and non-state use of radioactive dispersal devices [dirty bombs] against U.S. forces and U.S. diplomatic centers abroad and at home as technological barriers have fallen and radioactive materials have become more plentiful.”

A 1999 congressional commission, chaired by former CIA Director George Tenet and Sen. ARLEN SPECTER, R-Pa., warned that power outages, inadequate inventory control, and unpaid Russian guards and technicians could spark a “‘inside’ diversion of Russian nuclear fissile material.
Perhaps the starkest warning was issued earlier this year by an Energy Department advisory group headed by former Sen. Howard Baker, R-Tenn., and former White House counsel John Dean. In the months leading up to September 11, the unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen or sold to terrorists or hostile nation-states," the Baker-Cuter study concluded. The group recommended that the United States spend $30 billion over the next eight months to try to secure Russia's weapons of mass destruction and its stockpile of fissile material.

"Ominously, the steady stream of warnings in recent years resembles similar unheeded alarms raised before September 11 about the possibility of a catastrophic terrorist attack. Nonproliferation advocates were thus dismayed that the Bush Administration's fiscal 2002 budget proposed cutting the Pentagon's Nuclear Cities program by 9 percent (from $443.4 million in fiscal 2001 to $403 million), and the Energy Department's nonproliferation programs by 11 percent (from $672.4 million in fiscal 2001 to about $737.7 million). Congress has since moved to restore some of the proposed funding cuts, however. And in a December meeting with the Ottawa group,Energy promised expanded efforts and increased funding for securing Russian fissile material and for finding peaceful employment for Russian nuclear scientists.

"In an attempt to jump-start the stalled threat-reduction programs, Senate Foreign Relations Chairman Joseph R. Biden Jr., D-Del., and Sen. Richard Lugar, R-Ind., introduced the Debt Reduction for Non-Proliferation Act, which would forgive Russia's debt of $3.7 billion to the United States in exchange for its cooperation with U.S. efforts to secure and monitor Russian weapons of mass destruction and fissile material.

"This action by the United States has put together groups of objective, bipartisan policy experts to study this problem, and each time, they have concluded that this is an urgent national security issue—and every time, their reports are ignored," said Joseph Cirincione, the director of the Non-Proliferation Project at the Carnegie Endowment for International Peace. "Unfortunately, the problem, he says, is that such programs have no natural domestic constituency in Russia, and in the United States they smack of unilateralism. And because of the low priority of threat-reduction programs do not command the same priority within the Administration as missile defense, they can easily get shoved off the summit-level agenda."

"Another problem is, this seems like a distant threat because nothing terrible has happened yet," Cirincione said. "The general feeling among experts, however, is that we've been lucky so far. There is absolutely no doubt that people in Russia are trying very hard to get their hands on Russian weapons of mass destruction and nuclear materials, and if we don't secure the sources of fissile materials we fear may fall into the wrong hands, Osama bin Laden, the Al Qaeda network, will be allowed to nuke the United States and the world."

The most unambiguous testimony to date on Al Qaeda's methodical, well-financed campaign to acquire nuclear bomb-making material came from Ahmed Al-Fadl, an Al Qaeda operative who witnessed in the trial earlier this year of men accused of bombing two U.S. embassies in East Africa in 1998. Al-Fadl claimed he was the mid-Atlantic buyer, and that after Al Qaeda could not find any fissile material, and Sudanese officials for the purchase of $1.5 million worth of highly enriched uranium, apparently diverted from South Africa's传说, although Al-Fadl was not present for the final exchange, his testimony convinced U.S. prosecutors that bin Laden and others made efforts to obtain components of nuclear weapons."

Recent years have yielded a steady stream of new reports about Al Qaeda's attempts to acquire fissile material. In 1998, for instance, bin Laden aide Maudouh Mahmud Salim was arrested in Munich and charged with acting on behalf of Al Qaeda to acquire nuclear materials. As The Christian Science Monitor recently reported, a Bulgarian businessman claimed to have talked with a bin Laden operative just last year to talk over a complex deal to transship nuclear materials across Bulgaria to Afghanistan.

"Pakistan, meanwhile, continues to detain Sultan Bashiruddin Mahmood, a second nuclear scientist considered key to Pakistan's nuclear program. Mahmood has reportedly acknowledged meeting bin Laden and Taliban leader Mullah Omar during at least three visits to Afghanistan last year, and he is said to have talked at length about developing nuclear and biological weapons. According to the Times, CIA Director George J. Tenet, during his recent trip to Pakistan, raised U.S. concerns about additional contacts between Pakistani nuclear scientist Sultan Bashiruddin Mahmood and a second nuclear scientist considered key to Pakistan's nuclear program.

"If the Al Qaeda network has successfully acquired enough weapons-grade uranium, U.S. experts say the group's last major challenge in eventually constructing a workable nuclear bomb would be to entice a trained nuclear scientist to spearhead the project. "The history of nuclear programs suggest that they depend on only a few key, knowledgeable scientists, with sufficient time and bankrolling, to bring a program to fruition," said Birx. "As for actually constructing a nuclear weapon, they will not attempt to sell their services on the open market."

U.S. experts say that Russian nuclear scientists are generally much better off today than in 1996, when they were unable for up to eight months because of a financial crisis and the collapse of the ruble. Nevertheless, they worry that Energy's "Nuclear Cities Initiative," designed to retrain Russian scientists, is insufficient. "Russian nuclear complex, has suffered from erratic funding and tepid congressional support.""Virtually all Russian scientists we have dealt with are enormously loyal and patriotic, and most of them would like to stay where they are and continue to conduct meaningful work and research," Hagengruber said. "So we are not worried about Russian hemorrhaging nuclear scientists. These scientists remain one of our major concerns, however. Unfortunately, all it takes is enough fissile material and one or two good scientists to create a real problem. Even a 99 percent solution is not really good enough."

Experts at Los Alamos and Sandia doubt that Al Qaeda has had the requisite time, weapons-grade fissile material, and nuclear scientists to go beyond a low-yield, explosive nuclear weapon, though they would not rule the possibility out. One expert who concurs in those doubts is Iraqi defector Khidhir Hamza who headed Saddam Hussein's secret nuclear bomb program through the mid-1990s and co-authored the book, Saddam's Nuclear Arsenal. Despite observed failures in global nuclear nonproliferation defenses, Hamza insists that the difficulties inherent in constructing a nuclear weapon remain daunting.

"We in Iraq were in the market for nuclear materials, and not a week passed without us getting an offer from somebody to sell us such materials," he told CNBC's Geraldo Rivera on October 26. "People came to Baghdad with bags of samples, and left with bags of money, and we never bought nuclear materials. Despite what people say, the [protections of such materials] are not that loose, and this radioactive material is very difficult to transport," As for actually constructing a nuclear bomb, "that's not that easy either," Hamza said. "Iraq is a country with thousands of nuclear workers, and we use scenario where we do not get a bomb ready in time for the Gulf War."

U.S. experts are much less skeptical that Al Qaeda or another terrorist organization could build a dirty bomb by packing a conventional explosive with fissile material that would kill and injure, mainly through radioactive contamination. As for actually constructing a nuclear weapon, experts consider this a "high-likelihood, low-lethality" scenario.

Brian Bena, an arms control expert and former nuclear missileer who is now the president of the Center for Defense Information in Washington, said: "There's almost no credible evidence that Al Qaeda acquired a portable nuclear device that could actually split the atom, but I think it's very plausible that someone in the Al Qaeda network could be wrapped around dynamite and exploded in an urban center like Lower Manhattan to cause panic and terror, and require evacuation of parts of the city for a considerable period of time."

According to Blair, the Defense Department ran an analysis of just such a worst-case scenario involving a dirty bomb made with 50 kilograms of nuclear power plant spent fuel packed around 100 pounds of conventional explosives. "The calculation was that if the device was dispersed over roughly a half-mile area, leading to hundreds, if not thousands, of casualties," Blair said.

"There is no data on what would be involved in cleaning up after such a terrorist attack, and that dates back to 1966, when an Air Force plane carried a nuclear weapon into the Gulf War." Indeed, a display at Sandia's National Atomic Museum depicts the collision of a B-52 and a KC-135 tanker during midair refueling over Palomares, Spain, on January 17, 1966. Photos document how three thermo-nuclear weapons that burst open in the crash contaminated a 265-acre area with highly enriched plutonium, which has a half-life of 24,000 years. More than 4,000 Air Force personnel were drafted into the cleanup effort, which required plowing thousands of acres and removing 4,810 barrels of plutonium-contaminated earth to a storage site in South Carolina. In 2001 dollars, the cleanup operation cost $20 million."

In a post-September 11 world, a Palomares-type incident occupies the "high-likelihood, low-lethality" end of the spectrum of threats to additional terrorist group. "We confessification is a testament to the almost unthinkable menace posed by nuclear-armed terrorists," Mr. LUGAR. I wish to quote liberally from what I think are remarkable summaries of some very tough decisions that we will need to make. The author begins:
The recent disclosure that documents about nuclear bombs and radiological “dirty bombs” had been found at captured Al Qaeda terrorist network facilities in Kabul, Afghani- stan, unexpectedly triggered a discussion among the nuclear scientists who work atop the high desert mesa in this remote region of New Mexico. For more than 50 years, nuclear scientists at Los Alamos National Laboratories and Sandia National Laboratories have studied terrorist and criminal groups for any signs that they were on the verge of cracking the nuclear code that has been kept secret for decades. Everything they knew about Al Qaeda told them that these terrorists might be drawing too close to a time when they would be able to use nuclear weapons.

Indeed, ever since members of the Manhattan Project tested the first atomic bomb in New Mexico in 1945, scientists at Los Alamos have been the pre-eminent keepers of the nuclear secret. J. Robert Oppenheimer, the director of the Manhattan Project and the father of the atomic bomb, eventually fell out of favor with a military establishment that at least partly took his strident support for arms control and his opposition to development of the much more powerful hydrogen bomb. The scientists at Los Alamos developed and helped train and man the Energy Department’s secretive Nuclear Emergency Search Teams that for 30 years have worked to respond to the threat of nuclear terror or the smuggling of nuclear weapons and fissile material, and they continue to do so. As cases concerning Pakistani and some Russian nuclear scientists in the past have shown, there are an increasing number of instances where some find themselves in desperate circumstances. Perhaps the greatest disruption to the equilibrium of the nuclear threat is the emergence of criminal and terrorist organizations with a level of power and technological sophistication once associated only with the world’s nuclear powers.

Quoting again from James Kittfield: Should Al Qaeda or another one of these terrorist groups with global reach succeed in acquiring nuclear weapons, experts say, it would violate a doctrine that is based on the deterrent value of mutually assured destruction. Doomsday cults or religion zealots bent on martyrdom may not care much for traditional theories of deterrence. Mr. President, in a piece in the Washington Post published from my writings last week, I tried to say the bottom line I thought in this war was how nuclear material is safeguarded. Perhaps the greatest disruption to the equilibrium of the nuclear threat is the emergence of criminal and terrorist organizations with a level of power and technological sophistication once associated only with the world’s nuclear powers.

The second path is equally, if not more, crucially important, and that is as weapons of mass destruction or materials that might produce weapons of mass destruction are identified in vari- ous countries, then nuclear weapons experts and the United States and Russia. It appears that some of the hard work will proceed in the future, and the President and others have said we are on a different course of cooperation. But it did serve as a deterrent for a long time as thousands of nuclear warheads were aimed at us, and we had thousands aimed at the Russians.

Now the problem is, as we take a look at the aircraft going into the World Trade Center and into the Pen- tagon, mutually assured destruction does not seem to pertain to that kind of arrangement. Suicidal missions do not take into consideration mutually assured destruction, in part because those who committed suicide destroyed themselves.

There are no assets back in a home country of governmental buildings, headquarters, utilities. What is there to destroy? What is the downside? This, of course, is the problem, that those with the suicidal tendency who have their hands on the materials, the weap- ons, think, whatever their reasons—religiously based, zealotry—decide to create havoc in the world and could do so in a mon- strous way.
December 14, 2001

CONGRESSIONAL RECORD — SENATE

I continue with a bit more of Mr. Kitfield’s analysis. It appears to me when he says the consequences of being wrong or not paying attention to those matters is catastrophic—we have been down the trail in various ways. Take a look at suitcase bombs. General Lebed of Russia said he was concerned if he may or may not confirm his point of view. But never the less, the Los Alamos people are taking a look at Lebed’s contentsions and those of others who have said “nuclear materials and expertise are harder to account for” than bombs, even suitcases, anything encased. That is why “concerns about Russia are focused on fissile material and its scientists.”

The problem is now it appears Russia produced a great deal more fissile material than we anticipated. So much more that the destruction of it or even the securing of it has gone well beyond all of our best attempts. Mr. Kitfield’s article mentions the 5,700 nuclear warheads, 431 ICBMs, 484 air-to-surface missiles, bombers, submarines, and what have you, destroyed. However, he goes on to say, “attempts to consolidate and safeguard the much larger Russian stockpile of fissile material—the essential ingredient of these doomsday weapons—the government’s assessment of these doomsday weapons—have had a more checked record. Indeed, the first indication that Russia might be leaking lethal nuclear material from the decreasingly decrepit inventory is as early as 1992.” He goes through each of the well-known cases and estimates to pilfer kilograms here, pounds there, of weapons-grade uranium.

The Russians still contend that all of these situations have been stopped, that the perpetrators were caught, whether in Prague or St. Petersburg or elsewhere.

“Today, U.S. experts at Los Alamos estimate that roughly 570 tons of Russia’s total 850 tons of weapons-useable material is still in the Kremlin. If this leaves 280 tons that are not. They believe at Los Alamos that clearly more than 200 tons of fissile material remaining largely unsecured are in 104 of the 252 nuclear sites in which U.S. officials have yet to gain access.

From my own personal experience, it is not easy to gain access to areas in which the officials of the country do not wish you to gain access. It is a bargaining process, trip by trip, site by site—whether nuclear or biological or chemical. It is the first comprehensive figure I have ever seen, however, that details there are 252 known sites where there is fissile material—not warheads or ICBMs—and we have yet to gain access to 104 of these, almost 40 percent.

To make my point again, while I counsel we approach Pakistan and India with the thoughts of accessibility, accountability, and security, we have a great deal of work still to do with friends in Russia, with whom we have been working for 10 years. The 10th anniversary of the Nunn-Lugar Act occurred 2 days ago, and in this body. It was late in that session in 1991 when the legislation was passed. For 10 years, we have been at work, these two countries, Russia and the United States. Yet even at this point, extraordinary amounts of material remain perhaps less secure than they ought to be, and unavailable, at least for our inspection even in this cooperative program.

Finally, the problems with the scientists are always speculative. From the beginning, the thought has been, in addition to the material, as Mr. Kitfield points out, there has to be one individual who has the expertise with the program to bring it together if a weapon actually is to be usable. The hope has been, through the International Science and Technology Committee—and this body has appropriated funds, again, from the State Department appropriation process—of a generous contribution to that effort. In the past, there have been contributions by Japan, by European countries, by Saudi Arabia.

In my own business, at their headquarters, I found our contribution now unfortunately has risen to 60 percent. I say unfortunately because it means others may have dropped off of the program. But good diplomacy, others may drop back in.

Under this program, over 20,000 Russian scientists have been paid stipends to furnish them money to do other work—work in commercially viable propositions, or do not involve weapons of mass destruction. I cannot overstate how vital this has been in sustaining the interests of those scientists in continuing to live in Russia as they wanted to do, provided there was any work—at a time that the Russian military establishment was winding down. Obviously, programs producing fissile material have been virtually stopped.

I have no idea how many scientists there are, perhaps more than any one of us could catalogue at any one time were involved in weapons of mass destruction. We have no way of knowing whether 20,000 represents most of them or a majority. We have, according to Mr. Kitfield and the experts at Los Alamos and Sandia, luck that the coincidence of scientists, material, cell groups have not quite come together yet.

The point of this statement at this late hour today is to say that we cannot take for granted that has been staggered and shocked and grieved by September 11. Horrible circumstances.

Testimony before a committee I chaired involving those deeply involved in this subject and who knew a great deal about it, brought a witness who had the proverbial thin suitcase. He laid it down on the witness table. At the appropriate time, he opened it and there was a machined piece of metal, something like a pineapple in both its shape and size. But assuredly, this was not highly enriched uranium. Nevertheless, there were materials in this particular piece that a counter would register.

At this point, many in the audience backed away from the table. This hearing was turning into somewhat more of an interesting situation than some asked for. He made the point this was probably equivalent in size to 16 pounds of highly enriched uranium. Some would say it is more like 100 pounds. So 16 pounds would not get the job done, nor did he purport that it was.

He suggested, however, enlarging this pineapple with a few more layers would get you to that point.

This came just after the tragedy at Oklahoma City and the bombing of the courthouse by McVeigh and whoever was involved with him. That would now be classified, in many circles, as sort of the forerunner of the dirty bomb situation. That is, you have some materials, at least, that have properties that are nuclear but they are not at the highly enriched level. But you use common or garden variety explosives and you create a mess. McVeigh, as far as we know, was not attempting to combine the explosives with nuclear material at any level.

So I cite this example as only illustrative, in two ways. One was that half of that Federal courthouse was destroyed, along with a number of Americans, innocents, who were in that courthouse at the time.

The witness made the point, however, that if you had the proper expertise and you had the suitcase and the 55 or 100-pound weapon in this same pineapple shape, this would have had the effect of taking out 4 square miles of Oklahoma City, not just half of the Federal building.

Others have made the point that even without highly enriched uranium, the second dirty bombs in Russia include some nuclear material but simply with an explosive device, could render the same territory in New York City uninhabitable for a fairly sizable period of time after the destruction of many lives in the presence of this allotment of this material, much like the effects down range from the Chernobyl explosion in Ukraine where hundreds of thousands of acres will not be farmed for our lifetime and many after that, or, if they are farmed, may have devastating health consequences, given the spoiling of the soil, the trees, the animals—everything that was involved. In short, this is the danger.

I think our officials understand this. But I am hopeful that as we proceed in subsequent years with our military appropriations, and our Department of Energy appropriations, and our State Department appropriations—because all of these efforts are divided in several ways, each one of them vital to the overall objective of having an understanding of how large a proposition this is.

This does not for a moment negate the need for the very best trained and
paid American troops we have, and support of them, and all of the instruments of conventional warfare that are now being produced. But I am saying that once again the bottom line of the war, as I perceive it, is that even as we are working with these so-called conventional means, and with remarkable, talented American service personnel, on the homefront, here in the home defense situation, we need to understand the vulnerability we have in the sense that we are always, as a country, as we operated in Moscow and London and other beautiful capital cities of our world that are at risk if in fact this intersection between cells of terrorism and materials and weapons of mass destruction should develop.

There are people who say this is so pervasive and so comprehensive that school is out, it is beyond remedy. The numbers of terrorists, the numbers of countries, numbers of programs, regimes all believing they must have weapons of mass destruction or at least the threat of these to stave off whoever — and I understand that, as the Presiding Officer does. But our objective, at least, as policy leaders in this country, is to do it another way.

If at this point we simply accept it is there, we have to accept that at some point a very large part of one of our cities or our basic institutions could be under attack and this time could disappear with absolutely devastating results for our country or any other country that was victimized in this way.

If we ask the basic questions we would have asked before September 11: Who could possibly do this? And for what reason? — we are staggered as we watch the tape of Osama bin Laden or listen to interviews with people who seem to be committed to a very different course of action that most of us find completely inconceivable, morally or as human beings.

Unless we are prepared simply to forget September 11, roll the clock back into a simpler time, then we will have to deal with more complex times.

I thank the Chair for allowing me to proceed in morning business with a message that I believe is important. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PROGRESS ON THE FARM BILL

Mr. DASCHLE. Mr. President, I come to the floor for a couple of minutes prior to the time we finish our Senate business to speak for the first time to implement the Presiding Officer who has been our floor manager on the farm bill now for 1 entire week.

This afternoon marks 1 complete week of deliberation on the farm bill. I know this has not been easy on many, nor easy on the ranking member, as they have attempted to deal with the bill itself.

I commend the Chair for his outstanding leadership and patience and the extraordinary effort he has made to manage this bill in a way that accommodated virtually every Senator.

I am disappointed that we weren’t able to pass the bill. I have indicated that we are going to keep trying to reach that point where we can bring debate to a close. I know there are a number of other amendments. We accommodated those on the other side of the aisle who wish to bring up an alternative to the committee-passed bill, the so-called Roberts-Cochran bill.

I believe we have had a good debate. I hope we can complete our work this coming week. I would not want to see their being hard-pressed that we will entertain the possibility of coming back additional days after Christmas, if need be, to get this job done. There is nothing that says we can’t keep coming back until the 23rd of January, if necessary, to look at all the options. But we need to bring this bill to a close. As I have said on other occasions, we need to do it for a number of reasons. Some of us have outlined those reasons throughout the week.

I think as the week and mark the fact that we have now spent a week on the bill, we remind all colleagues that we have a budget window that may close. If that budget window closes and we are precluded even by a very few billion dollars from dealing with all the needs in this bill, what a mistake that would be. What a moment of admission of failure that would be. I hope we can avoid doing that and avoid that scenario.

Secondly, I know, based on many conversations the managers and I have had and others have had with regard to the continuity, of the need to have a clear roadmap on how we transition from Freedom to Farm to whatever it is that Congress ultimately passes, something that every farmer and rancher would like to know.

I think that is the reason I got calls again this morning from farmers and ranchers in South Dakota who said: Please pass this legislation as quickly as you can because we need to know. We need to plan.

There is so much uncertainty in farm legislation as it is. There is so much uncertainty with agriculture as it is. To exacerbate that uncertainty by refusing to act or not acting as quickly as we should, is compounding the problem unnecessarily.

We have seen a 75-percent reduction in farm prices since 1996. That is a remarkable demonstration of the need to do something now.

I hasten once again to note the importance of completing our work. I also say that as complicated as farm administration is, it is important that the Department of Agriculture be given as much lead time to make the transition as smoothly as they can.

There is no question, from a farm income point of view, from a farm certainty point of view, from the smoothness of transition point of view, and from the budget point of view, one could add more and more reasons that it is important for us to finish our work. No one has said it more eloquently or passionately than the chairman of the committee, my friend from Iowa, Senator HARKIN.

I simply come to the floor to again reiterate that we are determined to finish this bill. We are determined to do all we can to finish it not only on the floor but in conference. We will do whatever it takes to stay, to work, to cooperate, and to find ways to compromise. But it has to be a two-way street.

We have to continue to keep the pressure on. That is certainly my intention. I know it is the intention of the distinguished chair of committee. It has been 1 week. If necessary, it will be 2 weeks. And, if necessary, it will be 3 weeks, or more. But we are going to get this bill done.

I am just reminded that while we have been on the bill for a week, we actually made the motion to proceed 2 weeks ago. One could argue that we have been on the bill in one form or another for 2 whole weeks already. I do not know what the record is, but, clearly, we have a lot of work to do.

With the holidays coming up, it certainly warrants putting all the time and effort we possibly can into getting this job done. I know there is interest in doing that.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the record be kept open during this period of morning business with Senators permitted to speak for up to 5 minutes each.

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

The Chair recognizes the Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

REVIEW OF BACKGROUND CHECK RECORDS

Mr. REED. Mr. President, I rise today to talk about our fight against terrorism and a report in the New York Times last Thursday about the Justice Department’s denial of requests from the FBI to review background check records for gun purchases as part of its anti-terrorist investigation.

When I met with Justice Department officials on November 1, I was informed that in the immediate aftermath of the
September 11 attacks, the Department of Justice compared the audit log of approved gun sales under Brady law's National Instant Criminal Background Check System to the Federal Government's terrorist watchlist.

The New York Times reported that on September 16, 5 days after the terrorist attacks, the Bureau of Alcohol, Tobacco, and Firearms requested the FBI center that operates the National Instant Criminal Background Check System to check a list of 186 names against the NICS audit log. The names were identified as aliens whose identities had been developed during the ongoing terrorist investigation. The FBI got two hits, meaning that two of the persons on the watchlist had been approved to buy guns.

The ATF's request and the resulting hits underscore the point that the NICS audit log has a clear investigative value for law enforcement and our counterterrorist efforts.

Yet the day after the FBI made its initial check, the Attorney General's lawyers prohibited further reviews of the audit log by the FBI for the purposes of the terrorist investigation.

The Congress passed and the President signed the Patriot Act earlier this year in response to terrorist activities, particularly terrorist activities that possibly were used beyond the performance of the system.

The ATF requested the NICS audit log from 90 days to 1 business day, forcing ATF to ask more than 70,000 federally licensed gun dealers to review their sales records every time law enforcement authorities conduct a review for names associated with gun crimes, but particularly associated with terrorist activities?

We can only conclude that politics and the powerful influence of the gun lobby have come into play once again. I hope the Attorney General will reconsider his position. None of us really knows what the next terrorist attack will look like. We cannot assume that because the attacks on September 11 did not involve firearms, the next one will not also involve firearms. We should give law enforcement every tool at our disposal to prevent terrorists from gaining access to firearms, and to know about it when they do.

I am pleased to join Senator Schumer as a cosponsor of S. 1788, to clarify the Attorney General's expanded powers to fight terrorism. The Attorney General has used these powers and others created by the administration, without congressional input, to permit, for example, eavesdropping on burglaries with our attorneys, to implement new wire-tapping authority, and to look into the backgrounds of truck drivers and crop duster pilots, and immigrants.

When President Bush addressed Congress on September 20, he said:

We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every means of war—to the disruption and to the defeat of the global terror network.

Now we find the Attorney General is bending over backwards to protect the special interests of the gun lobby at the expense of the safety of the American people and the investigation into terrorism. Rather than seeking every opportunity to give law enforcement all the information at hand, the Attorney General has chosen, erroneously in my view, to interpret the Brady law and related Justice Department regulations as prohibiting the use of the audit log for investigative purposes beyond the performance of the system.

Even if the Attorney General believes he has the authority to review the audit log for investigative purposes, why then did he not ask Congress for that authority back in September when he was putting together his proposals for the Patriot Act? Why wouldn't he want Federal law enforcement officials able to ensure a device that has been with us for a long time in America.

I am mystified as to what reasons there could possibly be to hold up the President's choice, his pick, for this vital position at a time when it is of national urgency for the Labor Department to have its team in place.

I have heard it said in the press it is because Scalia is the son of Justice Antonin Scalia and that this is some sort of payback for the Bush v. Gore decision. I personally find that hard to believe. Such a motive would be far below the dignity of the Senate. The notion that this Chamber would in effect punish a Supreme Court Justice or his family for a decision, any decision, would be abhorrent to anyone who loves this institution or the Constitution.

I also find it hard to believe because the Senate confirmed Ted Olsen, who litigated the Bush v. Gore case, although some did try to stop his confirmation despite his unquestionable qualifications. We also confirmed Janet Rehnquist, the daughter of the Chief Justice, to be inspector general of the Department of Human Services. But that is what is being said to the public. We wonder why the public is so cynical about the Congress.

I, personally, do not believe that is the reason Mr. Scalia is being held up. But I have also heard, and this reason is very troubling to me, that it is because Eugene Scalia is a devout, pro-life Catholic. He is being targeted by radical fringe elements because his name has symbolic value. I only hope this is not true. If that is true, this is also troubling because it shows that an appearance has been created that there is an ulterior partisan motive.

I ask unanimous consent to have printed in the RECORD an op-ed by Marianne Means, who wrote, "Two
Scalia in Our Government Are Too Many.'"

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

**TWO SCALIAS IN OUR GOVERNMENT ARE TOO MANY**

(By Marianne Means, Hearst News Service)

WASHINGTON.—When President Bush nominated the son of conservative Supreme Court Justice Antonin Scalia to the third-highest post in the Labor Department, the terrorist attacks had not occurred and Bush was not yet in a political unity mode.

This week, however, Eugene Scalia’s nomination to be the department’s solicitor—its top lawyer—was before the Senate Judiciary Committee threatening to blow up the fragile aura of bipartisanship the president is currently trying to foster. During his hearing, Scalia was sternly grilled by Democratic members and laudably praised by the Republicans.

Giving Scalia power to interpret the administration’s policies toward organized labor, which worked hard to defeat Bush in the 2000 election, is a deliberate move. Looking over the selection is the dark shadow of his cranky father, the architect of the court’s rightward drift on civil rights and one of the chiều of the court’s convoluted ruling that handed the presidency to Bush. Eugene Scalia’s nomination inescapably looks like a gigantic political payback, meant to give Bush’s authority by slapping the Democrats in the face.

In April when he picked Scalia, Bush had embarked on a crusade to drive the country to the right, rolling over the Democratic congressional minority and his own party’s moderates. In those days, he had no interest in bipartisanship. His first choice as Labor Secretary, the conservative anti-labor commentator Linda Chavez, proved to be too controversial and was forced to withdraw her name. She was replaced by Elaine Chao, whose attitude is less ideological than Chavez’s and is therefore less objectionable to the major unions. Scalia, 37, seems to have been selected to give Chao the backbone to be tough on the labor movement whenever possible.

During his career as a labor lawyer, Scalia campaigned to repeal Clinton-era federal ergonomics rules designed to reduce repetitive-motion injuries and lower back problems. He said he doubted the “very existence” of the injury, which union officials take very seriously, and mocked ergonomics as “junk science.” The Clinton rule was killed by the Republican-controlled Congress earlier this year, and Chao is currently reviewing proposals for revised ergonomics rules.

Senate Health, Education, Labor and Pensions Committee Chairman Edward Kennedy, D-Mass., is unequivocal in his opposition to Scalia. The senator says his writings and his record clearly suggest that his views are outside the mainstream on many issues of vital importance to the nation’s workers and their families.

The committee is divided along party lines, with all 10 Democrats opposed to Scalia and all 10 Republicans supporting him. When the committee votes next week, the tie will be broken by former Republican-turned-independent James Jeffords of Vermont. Recently Jeffords said awkwardly, “I think I’ll probably support him . . . reluctantly.”

That means the nomination will go to the Senate floor, where Kennedy vowed “there will be a battle.” Business groups have lined up behind Scalia and the AFL-CIO is campaigning against him, making the outcome uncertain.

The floor vote is likely to break down along party lines, marking the first serious tear in the bipartisan fabric Bush is trying to weave.

He visited the Labor Department Thursday and warned, “This is not a time to worry about partisan politics.”

He should have thought of that before he picked such a nominee. Scalia, a choice left over from the pre-unity era, is a flagrant example of the partisan excesses of that period before the terrorist attacks. It is impossible for the Democrats to embrace Scalia, and Bush knew it when he chose him. It would be disingenuous of the president to claim now to be shocked that the nomination provoked a partisan confrontation.

If Bush is really serious about working in a bipartisan fashion, he should withdraw the nomination. There are other qualified Republican labor lawyers who would not raise so many hackles and cost the president so much in good will.

Mr. HATCH. Members can see why I am concerned. I have always tried to judge nominations without bias or self-interest. I am concerned, however, that the Senate is not demonstrating similar fairness to the President and this nominee. But these partisan remarks, extraneous to Mr. Scalia’s qualifications, are bound to arise when the Democratic minority seeks to allow Mr. Scalia and his qualifications to be openly debated in the light of day.

If you do not like Mr. Scalia for any reason at all, including the fact that he is a pro-life Catholic, or the fact that he is Justice Scalia’s son, then vote against him and show your bigotry that way.

But the fact is, he ought to have a vote. The President ought to have a vote. Even if Members do not like Mr. Scalia, he is the President’s choice. He ought to have a vote.

I have to say the allegation by some that it is because he is a pro-life Catholic bothers me. As a practicing member of the Church of Jesus Christ of Latter Day Saints, I am a pro-life person, because of my faith, and especially because I am a pro-life member of my faith. As we all know, mine is the only denomination that had mobs go against it, with a pogrom ordered against it within the United States of America, and has been waiting for a floor vote for 6 weeks.

Still a vote has not been scheduled. Why not? Well, it saddens me, but it is becoming ever more believable that Mr. Scalia’s nomination is being delayed for reasons beyond his qualifications, whatever they may be, and I hope they are not the two I have mentioned. Whether because of the Bush v. Gore Supreme Court decision or otherwise, they want to punish Eugene Scalia for his association with his father’s opinions, and I surely hope it is not because he is pro-life and a devoted member of the Catholic faith.

The President of the United States is working hard for the American people. The least we can do in the Senate is to confirm his qualified nominees to serve in his administration unless there is something gravely wrong with their records. We owe this to the President. We owe it to the American people. We need to let President Bush staff up his administration so he has the people he needs to get the job done.

Every time we play partisan games with a Presidential nomination, we make the President’s job that much harder, and we fail to discharge our constitutional duty. We prevent the President and his top people at the White House from focusing on the war
effect, getting the economy moving, and a host of other things the American people care about.

The Labor Department has front line responsibilities for worker safety and economic security. It has been working hard to deal with the anthrax threat, and it has been helping employees laid off by the economic downturn. We are not helping the Labor Department, we are hurting it, and we are hurting American workers if we do not allow a vote so the Department can have its top lawyer in place.

Some have said the reason he is not getting a vote in the Senate is that the unions do not want him. I have to say there are times when people on our side have not wanted what the unions want, and there are people on the other side who have not wanted what the unions want. The ergonomics rule was the perfect illustration. The resolution of that issue should not be held against anybody. People ought to have a right within their own party. I think there are strong Democrats, but the two Solicitors joined that letter. We not only have the leading minority lawyers in the country, and who is more of a Republican than Mr. Scalia, he was left hanging then, and now he has been left hanging for almost 220 days.

I have heard so many complaints during other Administrations of not enough women and minorities being nominated, but now we have one of the leading minority lawyers in the country, Miguel Estrada, and he cannot even get a hearing. He has argued 14 cases in the Supreme Court, Roberts, many more. Most lawyers never argue a case before the Supreme Court. Estrada is respected by the courts of this country. He is one of the brightest lawyers in this country today.

What really moves me, even more than that, is this is a young man who came from a country of abject poverty, graduated with honors from Columbia University, then was at the top of his class at Harvard law school. He became a law clerk and, of course, has had a distinguished legal career. There is not one thing any reasonable person would find against him. And he is Hispanic. We are trying to do what is right. I do not understand it. If we do not get these judges on the Circuit Court of Appeals for the District of Columbia and in other circuits as well, we are going to be very directly harmed in this country. We have to quit playing games with this. I have to admit there were times when during the Clinton administration I wished that I, as chairman of the committee, could have done better. There are people on our side who I think acted irresponsibly, as there are people on the other side today acting irresponsibly. People of good will, those of us who really believe we have a President’s nominees ought to be given their votes, these people ought to prevail in this body, and we ought to start establishing a system that works with regard to judicial nominations.

I hope our distinguished chairmen and others on the committee will help this President get done the nominations he has so carefully, I think, selected.

I yield the floor.

Mr. HARKIN. I am constrained, after listening to my good friend from Utah talk about nominating judges and vacancies—I cannot let the moment pass without pointing out that in the Eighth Circuit Court of Appeals, there is a vacancy today. That vacancy is there because my friends on the other side of the aisle would not let us vote last year on the former attorney general of Iowa, Bonnie Campbell, to take that position as circuit court judge on the Eighth Circuit Court.

She had a hearing, she came out of committee, but they would not let us bring her name up on the floor for a vote. She was perfectly qualified to be on the Eighth Circuit Court of Appeals. As I said, we had all the hearings. She was supported by everyone. Yet they would not permit her name to come up for a vote before we left last year.

Bonnie Campbell is not on the Eighth Circuit Court of Appeals today because of pure politics. Because the Republicans, those on that side, last year—I guess correctly—they thought they were going to win the national election, and therefore they didn’t have to put through any judges on the circuit courts.

So Bonnie Campbell—there is a vacancy there today because of politics. Not that she was not qualified, but they said bring her up for a vote; if people want to vote against her, vote against her—just the same argument the Senator from Utah made right now. I made the same argument last year. Bonnie Campbell is qualified. No one says she is not. Let’s bring her up for a vote. Yet the leadership on that side prevented us from ever having a vote on
Bonnie Campbell’s nomination to be Eighth Circuit Court judge.

I hope my friend from Utah doesn’t want to preach too much to me, to this Senator, about politics being involved in circuit court judges. I know full well what happened last year. It is on the record. This Senator stood at the desk right back there, day after day, asking that Bonnie Campbell’s name come up for debate and vote. Every time it was objected to by the other side. So I don’t really need any lectures about politics being involved in judicial nominations.

ELECTION REFORM AGREEMENT

Mr. DASCHLE. Mr. President, I am pleased that Senators Dodd, McConnell, Schumer, Bond, and Torricelli were able to reach agreement on a strong, bipartisan election reform bill.

Studies of the 2000 elections have made it clear that outdated and unreliable technology, confusing ballots, language, and a lack of poll-worker training, and inaccurate voting lists all added up to the disenfranchisement of six million voters.

These problems are unacceptable, and, as a Nation, we can’t afford to repeat them. Our Federal system leaves it to individual States to conduct their own elections; but Congress has an obligation to see to it that election mechanisms and procedures in every county in every State guarantee every eligible citizen a voice in the democratic process.

Under this agreement, States will be required to meet minimum standards, and a bipartisan committee will be created to set those standards.

This bill requires that election officials notify voters of overvotes and give them the opportunity to correct a flawed ballot before it is cast. It will establish statewide computerized voter registration lists.

This bill further guarantees that voting machines be made accessible to people with limited English proficiency and people with disabilities, and that provisional ballots be made available to people whose names do not appear on voting lists. Those ballots would be set aside until it can be determined whether the individual’s name was mistakenly left off the registration list. If it was, the vote is then counted.

Finally, this bill provides the real resources for reform.

As we protect our democracy from its external enemies, we must also fix its internal flaws. That is what this compromise bill will do, and I look forward to working to get it passed early in the next session.

TRIBUTE TO MARIE MOORE

Mr. LOTT. Mr. President, I wish to pay tribute to one of my departing staff who has been working in my personal office for almost 4 years. Marie Moore has served as my Deputy Press Secretary since May 1998, and has distinguished herself in many ways. She has handled her duties with grace and professionalism, and quite frankly has set the standard for those who will follow her in this very demanding position.

Marie has served with me during some of our Nation’s most historic and sometimes very difficult and dramatic events. On occasion these events have demanded very much of her, as they did all Senate staff members but particularly those who are required to deal one on one with a sometimes skeptical or hostile media. She certainly leaves Washington with some memories and experiences which will benefit her professional career and her personal life for many years to come.

Marie’s tenacious work ethic and organizational skills have benefited our office’s operation greatly. Both are exemplary. Maybe she learned these attributes at Ole Miss, where she graduated with a journalism degree just before the Ole Miss ‘reconstruction’. However, I suspect the best of Marie Moore is a product of her wonderful family and upbringing back in Holly Springs, MS. Only a few short days after joining my staff, Marie began reorganizing the press shop, arranging furniture, rearranging the office, finding more space for this or that, all for the better. She has demonstrated a tremendous capacity for leadership. She knows how to take charge and really get things done without being associated with virtually any challenge. For instance, in addition to working on my staff, Marie has been an active member of the Mississippi Society of Washington, helping to organize events and recruit new members. She has also selflessly assisted me and my staff in a number of other duties, not necessarily in her job description, but tasks which must be done and require an exceptional degree of patience, understanding, and skill.

She is excellent with my constituents who come to Washington. Marie has always provided a friendly face and warm welcome for the many visitors I receive each day, and she is always quick to entertain them with refreshments or conversation if the have to wait. Additionally, she has done a wonderful job in handling the many photographs which are required of a U.S. Senator. Marie always makes sure those seeking a photo with me have had that opportunity, and that these many photos get back to those with whom I have met.

Marie has proven to be press savvy, something we all value here in Washington. She has a keen mind for what may or may not be a news item, and in their regard shows experience well beyond her years. Marie knows how to meet deadlines, how to prioritize and most importantly how to get information to the public in an effective, comprehensive and timely manner.

We all know people who are somehow just prone to being successful in anything they undertake. Marie is one of those people. I have no doubt, that whatever career path is are in Marie Moore’s future, she will succeed.

May I add, for those Americans who sometimes make negative generalizations about America’s younger people, Marie Moore is just the opposite in every way. She is an example of the best in America’s future. She is an asset to our country and to this institution. I will miss her very much, and so will many other people in the U.S. Senate who work with Marie on a daily basis. Marie made a point to know names, remember faces throughout the Capitol and Senate Office Buildings, just as she did with our visitors. I know the folks down in the Senate recording studio, the photo studio, the service department and a host of other Senate offices share my sentiments about Marie, and our loss. But, we wish Marie the very best in her new endeavor, and I certainly hope she will stop by and visit when back in Washington.

SECRET HELD ON THE 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. LEAHY. Mr. President, I am disappointed that one or more Republican Senators are holding up final passage of the 21st Century Department of Justice Appropriations Authorization Act, H.R. 2215.

This bipartisan bill is supported by the Bush Administration and cosponsored by Senator Hatch, the ranking Republican Member of the Judiciary Committee. It was unanimously approved by the Senate Judiciary Committee back on October 30.

This bill, with a bipartisan amendment authored by Senator Hatch and myself, has cleared the Democratic cloakroom for final passage but someone on the other side of the aisle has placed a secret hold on it. I would urge my Republican friends to permit the Senate to take up and pass this critical legislation.

The 21st Century Department of Justice Appropriations Authorization Act provides permanent enabling authorities which will allow the Department of Justice to efficiently carry out its mission.

At a time when the Department of Justice is conducting the most sweeping investigation into terrorist conspiracies in our Nation’s history, the Senate should pass this legislation.

Indeed, Title II of our bipartisan bill provides the Department of Justice with additional law enforcement tools in the war against terrorism. Section 201 permits the FBI to enter into cooperative projects with foreign countries to improve law enforcement or intelligence operations, and Section 210 provides special “danger pay” allowances for FBI agents in hazardous duty locations outside the United States.

In addition, the bill, as passed by the Committee, contains language offered by Senator Feinstein to authorize a number of new judgeships.
Title III of this bipartisan legislation authorizes eight new permanent judgeships as follows: five judgeships in the Southern District of California; two judgeships in the Western District of Texas; and one judgeship in the Western District of North Carolina. Section 312 would also allow for three temporary judgeships in Illinois into permanent judgeships, create one new temporary judgeship in the Western District of North Carolina, and extend the temporary judgeship in the Northern District of Illinois one year.

I strongly support Senator Feinstein's amendment, as do many of my colleagues on the Judiciary Committee on a bipartisan basis, including Senator DiWine, Senator Durbin, Senator Edwards, and others. I believe that the need for these new judgeships is acute.

Finally, the bill creates a separate Violence Against Women Office to combat domestic violence. This section of the bill was crafted by Senator Biden, Senator Specter—and other bipartisan partnership in this legislation. There is strong bipartisan support in the House and Senate to create a separate Violence Against Women Office within the Department of Justice. Senator Kennedy and I have also worked together to craft a bipartisan floor amendment which compiles a comprehensive authorization of expired and new Department of Justice grants programs and improvements to criminal laws and procedures.

For example, our bipartisan floor amendment authorizes Department of Justice grants to establish 4,000 Boys and Girls Clubs across the country before January 1, 2007. This bipartisan amendment authorizes Department of Justice grants for each of the next 5 years to establish 1,200 additional Boys and Girls Clubs across the Nation. In fact, this will bring the number of Boys and Girls Clubs to 4,000. That means they will serve approximately 6 million young people by January 1, 2007.

In 1997, I was very proud to join with Senator HATCH and others to pass bipartisan legislation to authorize grants by the Department of Justice to fund 2,500 Boys and Girls Clubs across the Nation. We increased the Department of Justice grant funding for the Boys and Girls Clubs from $20 million in 1998 to $60 million in 2001. That is one reason why we have now 2,591 Boys and Girls Clubs in all 50 States and 3.3 million children are being served. It is quite a success story.

But the authorization for these Department of Justice grants to Boys and Girls Clubs across the country has expired. This bipartisan legislation will renew and expand these grants.

Parents, educators, law enforcement officers, and others know we need safe havens where young people can learn and grow up free from the influence of the drugs and gangs and crime. That is why the Boys and Girls Clubs are so important to our Nation’s children.

Our bipartisan amendment also includes the Drug Abuse Education, Prevention, and Treatment Act of 2001. I am pleased that we have included in this package the version of S. 304 that the Judiciary Committee passed unanimously on November 29. This legislation ushers in a new, bipartisan approach to reduce drug abuse in the United States. It was introduced by Senator HATCH and I in February. Senator HATCH held an excellent hearing on the bill in March, the Judiciary Committee has approved it, and the full Senate should follow suit. Title III is a bill that is embraced by Democrats and Republicans alike, as well as law enforcement officers and drug treatment providers.

This legislation provides a comprehensive approach to reducing drug abuse in America. I hope that the innovative programs established by this legislation will assist all of our States in their efforts to address the drug problems that most affect our communities.

Our bipartisan amendment also includes provisions to protect witnesses who provide information on criminal activity to law enforcement officials by increasing maximum sentences and other improvements to the criminal code. And our bipartisan legislation contains amendments, authored by Senator SESSIONS, that modify the Paul Coverdell National Forensic Science Improvement Act to enhance participation by local crime labs and to allow for DNA backlog elimination. I was proud to co-sponsor the Coverdell grants bill last year and support it to help bring the necessary forensic technology to all states to improve their criminal justice systems.

The 21st Century Department of Justice Appropriations Authorization Act should result in more effective, as well as efficient, Department of Justice for the American people. But it must pass the House intact. I urge the Senate to pass the House-passed bill in a conference.

I urge my colleagues on the other side of the aisle to lift the secret hold on this bipartisan legislation to support the Department of Justice.

LOCAL LAW ENFORCEMENT ACT OF 2001
Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator Kennedy in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 14, 1993 in Macon, GA. Elizabeth Davidson, a 25-year-old lesbian, was fatally shot in a bar. The attacker, Delon N. Felton was charged with murder in connection with the crime. An accomplice, Shawn Hightower, 16, pleaded guilty to conspiracy to commit aggravated assault.

Felton and Hightowler allegedly were engaged in a plot to rob homosexuals at the time of the killing.

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

GUNS AND TERRORISTS
Mr. LEVIN. Mr. President, I am concerned about the Attorney General’s decision to deny law enforcement access to the National Instant Criminal Background Check System database. According to a December 6 story in The New York Times, following the events of September 11, FBI officials checked the NICS database for the names of 186 suspects being detained in connection with the terrorist attacks. The search turned up two matches of detained individuals approved to buy guns.

According to the Attorney General, existing law does not give the Attorney General the authority to approve law enforcement’s review of these records. But despite knowledge of this gap, the Attorney General did not request this authority in the comprehensive USA PATRIOT Act signed into law by the President on October 26. Since September 11, over 500 individuals have been detained, but law enforcement has not been able to audit the NICS database for gun purchases by detained individuals. I believe the Attorney General’s priorities are at odds with his own priorities. That is why I was pleased to cosponsor the Use NICS in Terrorist Investigations Act introduced by Senators Kennedy and Schumer. This bill would establish a 90-day period for law enforcement to retain NICS data. It would also give the FBI the authority they need to review the NICS database. I urge the Attorney General to endorse this legislation and give law enforcement the comprehensive tools they need.

VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001
Mr. DODD. Mr. President. I rise to comment on important legislation passed by the Senate last evening, H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001. This comprehensive product of negotiations between the House and the Senate to craft an agreement between the Senate- and House-passed bills aimed at improving a wide array of benefits affecting veterans and their families. Included in this legislation is funding for improving educational benefits under the Montgomery GI Bill, enhancing veterans’ compensation, and increasing home loan guarantees. This legislation also makes important improvements in education, and outreach programs to improve economic and educational opportunities for veterans who served our
country. And, this legislation expands the definition of service-connected disability to include symptoms associated with “Gulf War syndrome” thereby enabling those veterans suffering from Gulf War-related symptoms to receive the medical care and services they deserve. Our nation’s veterans have served our country with distinction and have sacrificed in the defense of our country. These veterans deserve benefits commensurate to their service to our country. In many ways, this legislation recognizes the sacrifices and commitment of our nation’s veterans, and rightfully rewards their service and valor.

I wanted to take some time to talk about a very important aspect of this legislation—Section 502—which is a provision pertaining to providing VA grave markers for deceased veterans. On December 7, 2001, the Senate unanimously passed S. 1088, the Veterans’ Benefits Restoration Act of 2001. This legislation included a provision which is based on legislation that I introduced this year and in the 106th Congress. It has the support of every major veterans group and a wide array of organizations including the Veterans of Foreign Wars of the United States, Disabled American Veterans, Paralyzed Veterans of America, the Air Force Sergeants Association, and the National Funeral Directors Association. It also has strong bipartisan support and endorsement from my同事 colleagues who cosponsored this legislation. The cosponsors include Senators Bingaman, Byrd, Conrad, Craig, DeWine, Dorgan, Feingold, Johnson, Kennedy, Kerry, Kohl, Leahy, Levin, Lieberman, Lincoln, Miller, Santorum, Sessions, Stabenow, Stevens, and Voinovich.

Section 402 of S. 1088 would authorize the Secretary of Veterans Affairs to furnish a grave marker for the grave of a deceased veteran upon application by the deceased veteran’s service to the Department of Veterans Affairs. It is based on legislation that I introduced in the Senate that would authorize the Secretary of the VA to furnish grave markers to deceased veterans, regardless of whether the grave is privately marked. And, since the House failed to adopt this provision in the FY 2001 Department of Defense Authorization bill, the House-passed version of the Department of Defense Authorization bill did not include a comparable VA grave marker provision, the Senate and House were stripped of this provision in conference committee. Last week, once again, the Senate passed a provision based on legislation that I introduced in the Senate that would authorize the Secretary of the VA to furnish grave markers to deceased veterans, regardless of whether the grave is privately marked. And, once again, the House failed to adopt this provision in the FY 2001 Department of Defense Authorization bill, and this important measure was lost in conference negotiations between the House and Senate to resolve this matter.

The legislation before us today allows grave markers for veterans who pass away after the date of enactment. This is good news for veterans today. However, I continue to be concerned about the more than 5 million veterans who passed away over the past decade and whose families have tried in vain to obtain an official commemoration from the VA. My legislation was retroactive and would have assisted all affected veterans families back to 1990—when the aforementioned change in federal law occurred. As part of the compromise agreement between the Senate and the House in the FY 2001 Department of Defense Authorization, this legislation would allow for the Secretary of Veterans Affairs to “implement this provision in a flexible manner in light of requests for grave markers pre-dating this provision.”

While this is not by any means a perfect agreement, it will allow deceased veterans’ families to obtain this official grave marker in the future.

I would like to take a moment to thank and recognize the tremendous leadership of Chairman Rockefeller and his talented staff, in particular, were extremely helpful in working with me to ensure that the service of our Nation’s veterans are suitably recognized. I would also like to commend Congresswoman Nancy Johnson and her efforts to reach a workable compromise with respect to this issue. Finally, I would like to commend and recognize the hard work and vigilance of the Guzzo family, particularly Tom Guzzo, in ensuring that Agostino Guzzo’s service to our Nation—and the military service of countless other veterans—can from now on be recognized by the U.S. Government with this final, modest gesture of respect from a grateful Nation.
about our security which too often has been arged at the margins.

The undergirding objective behind any American foreign policy should be to make Americans safer, to make our position in the world more secure, not less. The only objective measurement of foreign policy, and it is by that measurement that I want to offer any construction concerns about today’s announcement.

First, let me be clear: I support the development of an effective defense against ballistic missiles that it deployed with maximum transparency and consultation with U.S. allies and with other major powers, including Russia and China. I’ve voted as has the Senate, to support an approach which delivers that kind of security measure. In the end, it boils down to common sense: If there is a real potential of a rogue nation firing a few missiles at any city in the U.S., responsible leadership requires that we make our best, most effective effort to defend against that threat. The same is true of accidental launch. If it ever happened, no leader could ever explain not having chosen to defend against the disaster when doing so made sense.

The question we now ask today is what constitutes not just effective defense against the ballistic missile threat, but whether in its entirety we are pursuing a national security strategy which makes us as safe as we can be against the whole range of threats we face as a nation, and what should have been clear before September 11 and what is evident with frightening clarity today is that there are urgent and immediate vulnerabilities to our security which can and must be addressed, practically, pragmatically, today.

The President’s announcement today reflects, I fear, misplaced priorities—an unyielding obsession almost with a threat, which, in most instances, would suggest is of lesser likelihood, and an almost cavalier willingness to nickel and dime security priorities of the first order. I remain disappointed that the Bush Administration continues to focus so much on its attention on the issue of missile defense and a missile defense plan which will be enormously expensive while at the same time they cite expense as a reason why they will not today make the investment towards meeting our tremendous homeland security challenges.

Missile defense is important, but it is a response of last resort, when diplomacy and deterrence have failed. No missile defense system can be 100 percent effective, and so we would be remiss to discard entirely the logic of deterrence that has kept us safe for 40 years. Even in periods of intense animosity and tension, under the most unpredictable and isolated of regimes, political and military deterrence is a powerful, determining effect on a nation’s decision to use force. We saw it at work in the Gulf War, when Saddam Hussein was deterred from using his weapons of mass destruction by the sure promise of a devastating response from the United States. For 30 years, the ABM Treaty has helped to anchor nuclear deterrence, and I believe that the Administration needs to be clear about what it means for it. Yes, I would have preferred that the Bush administration continue to work with Russia to find a way to amend, rather than end, the ABM Treaty. It appears that Russia was willing to provide the Administration with great leeway in pursing its robust testing plan for missile defense, but the President was unwilling to accept any restrictions on his plans. Given their past statements, it comes as no surprise that the Administration does not seem to have offered much to Russia by way of a compromise or an attempt to amend and preserve the Treaty. What the Administration has done, and it is its prerogative to do so, is gamble successfully on the fact that the Russians cannot determine what we are doing. It is not to allow this issue to derail the improvements we have seen in the last 3 months in the U.S.-Russian relationship. President Putin has called this decision on the ABM Treaty a mistake and has expressed his regret that President Bush intends to go forward with this, but Putin and others in his administration have pledged that they will continue to work with us on reducing strategic nuclear arsenals and building a new Russian relationship with NATO. The relationship with the United States is much different, much more dangerous and destabilizing, and I believe it would have been, before the events of September 11 changed Russia’s perception of the threats it faces and the importance of cooperating with the United States. But I am gratified that the Russians remain partners in a global effort to increase security.

The situation with China is more murky. While the administration has briefed the Chinese leadership on its missile defense plans, I don’t believe enough time or diplomatic effort has been invested in convincing Beijing that this system is not directed at eroding China’s small nuclear deterrent. The Administration must do more to reach a common understanding with China that there is a real threat from isolated regimes bent on terrorism and accidental or unauthorized launches. If we fail to take this task seriously, the United States will jeopardize stability in the Pacific.

But, in my judgment, what is more striking about the President’s announcement today is the homeland security measures left unaddressed, and unfunded, in the Administration’s security wish list.

In his statements about missile defense over the last several months, President Bush has said over and over that this is only one part of a comprehensive national security strategy. I could not agree more, but I am deeply concerned that the President’s words are not matched by the deeds of his administration. Especially in the world after September 11, a comprehensive national security strategy must emphasize the things we need to do to keep the American people safe from terrorism. But just last week, the President defeated attempts by Democrats to add additional funding for homeland security as part of the Defense Department appropriations bills.

I am deeply concerned that, at a time when the Administration tells us that our financial resources for defense are highly limited, we must be more prudent about our spending priorities, we need a debate about choices for our national security agenda.

Let’s be clear about what every national security expert told us before September 11 and has amplified since. We need to fund our efforts to deliver airline and rail security, border security, the ability of our fire fighters, police and emergency workers to respond to terrorist attacks, the ability of our health care system to respond to the threat we face from bio-terrorism. And we are at war. We need to ensure that our fighting men and women have the tools and support they need to do this work successfully. Finding an effective defense against missile attacks is important, but these challenges are immediate, critical, and regrettably they are being left unmet today.

In his first and foremost with national missile defense does nothing to address what the Pentagon, even before September 11, considered a much more likely and immediate threat to the American homeland from terrorists and non-state actors, who might attack us with weapons of mass destruction. As we are learning more about Osama bin Laden’s attempts to possibly acquire nuclear weapons and develop chemical or biological weapons, it is clear that we should focus our efforts on meeting the WMD threat.

Our first defense against that threat is a robust international effort on non-proliferation. But the President’s FY 2002 budget actually cut U.S. funding for counter-proliferation programs to deal with the huge weapons stockpiles of the former Soviet Union. Our former colleague, Senator Howard Baker, was part of a study of these counter-proliferation programs released earlier this year. That study finds that the threat of proliferation from the weapons stockpiles of the former Soviet Union is very grave, and efforts to secure and destroy those weapons demand our immediate, robust support. The study recommended an increase of $30 million in funding for these programs, but supporters of these programs on both sides of the aisle have struggled mightily just to keep the funding from being slashed.

Consider also the homeland and security needs so clearly being given short shrift in an agenda dominated by national missile defense. Our security needs are enormous, for certainly the
last months have at least demonstrated where some of the vulnerabilities lie.

We must shore up not just the safety of our nuclear plants around the country, but plants and nuclear weapons facilities around the globe. From making nuclear facilities less vulnerable from the air, to investing in the trained personnel to ensure that cargo ships in American ports are not carrying dangerous or stolen nuclear materials meaningfully can be taken to protect Americans against a threat which was real before September 11 and looms larger today.

The Administration can't speak about preparing to deal with bioterrorism, and in the next breath ignore that medicine must be stockpiled, that nurses and medical professionals must be trained, and that mass investment in vaccines for diseases long believed to have been eradicated must be at a rapid pace.

We can't have firefighters, police and rescue workers who died in the World Trade Center if we aren't willing to invest in the technology and innovation that make these jobs safer. There is little solace for postal workers killed by Anthrax if the government is not committed to putting in place innovative ways to detect and combat future biological and chemical threats.

Making our Nation's rail system safe will come with a high price tag, but it's trivial compared to the devastation that could be wrought by a single terrorist attack on passenger rail. More than 300,000 people pass through the century-old rail tunnels under New York City each day, tunnels lacking both ventilation and sufficient emergency exits. It is time to shore up the security of our transportation infrastructure before they become targets, not when it is too late.

These are security needs of a nation at war and nation bent on returning to normalcy in the months and years ahead, and they must be addressed. I would say to you today, it's time we break out of a debate over whether we're going to have a missile defense system or rely entirely on deterrence, a fruitless debate, ideological shadow-boxing and end the days of arguing at the margins. We need a serious, thoughtful debate on the comprehensive steps required, in every issue of national security, to make our Nation as safe as it can be, and until we do that we are not offering the kind of leadership our citizens and our country demands of us. And that is a debate of the first order of urgency, a debate too important to delay.

Mr. HARKIN. Mr. President, I am deeply disappointed that the President has announced that the United States is withdrawing from the Anti-Ballistic Missile Treaty. The President is adamantly pursuing a unilateral approach at a time when we so clearly need international cooperation in the war against terrorism. We now know beyond dispute that we cannot simply withdraw within our border, with a magical shield to protect us. All our gold-plated weapons systems could not prevent the terrorist attack, and they can't hunt down every terrorist. Our national security depends on international intelligence, international law enforcement, international financial transactions, international aid, in short on our relations with other nations.

Yet for the first time since World War II we are allowed away from a major treaty, dismaying our friends and inciting those who could become our enemies. While Russian President Putin has given a measured response, I fear our intransigence could endanger cooperation not only on terrorism in Asia but also on further reductions in nuclear arms. And China, whose much smaller missile arsenal is most directly threatened by our missile defense plans, will almost certainly build more missiles, making the world less safe.

For our abandoning what we used to call the "cornerstone" of arms control is just the latest in a series of provocations. Last week we torpedoed negotiations on the Biological Weapons Convention, having earlier axed a verification protocol, at a time when we face a biological weapon attack. Wouldn't a little verification of foreign labs that use anthrax be useful right now? We abandoned negotiations on the Kyoto global warming accord, gutted the small arms treaty, and walked away from the United Nations Conference on Racism. We rejected the Comprehensive Test Ban Treaty and dismissed the convention on land mines. How can we expect full cooperation from other nations on terrorism, when we dismiss their concerns, refusing even to negotiate, on critical issues including biological weapons, nuclear arms control, and global warming?

Make no mistake, we have no technical means by which to design the ABM treaty at this time. Most experts agree that research and testing could continue for years without violating the present treaty. And the Russians have offered to amend the treaty if needed. Unfortunately, this administration refused to take yes for an answer. If we are to maintain international cooperation in defeating the terrorists, and also in protecting the global environment, ending child labor abuses and promoting human rights, and improving the global economy, we must ourselves show some regard for international norms and concerns. Friendship is not a one-way street. I hope we wake up to that fact before it is too late.

RESERVISTS PAY SECURITY ACT OF 2001

Ms. MIKULSKI. Mr. President, I take great pride in supporting Senator Durbin's legislation in the 2001 Reservists Pay Security Act of 2001. This legislation will ensure that the Federal employees who are in the military reserves and are called up for active duty in service to their country will get the same pay as they do in their civilian jobs.

According to the U.S. Office of Personnel Management, the federal government is by far the largest employer of America's military reservists. These reservists stand ready to serve our country with honor, during times of peace as well as war. They are the finest examples of dedication and service our nation has to offer.

Some federal employees who also serve as reservists are called to duty, they respond with pride, often facing significant pay cuts as they lose their normal civilian salaries. But the federal government does not supplement the lost pay of our reservists. This is a travesty.

Our Nation has always placed a high value on the spirit of public service. That's why so many private employers, big and small, are making significant changes to provide more generous military leave policies, even in the midst of a recession. If Safeway, IBM, and Verizon can provide for their employees during times like these, then our government must care for its own as well.

Family members of federally-employed reservists are already starting to feel the pinch of service. Amy Benne, of Centreville, MD, can't afford the payments that she and her husband, a lieutenant in the Army Reserve, must pay for their home. Their family income will drop by $50,000 per year. To respond to this, she was at first going to sell her car. Now, with an 8-month-old son to care for, she must move in with her parents until her husband returns. She'll keep the car, but even worse, she may be forced to sell their home.

Janice Riley, of St. Mary's County, will work two jobs now that her husband, Sgt. Rob Riley, has been sent to Texas for training. Until he returns, he is forced to ask his mother to help Janice out with the bills. Lynn Brinker, of Cockeysville, MD, can't afford to lose about $30,000 this year because her husband, Mark, was sent to Texas to join the rest of his 43rd Military Police Battalion. As a result, her neighbors are buying her meals, her babysitter and hairdresser are working for free, and she has taken a line of credit against her house because no one can take over the home improvement business Mark began 10 years ago.

Fifty-five thousand of our Nation's military reservists have been activated since the attacks of September 11th. This includes about 3,000 Maryland area reservists, most of them federal employees. Their families sit and wait at home, with no guarantee when their loved ones will return, and little means to pay for their college funds, mortgages, car loans, and holiday gifts.

This is simply wrong. I fail to see why these dedicated Americans should be forced to leave their families financially vulnerable at a time when they have so many other things to worry about.
This legislation is the same as the measure my colleague, Robert Wexler of Florida, introduced in the House of Representatives this spring. But this is not the first time I’ve fought for the rights of our nation’s reservists, or our nation’s federal employees. In 1991, when the Persian Gulf War broke out, these reservists answered the call to fight for our country in the Persian Gulf, I sponsored similar legislation. During the Gulf War, Senator DURBIN, the other sponsor of this bill, who was then serving in House, introduced the exact same legislation.

Before and since then, I have been a part of many other efforts to make sure that those who work on behalf our country, both here and abroad, are not penalized simply for their service to our country. This legislation will help relieve the financial hardship being felt by so many of our dedicated citizens. It will allow those who stand ready to serve our country not to have to worry about how they are going to pay their bills at home while they fight to protect the way of life so many Americans enjoy.

We all hope that federally-employed military reservists achieve success in their military duty, and return safely to their lives at home. But our troops abroad should not compromise the living standards of them or their families, and our efforts to relieve their plight cannot wait.

I strongly urge my colleagues to join me in this action for our active duty citizens, the federal employees who serve our nation in peace and, as reservists, in war, by supporting this very important legislation.

**HOLD TO S. 1805**

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have lodged an objection to the Senate proceeding to S. 1805 or to any other legislation or amendment that converts temporary judgeships to permanent judgeships.

When there is a temporary judgeship on a court, when the temporary judgeship expires, the next permanent vacancy that occurs will not be filled and will be deemed not to be a vacancy, so that the total number of permanent judgeships allowed by law stays the same. On the other hand, the net effect of converting a temporary judgeship into a permanent judgeship is the creation of a new permanent judgeship for that court. The creation of new judgeships should not be taken lightly.

As you know, I firmly believe that the Federal judiciary should not be expanded prior to comprehensive congressional oversight. Congress has not held a single hearing in this Congress on whether additional judges are necessary for the Federal courts, and specifically has not evaluated whether there is a need to convert the temporary judgeships contained in S. 1805 into permanent judgeships. Arguments that the Judicial Conference has recommended these changes should be scrutinized with care, the formula that the Judicial Conference utilizes to create judgeships is flawed and can be substantially manipulated. There needs to be serious congressional oversight of the numbers, which is our responsibility. We simply require that the courts employ all appropriate methods to take care of their caseloads and to make sure that they are utilizing all efficiencies and techniques. Moreover, we should be looking at filling appropriate existing judicial vacancies before we create new judgeships.

**VA COMMENDED FOR PATIENT SAFETY INITIATIVE**

Mr. ROCKEFELLER. Mr. President, today I am proud to highlight the recognition given to the Department of Veterans Affairs for the high level of attention this agency has paid to patient safety in recent years.

The Institute for Government Innovation at Harvard University has announced that VA’s National Center for Patient Safety (NCPS) will be one of five winners of the annual Innovations in American Government awards. An article in yesterday’s Washington Post brings this achievement to national attention and details why VA’s Center was the only federal recipient of the award.

It’s apparent that the NCPS has cultivated a culture within VA that promotes communication and therefore enables health care staff to feel more comfortable about reporting medical errors or even concerns that they have about patient safety. VA launched this initiative in 1998, and it received a major push in 1999 when the Institute of Medicine released a report estimating that 44,000 to 98,000 Americans die each year due to medical mistakes.

This award demonstrates how VA has pioneered the establishment of the type of culture which must exist. According to health care providers in the private sector, health care providers have started to model their patient safety models around that of the NCPS. This was a driving force behind the Institute for Government Innovation’s decision to recognize VA’s efforts by giving them this honor.

For a long time now, I have pushed VA to pay closer attention to patient safety, as it has been an issue of concern in the past. This is why I am glad to finally see VA on the cutting edge of patient safety, and being acknowledged for it. Our veterans deserve nothing less than highest standards of health care.

I ask unanimous consent that an article from The Washington Post, detailing VA’s patient safety program and the award, be printed in the Record.

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

[From the Washington Post, Dec. 13, 2001]

**VA MEDICAL SYSTEM TO GET HARVARD INNOVATION AWARD REPORTING, HANDLING OF HEALTH CARE ERRORS TO BE CITIED**

(By Barry Levenson)

The Department of Veterans Affairs health care system, long derided as a bloated bureaucratic mess, will be singled out for praise today for its efforts to improve the reporting of medical errors and close calls reported by health care workers and handled by hospital administrators.

Veterans Affairs has been selected to receive the National Center for Patient Safety (NCPS) will be the only federal program among five winners of the annual Innovations in American Government awards from the Institute for Government Innovation at Harvard University. The awards are to be announced today.

Gail Christopher, executive director of the Institute, said the NCPS is helping foster a “healthier culture of communication” in which health care workers at VA’s 173 medical centers are far more likely to report mistakes or close calls than in years past.

“It’s sort of a breath of fresh air for workers who are used to being in an adversarial relationship with their patients, therapists, or our doctors,” she said. “It meets a basic set of human needs, to strive for excellence while at the same time acknowledging the potential for human error. Health care is really its own worst enemy, and the biggest hurdle is getting people to talk about errors.

VA officials say the program, begun in 1998, produced a 30-fold increase in the number of incident reports in just 16 months and a 900-fold increase in the number of reported close calls over the same period. These numbers reflect not an increase in mistakes, they say, but rather a big jump in the willingness of doctors, nurses and other workers to report problems.

The agency began to focus on the issue after a 1999 report by the Institute of Medicine estimated that 44,000 to 98,000 Americans die each year as a result of medical errors.

For Secretary Anthony J. Principi said NCPS has created a centralized mistake-reporting system that helps staff analyze and address repeat problems while also establishing a new culture in which the emphasis is on addressing the root causes of errors rather than punishing those who make them. “We look at entire systems instead of just, say, a nurse who [makes a mistake] because she is pressed for time,” Principi said in an interview yesterday. He noted, however, that VA will still punish anyone intentionally and criminally harming a patient.

In addition to the improved, confidential mistake-reporting system, NCPS has set up a voluntary external system, modeled after a NASA program, that allows any individual to report medical mistakes or close calls anonymously.

NCPS Director James P. Bagian said the anonymous system serves as a safety valve to make sure serious problems that VA health workers might feel uncomfortable reporting, even confidentially, do not slip unnoticed.

Bagian cited a flawed pacemaker and a potentially deadly ventilator as examples of problems the NCPS regime has helped identify and correct. But he said the biggest success has been the change in culture. VA hospitals, he said, will be identified publicly and punished only if they deliberately cause harm to a patient, according to Bagian. If a worker simply makes a mistake, the report is confidential and a team will assess the cause, addressing the cause of the error rather than the individual responsible.

“We no longer focus on whose fault it is,” Bagian said, noting that the handbook explaining the new approach is written in plain
English, rather than in the legalese of the past. “Instead we ask: What happened? How did it happen? And what can we do to prevent it in the future?”

The appropriation bill has a $100,000 grant help VA further the program and let others know about it. Harvard’s Dr. Farr said VA earned the award in part because so many private companies and already seeking to emulate NCPS.

“Clearly, the program this problem addresses is of monumental significance,” she said, “and work has spread rapidly within the health care community.”

DEFENSE APPROPRIATIONS

Mr. HARKIN. Mr. President, I would like to highlight two provisions in the Defense appropriations bill we passed last Friday night that are of great importance to Iowans. I have spoken here before of the continued health and environmental legacy of the nuclear weapons work at the Iowa Army Ammunition Plant, of conventional munitions work at the same plant, and of the secrecy issues that make it difficult to help the workers there. In the last couple years the Department of Energy has made real, if slow, progress in addressing these issues.

Two provisions in this year’s Defense appropriations bill promise similar progress in addressing concerns of workers on the Army side of the plant.

Last year an amendment I offered to the Defense authorization bill required the Pentagon to review its secrecy policies to ensure that they do not harm workers at defense nuclear facilities, to notify workers who may have been harmed by radioactive or toxic exposures at these plants of these exposures and of how they can discuss them with health care providers and other officials, and to report back to Congress. But six months after the bill passed the Secretary had not even designated an official to carry out the provision. There still has been no notification and no report to Congress.

My amendment to the Defense appropriations bill this year clarifies that the appropriations bill this year clarifies that the appropriations bill this year clarifies that the appropriations bill this year clarifies that

Another provision in the bill provides $1 million for a health study for workers on the Army side of the plant. The University of Iowa is in the second year of study funded by the Department of Energy to examine health effects of exposures on workers at the nuclear weapons facility. The new funds will begin a similar look at the health of workers on the Army side of the plant, who were exposed to many of the same radioactive and toxic substances. The work is to be done in conjunction with the Department of Energy study. I believe that these two provisions will help the workers on the Army side of the plant to address the same questions that workers at the nuclear facility in Iowa and around the country have faced: what dangers have they encountered while serving our country, have they been harmed, and how can they get help?

I would like to thank the managers of the bill for their assistance in including these provisions, in passing another amendment I offered on the Iowa National Guard’s CIVIC project, and in addressing other concerns of the people of Iowa in this bill.

FORMER VICE PRESIDENT WALTER F. MONDALE’S REMARKS AT WESTMINSTER PRESBYTERIAN CHURCH

Mr. DAYTON. Former Vice President Walter F. Mondale, one of Minnesota’s greatest Senators and statesmen, recently spoke in Minneapolis at Westminster Presbyterian Church, of which I am a member. I found his insights into our country’s present situation and our current deliberations to be most valuable. I ask unanimous consent to print the former Vice President’s speech in the RECORD for the benefit of all my colleagues.

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

WESTMINSTER PRESBYTERIAN CHURCH FORUM SPEECH BY WALTER MONDALE

Thanks, Pastor Hart-Anderson for that kind introduction and thanks for your gifted leadership of this wonderful congregation, Joan and I are glad to be members of Westminster.

I love this magnificent and historic sanctuary. Westminster was organized in 1887—94 years ago—when Westminster congregants first gathered here.

Some of the men who came to worship here in those early days will have been veterans of the Civil War; some may have fought at Gettysburg. Seventeen years after that first service, the first boat passed through the Panama Canal and World War I broke out in Europe. And can you imagine how parishioners must have felt as the first service, the first boat passed through the new Panama Canal and World War I broke out in Europe.

Olympics by tapping all our talent, we will fail, Ambrose said.

It all came together for more at the 1984 Los Angeles Olympics. Civil rights laws had knocked down the barriers to black and Hispanic participation in sports. And we had recently passed title nine, over huge objections, which required schools receiving public money to provide equal athletic opportunities for young women.

When I watched American athletes of all colors, men and women, winning one gold medal after another and every country in the world. I saw our Nation’s long march toward openness and justice being justified right before our eyes. America was the best because we had tapped all of our talent.

I was a part of the civil rights struggle and served in the Senate when many of the key civil rights laws were passed. I worked under a president who was the first southerner elected to the office in 120 years . . . elected, in part, because a southerner could finally champion civil rights and bring our Nation closer together.

The wonderful American historian, Stephen Ambrose, spoke in Minneapolis the other day about the long-term prospects for America versus Bin Laden and his fellow extremists.

America has a great advantage, Ambrose said. In today’s world the trained mind is the most valuable of all assets. In America, we tap all of our talent, while the Taliban and other fanatics杜绝 to shut off—by closing the door to women, by requiring you men to spend all of their time repressing extremist doctrines by rote, and by suppressing science and debate.

By wasting their good minds, they will fail, Ambrose said. Just as we saw America prevail at the ’84 Olympics by tapping our talent, we will see our openness and freedom give us the edge in this newer, grimmer challenge.

Roger Cohen, a senior New York Times European correspondent, recently wrote that “Hitler promised the 1,000 year Reich; Com-
HONORING ROBERT STILLER AND GREEN MOUNTAIN COFFEE ROASTERS

- Mr. LEAHY. Mr. President, I rise today to congratulate Robert Stiller, Founder and Chief of Green Mountain Coffee Roasters, who has been awarded the "Entrepreneur of the Year Award" by Forbes Magazine.

Before establishing success on the national level, Bob owned several retail coffee stores in Vermont and Maine. Unable to afford advertising, he gave away free samples at wine and food festivals and to organizations like the Cub Scouts and Ronald McDonald House. Always in search of new customers, Bob began selling his coffee to high-end restaurants and to gas stations with a goal of serving the same high-quality of coffee at both. That strategy and innovation contributed to his company's success.

Stiller's success stems from his willingness to take risks within the business world and his knowledge of modern technological advantages. By investing in innovative packaging tools that extended the shelf-life of their coffee, Green Mountain Coffee Roasters has made significant breakthroughs in modern brewing. They pioneered efforts to do what few coffee vendors have been able to master: keeping conventional coffee fresh.

Green Mountain Coffee Roasters ranks 16th on the "Forbes 200 Best Small Companies" list, and sales have continued to grow an average of 24 percent over the last five years. New roasters they recently purchased will allow them to package and sell over 40 million pounds of coffee a year, available at convenience stores, gas stations, supermarkets, offices, and restaurants nationwide. And their stock has more than doubled in the past 12 months, outperforming those of both Starbucks and a locker rival, Peet's Coffee & Tea.

Again, I congratulate Bob Stiller and all his employees at Green Mountain Coffee Roasters for receipt of the Forbes award. I ask that the Forbes Magazine article, "Entrepreneur Of The Year: Java Man," and a Rutland Daily Herald article, "Coffee Company, Founder Grab The Spotlight," be made a part of the RECORD.

The material follows:

[From Forbes Magazine, Oct. 29, 2001]

ENTREPRENEUR OF THE YEAR: JAVA MAN

(By Luiza Krol)

Bob Stiller's long-shot bets have turned Green Mountain Coffee Roasters into one of the smallest coffee companies in America. Don't let his look of blissful relaxation fool you. Robert Stiller's head is constantly boiling with new ideas, many of them at odds with those of his competitors. Some of the ideas lose money. Every now and then one makes a bundle.

Stiller's first big hit was selling rolling paper packs. He was inspired by "Friends" of Columbia University in the early 1970s. His brand, E-Z Wider (a little jab at the cult film), had double the width of competing brands. The paper wouldn't feed into the machine properly, causing tearing. It was scientifically processed; Stiller discovered that storing a large amount of paper for three weeks in a humidified room prevented the raw material from ripping. "People expected to see potholes, but we were more efficient at paper conversion," he remembers. E-Z stoked its sales to $11 million before Stiller and a partner sold out in 1980, each pocketing $3 million.

Twenty years later he still has a knack for experimentation—in the humble business of selling coffee beans. Founder and chief executive of Green Mountain Coffee Roasters (nasdaq: GMCR—people), 58-year-old Stiller is constantly trying out new technologies, backing other entrepreneurs with untested ideas and taking risks with suppliers that, on the face of it, appear slightly crazy. "Bob has that sense of not what is, but what could be," says Nick G. Lazaris, Stiller's former executive of Green Mountain.

Green Mountain has put down deep roots near its headquarters in bucolic Waterbury, Vt. Of every 10 pounds of beans that are sold in Maine, New Hampshire and Vermont. But this is a national company, deriving 95% of its revenue from 6,700 wholesale customers, Bob's starting point, that still have to pay salaries with credit cards. "Thirty years ago, Nick G. Lazaris,—

Lesson: Don't forsake marketing, if you can't afford it, try giving away your product. A born tinkerer, Stiller spent weekends and holidays during his youth toiling at Sugarbush, Vt. wondering what to do next. For Stiller, an N.Y. company that made one of the first tubular heating coils for electric stoves. While still in high school, Stiller designed one machine that handled milling, cleaning and threading of a heating element. College was a chore; he couldn't maintain a C average—or what the college called a "proper attitude"—to remain at Syracuse. He remedied the situation by earning a degree in business from Parsons College in Fairfield, Iowa, in 1967. He landed at Columbia as a data-processing manager.

After cashing out of the rolling paper business, Stiller found himself at his ski condo in Sugarbush, Vt. wondering what to do next. One night, as he enjoyed a rare cup of coffee at a restaurant, he woke up and smelled the opportunity. A couple of days later he visited the small roaster in Waitsfield, Vt., where the restaurant bought its beans. For the next few months he roasted his own beans, using a hot-air popcorn popper at one point, a cookie sheet at another, brewing beans of coffee for doubled up buying the Waitsfield store with a partner and giving the store owner an equal one-third stake in Green Mountain. Within two years he became the owner, buying out both partners for $100,000.

The business seemed doomed from the start. Holed up in an office over a movie theater, Stiller lent the company $1 million, but still had to pay salaries with credit cards. His $30,000 line of credit was snatched from him after he went to the bank in search of more money. What loan officer dared believe in this venture? This was
a decade before Starbucks reached the East Coast, and a cup of joe was just something to wash down the morning eggs and toast. Stiller added retail stores in Vermont and Maine to roasting only beans, grown at higher altitudes and pricer than the robusta variety. Unable to afford advertising, he gave away samples at wine and food festivals and opened a single outlet in the Cub Scouts and Ronald McDonald House. The red ink flowed, $1.4 million cumulatively from 1981 to 1985.

Always on the prowl for new customers, Stiller began selling to high-end restaurants and specialty stores. He bought a personal computer and hired a programmer to write software that would track inventory, accounts-receivable and payments. Ever since, he has invested heavily in technology, becoming one of the first customers of Praxis, which developed a program to monitor and adjust heat levels in the roasters appropriate to each bag of beans. “Some say there is an art to great coffee,” says Stiller. “I don’t care how artistic you are, there are too many factors in play. You need the technology.”

Which is why the fellow with the tube- bending machine and the rolling-paper press has $ million worth of software from PeopleSoft to track distribution, manufacturing, sales and personnel. At the time, the industry leader was Procter & Gamble. But the year Green Mountain had only $33 million in sales and was PeopleSoft’s smallest customer for the product. “Green Mountain,” says Michæl Frandsen, PeopleSoft’s general manager of supply-chain management, “is one of the most aggressive small companies I’ve come across.”

As when Stiller ignored the grumbling of some board members over selling his premium coffee to grungy gas stations. He thought it was a good way to spread the brand, to make sure the machine at ExxonMobil was prepared as carefully as it was at New York’s Harvard Club. So along with its beans, Green Mountain bundled services and tools, including coffee machines, cups, banners and training. Stiller created one- and two-day courses for customers with instruction about coffee farming, grinding and filtering. Now ExxonMobil is its biggest customer, representing 17% of sales last year. Last November Green Mountain signed a five-year agreement, beating out 1,200 suppliers. All 1,100 ExxonMobil company-owned stores and 500 franchise locations.

Another long-shot bet: backing three unknowns, which will boost capacity from 15 million pounds a year and is it all processed in Waterbury?

Less: Don’t be afraid to increase capacity for a level of business that doesn’t yet exist.

Vermont being Vermont, it goes without saying that Green Mountain strives for a dogooder image, giving away 5% of pretax profits to “socially responsible” causes. “I’m not doing it for tax reasons,” he confesses. “What we’re doing makes the most business sense.”

Example: providing startup funding for 100 small-scale farmers in a coopera- tive in Sumatra, Indonesia. Since then, production has increased almost six-fold—18% of its arabica going to Green Mountain. Stiller agreed to pay $20 per pound for “fair trade” coffee, which pays farmers what they need to break even and can earn a small profit. All this draws customers like Columbia University and national accounts. Stiller has gradually backed away from the day-to-day business, acting more as teacher than taskmaster. He mediates 45 minutes every day and, despite the occasional pair of rolling eyes, nudges his staff to study “appreciative inquiry,” a management technique developed at Case Western Reserve University that encourages people to learn from their successes—what produced a great batch of roasted beans, for instance, or the last deal that closed—instead of their mistakes.

Is this still a growth company? Probably not the one it used to be. The Delta Shuttle will be buying less, and Starbucks, with help from Nestlé through its coffee-for-profit store channel. Stiller predicts sales growth will be 15% to 20% next year, below its five-year average. But he’s still a risk-taker. He is spending $2 million for a couple of roasters, which will boost capacity from 15 million pounds to 40 million pounds a year. It will be a long time before demand catches up. But Stiller is sure that day will come.

Stiller: Actually, a friend had started a small shop at the end of a county road that had come up from Connecticut. Their brother had been in the coffee business and they opened a small shop here in Vermont. I got to know them and I wanted to expand that concept. I really wasn’t much of a coffee drinker at the time. When I had great coffee, it was like this is terrific and we wanted to carry that concept further.

Q: What kind of competition do you face?

A: There are obviously a lot of coffee outs and there’s a premium brand.

Stiller: We provide a better product that people are willing to pay more for. Sometimes they’ll use less of our coffee than the conventional coffee for satisfying a cup of coffee. There are ways to get around the economics of it. People will also find it a premium that exists. Earlier than our competitors—fair-trade grades and better extraction in the brewing process. We compete by offering better solutions to customers, like a supermarket, to sell the product. We merchandise the coffee better. We work with the staff to educate them and support the product. A lot of the commercial companies don’t want to do that. They just put it on the shelf and have it sell. We differentiate ourselves by offering the higher levels of service that in turn provide a value to the consumer.

Q: Where do you buy most of your coffee beans?

A: Central and South America. Also Mexico. We have other coffees that come from Africa and Indonesia.

Q: What makes the quality of your coffee beans?

A: It would be the taste profile of that particular coffee being representative of the area that it comes from. You want the taste of Vermont because it’s indigenous to the state. Where did you come from and are you always felt there isn’t great coffee out there. When people get used to drinking great coffee, they just don’t go back to the commercial grades. So, I knew I wanted to work. I really didn’t envision the awards. I really didn’t feel we would be as strong as we were with the social type of issues like the organic and the fair trade coffee.

Q: When you think of Vermont you think of maple syrup. Coffee, on the other hand, is clearly indigenous to the state. Where did you come from because I always felt there isn’t great coffee out there. When people get used to drinking great coffee, they just don’t go back to the commercial grades. So, I knew I wanted to work. I really didn’t envision the awards. I really didn’t feel we would be as strong as we were with the social type of issues like the organic and the fair trade coffee.
Q: How were you able to land these large contracts like the Exxon Mobil convenience stores, Amtrak and Delta airlines?

Stiller: Exxon Mobil came to us over 10 years ago and we convinced them that the right way to go is to look at everything from the coffee sales of the store about five times. So we got the rest of that chain, which led to recognition in the area and we just kept getting more convenience stores.

Q: Your company has also come up with some technological innovations.

Stiller: With that almost guarantees more of a de-

Q: The economy is either in a recession or the anxiety about a life and death situation for these people can truly make a difference.

Stiller: I think it's been a great experience.

Q: You've been doing business in Vermont since 1981. Has the state been a difficult place for your company to do business?

Stiller: I think it's been very important to us. I think it's been very motivational to people in the company knowing that they are achieving a greater good in the world through doing something. We've had sustainable coffees for quite a while. And that led the industry in organic and fair trade coffee. We've also encouraged our customers like Exxon Mobil. It was the first convenience store on a national level to have an organic coffee as their coffee of the month. This year we've done a fair trade coffee.

Q: What do you mean by a fair trade coffee?

Stiller: A fair trade coffee is certified that the farm that it comes from is a co-op. It's owned by the people who grow the coffee. They get a minimum wage. So that they can live off of it. That's a major factor right now in that coffee is the second largest commodity behind oil. But unlike oil, coffee is a product of the people. There are 25 million farmers involved in farming and developing coffee. And about 75 percent of them are small farms. So if a farmer can't earn a living and support a family with coffee, what do they do? They turn to the government for support or they can turn to other illegal crops. We're talking about a life and death situation for these people. The break-even point for coffee is about 85 or 90 cents (a pound). It doesn't pay for them to produce good coffee. Coffee prices are not reflective right now. So a lot of the work that goes into good coffee is not happening. Sometimes they will pick coffee four or five times during the harvest season. Now, they're picking it once because they can't afford the pickers. This whole fair trade initiative was really developed to guarantee economic stability for the farmers and with sustainable agriculture for a climate change in a lot of these Third World countries because it provides that economic sta-

Q: Has NAFTA, the North American Free Trade Agreement, had any effect on your business?

Stiller: It doesn't really come into play. I think it's more for manufactured goods as opposed to agriculture.
SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DASCHEL (for himself and Mr. LOTT):
S. Res. 192. A resolution to authorize repatriation of a substitute: (1) Treaty Interpretation.—The Senate advises and consents to the ratification of the Treaty Between the United States of America and the Russian Federation on Mutual Legal Assistance in Criminal Matters, signed at Washington on June 17, 1999 (Treaty Doc. 106 22; in this resolution referred to as the “Treaty”), subject to the conditions in section 2.

SEC. 2. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Treaty Interpretation.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the Parties Pertaining to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted by the Senate on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) Limitation on Assistance.—Pursuant to the rights of the United States under the Treaty to deny legal assistance under the Treaty that would prejudice the essential public policy or interests of the United States, the United States shall deny any request for such assistance if the Central Authority of the United States (as designated in Article 3(2) of the Treaty), after consultation with all appropriate intelligence, anticancer, and foreign policy agencies, has specific information that a senior Government official of the requesting party who will have access to information to be provided as part of such assistance is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

ADDITIONAL COSPONSORS

S. 718

At the request of Mr. MILLER, his name was added as a co-sponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 990

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a co-sponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1008

At the request of Mr. BYRD, the names of the Senator from Illinois (Mr. DUBBIN) and the Senator from Massachusetts (Mr. KERRY) were added as co-sponsors of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would not prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1054

At the request of Mr. MILLER, his name was added as a co-sponsor of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1098

At the request of Mr. MILLER, his name was added as a co-sponsor of S. 1098, a bill to amend the Federal Employment Eligibility Verification Act to improve the treatment of certain animals, and for other purposes.

S. 1306

At the request of Mr. MILLER, his name was added as a co-sponsor of S. 1306, a bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes.

S. 1478

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a co-sponsor of S. 1478, a bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes.
1489, a bill to provide for the sharing of information between Federal departments, agencies, and other entities with respect to aliens seeking admission to the United States, and for other purposes.

S. 1490
At the request of Mr. MILLER, his name was added as a cosponsor of S. 1490, a bill to establish terrorist look-out committees in each United States Embassy.

S. 1491
At the request of Mr. MILLER, his name was added as a cosponsor of S. 1491, a bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien.

S. 1572
At the request of Mr. MILLER, his name was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1614
At the request of Mr. MILLER, his name was added as a cosponsor of S. 1614, a bill to provide for the preservation and restoration of historic buildings at historically women’s public colleges or universities.

S. 1646
At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1646, a bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1707
At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. MILLER), the Senator from New York (Ms. CLINTON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1738
At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1767
At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veteran’s Affairs, and for other purposes.

S. 1786
At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1786, a bill to give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes.

S. Con. Res. 70
At the request of Mr. MILLER, his name was added as a cosponsor of S. Con. Res. 70, a concurrent resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

S. Con. Res. 79
At the request of Mr. MILLER, his name was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress in support of the “National Wash America Campaign”.

S. Res. 171
At the request of Mr. MILLER, his name was added as a cosponsor of S. Res. 171, a resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

AMENDMENT NO. 2546
At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2546.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, and Mrs. BOXER):
S. 1429. A bill to provide for transition employment eligibility for qualified lawful permanent resident alien airport security screeners until their naturalization process is completed, and to expedite that process; to the Committee on the Judiciary.

Mrs. FEINSTEIN, Mr. President, I rise today to introduce the Airport Security Personnel Protection Act. This legislation would expedite the naturalization process and authorize transition employment for the many security screeners who are in danger of losing their jobs as a result of a provision in the recently enacted Aviation Transaction Security Act.

In providing this assistance to these worthy individuals, the bill also will provide relief for the airports in which they work and the many customers whom they serve.

On November 19, 2001, President Bush signed the Aviation Transaction Security Act, P.L. 107-71, into law. The overwhelming bipartisan support in both chambers. Among its many essential provisions was one, found in section 111(a) of the bill, that requires all airport security screeners to be United States citizens.

Some expressed disagreement with the citizenship requirement while the bill was pending but voted for the bill, nonetheless, because of the many positive and essential parts of the bill contained. Others supported the citizenship requirement as a necessary step to ensure the safety of our aviation system.

Regardless of how Senators and House Members feel about the merits of the provision, we cannot help but be touched by one of its unfortunate consequences. Because of the contentious manner in which differing provisions in the House and Senate bills were resolved, we were unable to provide adequate transition provisions for the many well-qualified, hard-working, loyal, and deserving lawful permanent residents who are on the verge of attaining U.S. citizenship but who will not be able to complete that process before they lose their jobs.

My legislation would resolve their situation in two ways: First, it would require the Attorney General to expedite the naturalization process for those applicants who were employed as airport security screeners at the time of enactment of the Aviation Transportation Security Act.

Second, it would carve out a transition period during which qualified lawful permanent residents could continue their employment as security screeners while their naturalization applications are being adjudicated.

The “Airport Security Personnel Protection Act” would provide for a smoother transition for qualified lawful permanent resident airport security screeners who are on the verge of completing the naturalization process. In so doing, it would also preserve both the integrity of the naturalization process and the strong requirements for security screeners that are contained in the Aviation Transportation Security Act.

Section 4(c) of the legislation specifically precludes the weakening of standards for naturalization for these screeners. It makes it clear that the legislation merely requires the Attorney General to expedite the processing of the naturalization applications of qualified airport security screeners.

Under current law, these standards include such requirements as five years of lawful permanent residence for most of those naturalizing, a demonstration of good moral character, an understanding of the English language, and an understanding of the history, principles, and form of government of the United States.

The legislation also makes it clear that the Standards for continuing in employment during this transition period are to be the same, strong standards that are included in the recently enacted Aviation Transportation Security Act.

Under this bill, in order to continue in employment during the transition
period, an affected security screener would have to: be a lawful permanent resident alien; have been employed as a security screener on the date of enactment of the Act; meet the employment eligibility requirements under the Airport Security Act; and have undergone and successfully completed an employment investigation (including a criminal history record check); have had a naturalization application pending on the date of enactment of the Act or, in the alternative, have to be within one year of being eligible to file an application for naturalization; and be approved by the U.S. Department of Transportation for hiring or continued employment.

Just as importantly, in order to remain employed during this transition period, an alien would have to meet the new, enhanced requirements of security screeners that were enacted as part of the Aviation Security Act of 2007. These new, enhanced requirements provide that the alien would have to: have a satisfactory or better score on a Federal security screening personnel selection examination; demonstrate daily a fitness for duty without any impairment due to legal drugs, alcohol, sleep deprivation, medication, or alcohol; undergo an employment investigation, including a criminal history record check; not present a threat to national security; possess a high school diploma, a general equivalency certificate, or its equivalent experience that the Under Secretary has determined to be sufficient for the individual to perform the duties of the position; possess the ability to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing; be able to read, speak, and write English well enough to carry out written and oral instructions, questions and answers, and other respective standardized training required by the security program; among other requirements.

This simple but important bill would help the many deserving lawful permanent residents who are well qualified, have been performing their jobs admirably, and whose lives are in danger of being disrupted—this bill would help the traveling public.

It is estimated that at least 25 percent of the current 28,000 airport security screeners in the Nation’s 419 commercial airports are noncitizens. I have heard from the mayor and airport director of the San Francisco International Airport. They came to me out of concern that, as a result of the new citizenship requirements under the Aviation and Transportation Security Act, the airport stands to lose 70 to 80 percent of its screening personnel. In Los Angeles, about 40 percent of the baggage screeners are noncitizens.

Certainly, many of those noncitizens would be eligible to meet the stringent requirements of this legislation. But to the extent that those who are well-qualified are permitted to continue their employment while their naturalization applications are being adjudicated, it is time to allow them to work at the many airports in which they are employed.

I urge my colleagues to move expeditiously to enact this bill into law. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Airport Security Personnel Protection Act”.

SEC. 2. DEFINITIONS. In this Act:

(1) AIRPORT SECURITY SCREENER.—The term “airport security screener” means an individual who is employed to perform security screening services at an airport in the United States.

(2) LAWFUL PERMANENT RESIDENT ALIEN.—The term “laborable permanent resident alien” means an alien lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

(3) QUALIFIED LAWFUL PERMANENT RESIDENT ALIEN DEFINED.—The term “qualified lawful permanent resident alien” means an alien lawfully admitted as a lawful permanent resident alien, as required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)), that is in the United States, is not a habitual drunkard or criminal, is not a security risk, and has a satisfactory or better score on a Federal security personnel selection examination conducted by the Under Secretary of Transportation for Security under section 44935(f) of title 49, United States Code.

SEC. 3. TRANSITIONAL EMPLOYMENT ELIGIBILITY FOR QUALIFIED LAWFUL PERMANENT RESIDENT AIRPORT SECURITY SCREENERS.

(a) IN GENERAL.—Section 111 of the Aviation and Transportation Security Act (Public Law 107-71) is amended by adding at the end the following:

“(e) SPECIAL TRANSITION RULE FOR QUALIFIED LAWFUL PERMANENT RESIDENT ALIENS.—

“(1) IN GENERAL.—Notwithstanding any rule or regulation promulgated to implement the citizenship requirement in section 44935(e)(2)(A) of title 49, United States Code, as amended by subsection (a), or any other provision of law prohibiting the employment of aliens by the Federal Government, an alien who was employed for hiring or continued employment as an airport security screener until the naturalization process for such alien is completed, is a certification under this paragraph (1) to the Under Secretary of Transportation for Security with respect to the alien; and

“(B) the Under Secretary of Transportation for Security makes the certification described in paragraph (3) to the Attorney General with respect to such alien.

“(2) CERTIFICATION BY ATTORNEY GENERAL.—A certification under this paragraph is a certification by the Attorney General, upon the request of the Under Secretary of Transportation for Security, with respect to an alien described in paragraph (1) that—

“(A) the alien is a lawful permanent resident alien (as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

“(B) such application for naturalization has been approved, but that the alien is awaiting the holding of a ceremony for the administration of the oath of allegiance to such alien as required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

“(ii) not more than 180 days after the date of enactment of the Act is pending before the Immigration and Naturalization Service but has not been finally adjudicated; or

“(III) the alien—

“(i) satisfies, or will satisfy within one year of the date of certification if the alien remains in the United States, the residence requirements applicable to the alien in the Immigration and Nationality Act, or any other Act that are necessary for eligibility for naturalization; and

“(ii) the alien was previously employed as a security screener under section 44935(f); and

“(III) has undergone and successfully completed an employment investigation (including a criminal history record check) required by section 44935(e)(2)(A) of title 49, United States Code, as amended by subsection (a).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed effective as if included in the enactment of the Aviation and Transportation Security Act.

SEC. 4. EXPEDITED NATURALIZATION FOR QUALIFIED LAWFUL PERMANENT RESIDENT AIRPORT SECURITY SCREENERS.

(a) REQUIREMENT.—

(1) IN GENERAL.—For the purpose of enabling qualified lawful permanent resident aliens to satisfy in a timely manner the citizenship requirement in section 44935(e)(2)(A) of title 49, United States Code, the Attorney General shall expedite—

(A) the processing and adjudication of an application for naturalization filed by any qualified lawful permanent resident alien who was employed as an airport security screener as of the date of enactment of the Act; and

(B) the processing and adjudication of an application for naturalization filed by any qualified lawful permanent resident alien who was employed as an airport security screener as of the date of enactment of the Act and Transportation Security Act (Public Law 107-71); and

(b) DEADLINES FOR COMPLETED ACTION.—The Attorney General shall complete the actions described in subsection (a)—
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S 13303

(1) not later than 30 days after the date of enactment of this Act, in the case of a qualified lawful permanent resident alien with respect to whom an application for naturalization is filed, such alien is awaiting the holding of a ceremony for the administration of the oath of renunciation and allegiance, as required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448); (2) not later than 180 days after the date of enactment of this Act, in the case of a qualified lawful permanent resident alien with respect to whom an application for naturalization is pending on the date of enactment of this Act; and (3) not later than 180 days after the date on which an application for naturalization is received by the Attorney General, in the case of a qualified lawful permanent resident alien with respect to whom an application for naturalization is filed after the date of enactment of this Act.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lower the standards of qualification set forth in title III of the Immigration and Nationality Act (8 U.S.C. 1431 et seq.) that applies for naturalization in order to become naturalized citizens of the United States.

By Mr. DeWINE:

S. 1830. A bill to amend sections 3, 4, and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities, and for other purposes; to the Committee on the Judiciary.

Mr. DeWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Child Protection Amendments Act of 2001".

SEC. 2. FACILITATION OF BACKGROUND CHECKS.

(a) Section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5191a) is amended to read as follows:

"Sec. 5. (a) [status quo]

"(b) DEFINITION.—In this paragraph, the term 'background check' means a fingerprint-based background check conducted pursuant to this section, the results of which are used to determine the fitness of the provider.

"(c) PROCEDURES.—In this paragraph, the term 'background check' means a fingerprint-based background check conducted pursuant to this section, the results of which are used to determine the fitness of the provider.

"(d) DUTIES OF REPOSITORY.—The Attorney General shall to the maximum extent practicable, encourage the use of the best technology available in conducting background checks pursuant to this section.

"(4) GUIDANCE BY THE NATIONAL CRIMINAL HISTORY RECORD SYSTEM COUNCIL.—(I) The Council shall provide guidance to States to ensure that national criminal history background checks conducted under this section comply with the National Crime Prevention and Privacy Compact and shall provide guidance to authorized agencies to assist them in performing their duties under this section.

"(5) NCPA CARE PROVIDER COMMITTEE.—In providing the guidance under paragraph (4), the Compact Council shall create a permanent NCPA Care Provider Committee which shall include, but not be limited to, representatives of national organizations representing private nonprofit qualified entities using volunteers to provide care to children, the elderly, or individuals with disabilities.

"(6) REPORTS.—At least annually, the Compact Council shall report to the President and Congress with regard to background checks of providers conducted pursuant to the NCPA.

"(e) PENALTY.—Any officer, employee, or authorized representative of a qualified entity who knowingly and willfully requests or obtains any criminal history record information pursuant to this section under false pretenses; or...
...(Continued)

Because it is important that my colleagues understand the unfairness of this matter, let me provide a very brief background.

Incentive stock options ISO, are an option given by an employer to an employee to purchase stock at a certain price. An individual does not recognize any income on the grant of the option or exercise thereof if the individual holds the shares for more than 2 years after the grant and 1 year after exercise. If the holding period requirements are satisfied, the employee is taxed on the excess of the sale price over the exercise price on his disposition of the shares.

The reason these employees have such a significant tax bill is due to the workings of the Tax Code's answer to Rube Goldberg, the Alternative Minimum Tax, AMT. The employee's non-recognition of income discussed above does not apply for AMT purposes. For AMT purposes, the code requires the recognition of the excess for the stock's fair market value on the date of exercise over the option price when the stock is subsequently sold. Thus, while an employee does not have a tax liability of ordinary income for exercising his ISO the employee may be subject to AMT when he exercises his ISO.

While in years past, this may not have been too great a problem in a time when share prices are increasing and individuals have the money to pay the AMT. It is a very different story when shares are declining. The individual is then facing the AMT charges based on the exercise value but often has no funds to pay the AMT since the stock that was the source of the AMT has declined in value since it was exercised.

It is true that if the individual had sold the stock in the same year he exercised his ISO he would have potentially reduced his AMT liability significantly. However, the code sends a mixed signal to the individual telling them that they must hold the stock for one year after exercise if he wants to avoid taxation at ordinary income on the value at the point of exercise.

The above are the facts of the tax code, but they do not reflect the very real disaster this has done to many people across the country. The story of one company in Cedar Rapids, IA, McLeod USA, puts a real face on how this tax has destroyed families. I have received letters from dozens of honest hard-working people of this company telling me how they are making a good living.

By Mr. GRASSLEY (for himself and Mr. KERRY):

S. 1831. A bill to provide alternative minimum tax relief with respect to incentive stock options exercised during 2000; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today Senator KERRY and I introduced bipartisan legislation that will provide some relief to those workers who are facing a massive tax bill on the phantom income they have from incentive stock options.

The bill would provide that the employee is taxed only on that portion of the difference between the fair market value of the stock and the exercise price which is in excess of the long-term capital gain realized by the taxpayer on the disposition of the stock.
The bill that Senator Kerry and I have introduced will provide significant relief from the AMT tax bill for workers. It allows employees to determine the value of their stock options on April 15, 2001, (as opposed to the exercise date) which will reflect the downturn of the market. This will go far in minimizing the AMT hit that employees face. In addition, the relief is targeted to assist low-income and middle-income families.

I hope my colleagues will join myself and Senator Kerry to put an end to this tax disaster.

I ask unanimous consent the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALTERNATIVE MINIMUM TAX RELIEF WITH RESPECT TO INCENTIVE STOCK OPTIONS EXERCISED DURING 2000.

(a) IN GENERAL.—In the case of an incentive stock option (as defined in section 422 of the Internal Revenue Code of 1986) exercised during calendar year 2000, the amount taken into account under section 56(b)(3) of such Code by reason of such exercise shall not exceed the amount that would have been taken into account if, on the date of such exercise, the fair market value of the stock acquired pursuant to such option had been its fair market value as of April 15, 2001, or, if such stock is sold or exchanged on or before such date, the amount realized on such sale or exchange.

(b) LIMITATION.—

(1) IN GENERAL.—If the adjusted gross income of a taxpayer for the taxable year in which an exercise described in paragraph (1) occurs exceeds the threshold amount, the amount otherwise not taken into account under paragraph (1) shall be reduced by the amount which bears the same ratio to such amount as the taxpayer’s adjusted gross income in excess of the threshold amount bears to the phaseout amount.

(2) THRESHOLD AMOUNT.—For purposes of this subsection, the threshold amount is equal to—

(A) $106,000 in the case of a taxpayer described in section 1(a) of such Code,

(B) $84,000 in the case of a taxpayer described in section 1(b) of such Code, and

(C) $53,000 in the case of a taxpayer described in section 1(c) or 1(d) of such Code.

(3) PHASEOUT AMOUNT.—For purposes of this subsection, the phaseout amount is equal to—

(A) $250,000 in the case of a taxpayer described in section 1(a) of such Code,

(B) $175,000 in the case of a taxpayer described in section 1(b) of such Code, and

(C) $115,000 in the case of a taxpayer described in section 1(c) or 1(d) of such Code.

By Mr. LEVIN:

S. 1831. A bill to provide relief for the retired Sergeant First Class James D. Benoit and Wan Sook Benoit; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I rise today to introduce a bill that I hope will assist a family in my home State of Michigan. This family suffered the loss of their three year old son, David Benoit, in a tragic mishap.

Some years ago, Mr. and Mrs. Benoit approached my office with a request for assistance. The Benoit family felt that they did not receive the relief that they were entitled to receive. To assist the family, I introduced two private relief bills that sought to give the Benoit family a hearing before the U.S. Court of Federal Claims.

This case was referred to U.S. Court of Federal Claims as the result of private relief legislation I introduced. The legislation, S. 1168, gave the Court of Federal Claims “jurisdiction to hear, determine and render judgement on a claim by Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, or the estate of David Benoit concerning the death of David Benoit on June 28th 1983. On March 14, 2000, oral arguments were heard by the hearing officer assigned to the case and the hearing officer recommended to the Court of Federal Claims on July 28, 2000, “that Sergeant and Mrs. Benoit be awarded $415,000 for the wrongful death of David Benoit.” Subsequently on May 23, 2001, the Court of Federal Claims Review Panel upheld the conclusion of the hearing officer, and found that the plaintiffs “have a valid and equitable claim against the United States.” It went on to state that “the Review Panel recommends that plaintiffs be awarded $415,000.”

As a result of these findings, I am introducing special legislation to provide relief consistent with the court’s recommendation. This legislation can in some way compensate the Benoits for the horrible loss that they have suffered. No amount of money can do that. However, as the court has stated, the Benoit family does indeed “have a valid and equitable claim.” It is my hope that Congress will act expeditiously to resolve this claim.

STATMENTS OF SUBMITTED RESOLUTIONS

SENATE RESOLUTION 192—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN JUDITH LEWIS V. RICK PERRY, ET AL

Mr. DASCHLE (for himself and Mr. LOTTER) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas, Senator Kay Bailey Hutchison has been named as a defendant in the case of Judith Lewis v. Rick Perry, et al., Case No. 01-10996-9, now pending in the District Court for the District of Texas, San Antonio Division

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 703(a) and 704(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it resolved by the Senate, That the Senate Legal Counsel is authorized to represent Senator Hutchison in the case of Judith Lewis V. Rick Perry, et al.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2602. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2604. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. FRINGOED, Mr. WELLSTONE, and Senator KERR) to put an end to 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.

SA 2606. Mr. THURMOND (for himself and Mr. HELMS) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2607. Mr. BURNS proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2608. Mr. BURNS proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2609. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2610. Mr. DASCHLE (for Mr. LIEBERMAN (for himself and Mr. THOMPSON)) proposed an amendment to the bill H.R. 2657, to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

TEXT OF AMENDMENTS

SA 2602. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; as follows:

Beginning on page 226, strike line 1 and all that follows through page 235, line 6, and insert the following:
(4) LARGEST CONFINED LIVESTOCK FEEDING OPERATIONS.—
(A) DEFINITION OF LARGEST CONFINED LIVESTOCK FEEDING OPERATION.—In this paragraph:
(i) IN GENERAL.—The term ‘large confined livestock feeding operation’ means a confined livestock feeding operation designed to confine at least 1,000 or more animal equivalent units (as defined by the Secretary).
(ii) MULTIPLE LOCATIONS.—In determining the number of animal units equivalent to the feeding of livestock at one or more locations (including the producer’s proportionate share in any jointly owned facility) shall be counted.
(B) NEW OR EXPANDED OPERATIONS.—A producer shall not be eligible for cost-share payments or structural practices and land management practices:
(i) for one or more events of a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by a large confined livestock feeding operation, if the operation is a confined livestock operation that—
(1) is established after the date of enactment of this paragraph; or
(2) is expanded after the date of enactment of this paragraph so as to become a large confined livestock operation.
(C) IN ELIGIBILITY.—A producer that has an interest in more than one large confined livestock operation shall not be eligible for more than one contract under clause (i), the animals confined by the producer in confinement facilities at all locations (including the producer’s proportionate share in any jointly owned facility) shall be counted.

(5) INCENTIVE PAYMENTS FOR TECHNICAL ASSISTANCE.—
(A) IN GENERAL.—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may obtain an incentive payment that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.
(B) PURPOSE.—The purpose of the payment is to encourage the producer to develop the option of obtaining technical assistance for developing any component of a comprehensive nutrient management plan from a certified provider.
(C) PAYMENT.—The incentive payment shall be—
(i) in addition to cost-share or incentive payments that would otherwise be provided to receive for structural practices and land management practices;
(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and
(iii) in an amount determined appropriate by the Secretary, taking into account—
(1) the extent and complexity of the technical assistance provided;
(2) the costs that the Secretary would have incurred in providing the technical assistance; and
(3) the costs incurred by the private provider in providing the technical assistance.
(D) ELIGIBILITY.—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this subparagraph.
(E) CERTIFICATION BY SECRETARY.—
(i) IN GENERAL.—Only persons that have been certified by the Secretary under section 1230(c) for structural practices and land management practices may be certified for comprehensive nutrient management plans.
(ii) QUALITY ASSURANCE.—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.
(F) ADVANCE PAYMENT.—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.
(G) FINAL PAYMENT.—The final installment of the incentive payment shall be payable to a producer on presentation of evidence that is satisfactory to the Secretary and that demonstrates—
(i) completion of the technical assistance; and
(ii) the actual cost of the technical assistance.
(H) MODIFICATION OR TERMINATION OF CONTRACTS.—
(i) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—
(A) the producer agrees to the modification or termination; and
(B) the Secretary determines that the modification or termination is in the public interest.
(ii) INVOLUNTARY TERMINATION.—The Secretary may terminate under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.
(A) IN GENERAL.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—
(1) maximize environmental benefits per dollar expended; and
(2) address national conservation priorities, including—
(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality;
(ii) comprehensive nutrient management;
(iii) water quality, particularly in impaired watersheds;
(iv) soil erosion;
(v) air quality; or
(vi) pesticide and herbicide management or reduction;
(B) ADDITIONAL PRIORITIES FOR LIVESTOCK PRODUCERS.—In evaluating applications for technical assistance, cost-share payments, and incentive payments for livestock producers, the Secretary shall accord priority to—
(1) applications for assistance and payments for systems and practices that avoid subjecting the livestock production operation to Federal, State, tribal, and local environmental regulatory systems while also assisting the operation to meet environmental quality criteria established by Federal, State, tribal, and local agencies; and
(2) applications from livestock producers using managed grazing systems and other pasture- and forage-based systems.

SEC. 1240D. DUTIES OF PRODUCERS.
To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—
(1) to implement an environmental quality incentives program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;
(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;
(3) on the violation of a term or condition of the contract at any time the producer has control of the land—
(A) if the Secretary determines that the violation warrants termination of the contract—
(i) to forfeit all rights to receive payments under the contract; and
(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary;
(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;
(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund to the Secretary all or a portion of the payments received under the contract, as determined by the Secretary;
(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program; and
‘‘(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan.’’

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer or owner or operator of the operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on, and conditioned on, a comprehensive nutrient management plan for the confined animal feeding operation as part of the plan of operations submitted under paragraph (1) and on criteria the Secretary considers necessary to carry out the program, including a description of the practices implemented and the purposes to be met by the implementation of the plan.

(b) CONFINED ANIMAL FEEDING OPERATIONS.—

(1) IN GENERAL.—To be eligible to receive cost-share payments or incentive payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by a confined animal feeding operation, the producer or owner of the operation shall submit a comprehensive nutrient management plan for the confined animal feeding operation as part of the plan of operations submitted under subsection (a).

(2) CONTRACT CONDITION.—Implementation of the comprehensive nutrient management plan submitted under paragraph (1) shall be a condition of the environmental quality incentives program contract.

(c) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240F. DUTIES OF THE SECRETARY.

To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

(1) providing technical assistance in developing and implementing the plan;

(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

(3) providing the producer with information, advice, and training to aid in implementation of the plan; and

(4) encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.

SEC. 1240G. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the total amount of cost-share and incentive payments paid to a producer under this chapter shall not exceed—

(1) $20,000, for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year;

(2) $60,000 for a contract with a term of 3 years;

(3) $80,000 for a contract with a term of 4 years; or

(4) $100,000 for a contract with a term of more than 4 years.

(b) EXCEPTION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts this chapter that exceed $20,000 for any fiscal year.

(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual limit to the extent to which a producer is protected from reduction by subsection (a)(1) if the Secretary determines that a larger payment is—

(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer; and

(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

SEC. 12603. Mr. LUGAR (for Mr. MCCAIN (for himself, Mr. GRAMM, Mr. KERRY, and Mrs. MURRAY)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; as follows:

At the appropriate place in the substitute, insert the following:

SEC. 1. MARKET NAME FOR CATFISH.

The term ‘‘catfish’’ shall be considered to be a common or usual name (or part thereof) of any fish in or imported into this chapter shall not exceed

SEC. 1021. PACKERS AND STOCKYARDS.

(a) DEFINITIONS.

For purposes of this chapter, and related programs, the purposes of this Act, the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by striking ‘‘the Packers and

(c) RIGHT TO DISCUSS TERMS OF CONTRACT.

(1) IN GENERAL.—Notwithstanding a provision in any contract for the sale or production of livestock, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 941, strike line 5 and insert the following:

Subtitle C—General Provisions

SEC. 1021. PACKERS AND STOCKYARDS.

(a) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 221, 223), is amended by adding at the end the following:

Title livestock contract grower’’ means any person engaged in the business of raising and caring for livestock in accordance with the instructions of another person.

(b) CONTRACTS.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended by striking ‘‘packer’’ each place it appears.

(2) CONFORMING AMENDMENTS.—

(c) E XCEPTION TO ANNUAL LIMIT.

(1) IN GENERAL.—To be eligible to receive cost-share payments or incentive payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by a confined animal feeding operation, the producer or owner of the operation shall submit a comprehensive nutrient management plan for the confined animal feeding operation as part of the plan of operations submitted under subsection (a).

(2) CONTRACT CONDITION.—Implementation of the comprehensive nutrient management plan submitted under paragraph (1) shall be a condition of the environmental quality incentives program contract.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by adding ‘‘livestock production contract’’ after ‘‘poultry growing arrangement’’.

(d) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1025. LEASE AND TRANSFER OF CERTAIN ALLOTMENTS AND QUOTAS.

(a) IN GENERAL.—Section 316(a)(1)(A)(i)(II) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331a(a)(1)(A)(i)(II)) is amended by inserting ‘‘other than the 2002 crop’’ after ‘‘crops’’.  

(b) LEASE AND TRANSFER OF CERTAIN ALLOTMENTS AND QUOTAS.

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the effects of the prohibition provided under the last sentence of section 316(a)(1)(A)(i)(II) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331(a)(1)(A)(i)(II)) on the agricultural market, the food supply, and the economic well-being of consumers.
(2) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study.

SA 2606. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. Daschle and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance rural 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; which was ordered to lie on the table; as follows:

On page 984, line 2, strike the period at the end and insert a period and the following:

SEC. 10. NATIONAL UNIFORMITY FOR FOOD.

(a) National Uniformity.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(a)) is amended—

(1) by striking “or” at the end of paragraph (4); and

(2) in paragraph (5), by striking the period and inserting a comma; and

(3) by adding at the end the following:

“(6) any requirement for the labeling of food described in section 403A(6), or 403C(a) that is not identical to the requirement of such section, or

(7) any requirement for a food described in section 403A(7), 403C(a), 403C(2), 403C(4), 403C(5), 409, 409, 412(a), 412(b), 412(c), 412(d), 412(e), 412(f), 412(g), 412(h), 412(i), 412(j), 412(k), or 412(l), that is not identical to the requirement of such section.

(b) Uniformity for Food Safety Warning Notification Requirements.—Chapter IV of such Act (21 U.S.C. 343 et seq.) is amended—

(1) by redesignating sections 403B and 403C as sections 403C and 403D, respectively; and

(2) by inserting after section 403A the following new section:

SEC. 403B. UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.

(a) Uniformity Requirement.—

“(1) In general.—Except as provided in subsections (c) and (d), no State or political subdivision may, directly or indirectly, establish or continue in effect under any authority any notification requirement for a food that provides for a warning concerning the safety of the food, or any component or package of the food, unless such a notification requirement has been prescribed under the authority of this Act and the State or political subdivision notification requirement is identical to the notification requirement prescribed under the authority of this Act.

“(2) Definitions.—For purposes of paragraph (1)—

“(A) the term ‘notification requirement’ includes any mandatory disclosure requirement relating to the dissemination of information about a food by a manufacturer or distributor of a food in any manner, such as through a label, labeling, poster, public notice, advertising, or any other means of communication, except as provided in paragraph (3);

“(B) the term ‘warning’, used with respect to a food, means the written, visual, or other representation that indicates, directly or by implication, that the food presents or may present a hazard to health or safety;

“(C) a reference to a notification requirement that provides for a warning shall not be construed to refer to any requirement or prohibition relating to food safety that does not involve a notification requirement.

“(3) Construction.—Nothing in this section shall preclude a State from conducting the State’s notification, disclosure, or other dissemination of information, or to prohibit any action taken relating to food adulteration under a State statutory requirement identical to a food adulteration requirement under this Act.

“(b) Review of Existing State Requirements.—

“(1) Existing State Requirements: Deferral.—Any requirement that—

“(i) a State has prescribed under the authority of this Act and the State statutory requirement is identical to a national requirement under this Act (1) or (2), the Secretary shall publish such petition in the Federal Register concerning any petition submitted to the Secretary to provide by regulation an exemption or a national standard under subsection (c). If a State submits such a petition within 180 days after the date of enactment of the National Uniformity for Food Act of 2000, the notification or food safety requirement shall remain in effect until the Secretary takes final agency action on the petition.

“(ii) is in effect on the date of enactment of the National Uniformity for Food Act of 2000, shall remain in effect for 180 days after that date of enactment.

“(2) State Petitions.—With respect to a State notification or food safety requirement that is described in paragraph (1), the State may petition the Secretary for an exemption or a national standard under subsection (c). If a State submits such a petition within 180 days after the date of enactment of the National Uniformity for Food Act of 2000, the notification or food safety requirement shall remain in effect until the Secretary takes all administrative action on the petition pursuant to paragraph (2) and the time periods and provisions specified in paragraph (3) shall apply in lieu of the time periods and provisions specified in subsection (c)(3).

“(3) Action on Petitions.—

“(A) Publication.—Not later than 270 days after the date of enactment of the National Uniformity for Food Act of 2000, the Secretary shall publish a notice in the Federal Register concerning any petition submitted under paragraph (2) and provide 30 days for public comment on the petition.

“(B) Time Periods.—Not later than 360 days after the date of enactment of the National Uniformity for Food Act of 2000, the Secretary shall take final agency action on the petition.

“(C) Judicial Review.—The failure of the Secretary to comply with any requirement of this paragraph shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

“(D) Imminent Hazard Authority.—

“(1) In general.—A State may establish a requirement that would otherwise violate paragraph (6) or (7) of section 403A(a) or subsection (a), if—

“(A) the requirement is needed to address an imminent hazard to health that is likely to result in serious adverse health consequences or death;

“(B) the State has notified the Secretary about the matter involved and the Secretary has initiated enforcement action with respect to the matter;

“(C) a petition is submitted by the State under subsection (c) for an exemption or national standard relating to the requirement not later than 30 days after the date that the State establishes the requirement under this subsection; and

“(D) the State institutes enforcement action with respect to the matter in compliance with State law within 30 days after the date that the State establishes the requirement under this subsection.

“(2) Action on Petition.—

“(A) In general.—The Secretary shall take final agency action on any petition submitted under paragraph (1)(c) or (c) not later than 7 days after the petition is received, and the provisions of subsection (c) shall not apply to the petition.

“(B) Judicial Review.—The failure of the Secretary to comply with the requirement described in subparagraph (A) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

“(C) Duration.—If a State establishes a requirement in accordance with paragraph (1), the requirement may remain in effect until the Secretary takes final agency action on a petition submitted under paragraph (1)(C).
“(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

“(f) RELIGIOUS LIBERTY.—Nothing in this section or section 403A relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement that is identical to a requirement of this Act, whether or not the Secretary has promulgated a regulation or issued a policy statement relating to the requirement.

“(g) EFFECT ON CERTAIN STATE LAW.—Nothing in this section or section 403A relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement relating to

“(1) freshness dating, open date labeling, grade labeling, a State inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, or a statement of geographic origin; or

“(2) a consumer advisory relating to food sanitation that is imposed on a food establishment, or that is recommended by the Secretary, under part 9 of the Food Code issued by the Food and Drug Administration and referred to in the notice published at 64 Fed. Reg. 6756 (1999) (or any corresponding similar act that shall be passed).

“(h) DEFINITION.—In section 403A and this section, the term ‘requirement’, used with respect to a Federal action or prohibition, means a mandatory action or prohibition established under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), as appropriate, or by a regulation issued under or by a court order relating to, this Act or the Fair Packaging and Labeling Act, as appropriate.

“(i) AMENDMENT OF AMENDMENT.—Section 403A(b) of such Act (21 U.S.C. 343-1(b)) is amended by adding at the end the following:

“The requirements of paragraphs (3) and (4) of section 403B(c) shall apply to any such petition, in the same manner and to the same extent as the requirements apply to a petition described in section 403B(c).”

SA 2607. Mr. BURNS proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; as follows:

On page 205, strike lines 8 through 11 and insert the following:

“(c) MAXIMUM ENROLLMENT.—Section 123(d) of the Food Security Act of 1985 (16 U.S.C. 3803(d)) is amended—

“(1) by striking ‘The Secretary’ and inserting the following:

“(1) IN GENERAL.—The Secretary;”

“(2) by striking ‘36,400,000’ and inserting ‘41,100,000’; and

“(3) by adding at the end the following:

“(2) PER-FARM LIMITATION.—In the case of farms or contiguous farms, the Secretary may, in furtherance of the purpose of the eligible land as described in subsection (b) of an agricultural operation of the owner or operator in the program under this subchapter.”

SA 2608. Mr. BURNS proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the 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; as follows:

On page 44, line 6, strike “exception”, and insert “emergency reassignment”.

On page 41, line 6, strike “this Act” and insert “the ‘District of Columbia Family Court Act of 2001’.

On page 41, line 8, strike all after “15” through line 15 and insert a dash and the following:

“(A) the chief judge may temporarily reassign judges from other divisions of the Superior Court who meet the requirements of paragraphs (1) and (3) of subsection (b) or senior judges who meet the requirements of those paragraphs, except such reassigned judges shall not be subject to the term of service requirements set forth in subsection (c); and

“(B) the chief judge shall, within 30 days of emergency temporary reassignment pursuant to subparagraph (A), submit a report to the President and Congress describing—

“(i) the nature of the emergency;

“(ii) how the emergency was addressed, including which judges were reassigned; and

“(iii) whether and why an increase in the number of Family Court judges authorized in subsection (a)(1) may be necessary to serve the needs of families and children in the District of Columbia.

On page 42, line 20, after “Court” insert “that is reasigned on an emergency temporary basis pursuant to subsection (a)(2)”.

On page 43, beginning with line 4, strike all through line 23 and insert the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 5 years.

“(2) SPECIAL RULE FOR JUDGES SERVING ON SUPERIOR COURT ON DATE OF ENACTMENT OF FAMILY COURT ACT OF 2001.—

“(A) IN GENERAL.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of not fewer than 3 years.

“(B) REDUCTION OF PERIOD FOR JUDGES SERVING IN FAMILY DIVISION.—In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the District of Columbia Family Court Act of 2001, the 3-year term applicable under subparagraph (A) shall be reduced by the length of any period of consecutive service as a judge in such Division immediately preceding the date of the enactment of such Act.

On page 43, line 22, strike “(2)” and insert “(3)”. 44, line 6, strike “(3)” and insert “(4)”.

On page 45, line 19, after “Court” insert “, including a description of how the Superior Court will handle the one family, one judge requirement pursuant to section 11-1104(a) for all causes and proceedings assigned to the Family Court.”

On page 47, line 1, strike “propositional” and insert “plan”.

On page 47, beginning with line 4, strike all after “15” through line 15 and insert the following:

On page 48, line 5, after the dash, insert “the chief judge of the Superior Court should make every effort to provide for the earliest practicable disposition of actions.”.

On page 48, line 13, after “judges” insert “, including senior judges as defined in section 11-1104, District of Columbia Family Court Act of 2001.”.

On page 48, line 15, after “judges” insert “, including senior judges.”

On page 48, line 18, strike “section 108(a)(3) of”. 48, line 19, strike “(42 U.S.C. 6759(E))” and insert “, if applicable”.

On page 48, line 19, strike “and”.

On page 48, strike lines 20 through 24 and insert the following:

SEC. 787. CARBON CYCLE RESEARCH.  

Section 221 of the Agricultural Risk Protection Act of 2000 (114 Stat. 407) is amended—

“(1) in subsection (a), by striking “really” of the amount” and all that follows through “to provide” and inserting “To the extent that funds are made available for the purpose, the Secretary shall provide—”;

“(2) in subsection (b), by striking “under subsection (a)” and inserting “for out this section”;

“(3) by adding at the end the following:

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2002 through 2011 such sums as are necessary to carry out this section.”;

SA 2610. Mr. DASCHLE (for Mr. LIEBERMAN (for himself and Mr. THORSON) proposed an amendment to the bill H.R. 2657, to amend title II, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in consideration of actions and proceedings in the Superior Court, and for other purposes; as follows:

On page 48, line 18, strike “section 108(a)(3) of”. 48, line 19, strike “(42 U.S.C. 6759(E))” and insert “, if applicable”.

On page 48, line 19, strike “and”.

On page 48, strike lines 20 through 24 and insert the following:

On page 48, line 19, strike “(42 U.S.C. 6759(E))” and insert “, if applicable”.

On page 48, line 19, strike “and”.

On page 48, strike lines 20 through 24 and insert the following:
(ii) the chief judge determines, in consultation with the presiding judge of the Family Court, based on the record in the case and any unique expertise, training, or knowledge of the case that the judge might have, that permitting the judge to retain the case would lead to permanent placement of the child more quickly than reassignment to a judge of the Family Court.

(D) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court, in consultation with the presiding judge of the Family Court, shall give priority consideration to the disposition or transfer of the following actions and proceedings:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The action or proceeding was initiated in the family division prior to the 2-year period which ends on the date of enactment of this Act.

(iii) The judge to whom the action or proceeding is assigned as of the date of enactment of this Act is not assigned to the Family Division.

On page 49, line 1, strike “(D)” and insert “(E).”

On page 49, line 2, strike “report” and insert “submit reports to the President.”

On page 49, lines 7 and 8, strike “enactment” and insert “submission of the transition plan required under paragraph (1).”

On page 49, line 9, strike “(D)” and insert “(E).”

On page 49, after line 10, insert the following:

(F) RULE OF CONSTRUCTION.—Nothing in this subsection shall preclude the chief judge, in consultation with the presiding judge of the Family Court, from transferring actions or proceedings pending before judges outside the Family Court, pursuant to the enactment of this Act which do not involve allegations of abuse and neglect but which would otherwise fall under the jurisdiction of the Family Court to judges in the Family Court prior to the deadline as defined in subparagraph (2)(B), particularly if such transfer would result in more efficient resolution of such actions or proceedings.

On page 51, line 18, after “including the” insert “implementation of the”.

On page 52, after line 14 insert the following:

(D) An analysis of the timeliness of the resolution and disposition of pending actions and proceedings required under the transition plan (as described in paragraphs (1)(D) and (2) of subsection (b)), including an analysis of the effect of the availability of magistrate judges on the time required to resolve and dispose of such actions and proceedings.

On page 54, line 23, strike “chapter 11” and insert “chapter 13”.

On page 54, line 21, strike “title 21” and insert “title 7”.

On page 54, line 24, strike “substantially” and insert “at least moderately mentally”.

On page 56, line 18, strike “2(C)” and insert “2(D)”.

On page 56, line 22, after “magistrate judge” insert “in the Family Court”.

On page 56, line 25, after “lawful” insert “subject to subsection (G)”.

On page 57, line 22, strike “18 months” and insert “18 months or, in extraordinary circumstances, for not more than 12 months”.

On page 57, line 25, strike “section 103(a)(3) of”.

On page 58, line 1, strike “42 U.S.C. (675K)”.

On page 58, beginning with line 2, strike all through line 10 and insert the following:

applied for that loan by that family.

(ii) If Public Law 105–89 is applicable, the chief judge determines, in consultation with the presiding judge of the Family Court, based on the record in the case and any unique expertise, training or knowledge of the case that the judge might have, that permitting the judge to retain the case would lead to permanent placement of the child more quickly than reassignment to a judge of the Family Court.

(A) by redesigning subsections (i) and (m) as subsections (m) and (n), respectively; and

(B) by inserting after subsection (k) the following new subsection:

CONSOLIDATION LOANS.—With respect to any consolidation loan under section 428C for which the application is received by an eligible lender after January 1, 2006, the applicable rate of interest shall be at an annual rate on the unpaid principal balance of the loan that is equal to the weighted average of the interest rates on the loans consolidated, rounded to the nearest one-eighth of 1 percent; or

(8) 7.5 percent.

(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude magistrate judges appointed pursuant to this subsection from performing upon appointment any or all of the functions of magistrate judges of the Family Court or Domestic Violence Unit as set forth in subsections (11–172A)(d).

On page 75, line 22, after “construction” insert “lease, or acquisition”.

On page 76, line 12, beginning after “upon” strike all through line 14 and insert “enact “transition plan required under paragraph (1)”.”

HIGHER EDUCATION ACT OF 1965

AMENDMENTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 277, S. 1762.

The PRESIDING OFFICER. Without objection, the Senate agreed to Calendar No. 277, S. 1762.

The clerks, with the record, will read the title. The legislative clerk read as follows:

A bill (S. 1762) to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to provide for the transition or disposal of actions or proceedings required under the transition plan under section (b) of this Act, and in particular with the transition of actions or proceedings pursuant to section (b)(2)(C) of this Act. On page 74, line 25, strike “more than 5.”

On page 75, line 4, after “subsection (a)” insert “., for the purpose of assisting with the implementation of the transition plan under section (b) of this Act, and in particular with the transition of actions or proceedings pursuant to section (b)(2)(C) of this Act.”

On page 76, line 12, beginning after “upon” strike all through line 14 and insert “enact “Act.”

(A) FFEL FIXED INTEREST RATES.

(A) by redesigning paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

(7) INTEREST RATE PROVISION FOR NEW LOANS ON OR AFTER JULY 1, 2006.—

(A) RATES FOR DDLE AND PDUL. Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan.

(B) PLUS LOANS. —Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct PLUS loan for which the application is received on or after January 1, 2006, the applicable rate of interest shall be 7.9 percent on the unpaid principal balance of the loan.

(8) 7.5 percent.

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(99) 7.5 percent.

(100) 7.5 percent.
the nearest higher one-eighth of one percent; or

(ii) 8.25 percent.

(c) EXTENSION OF CURRENT INTEREST RATE PROVISIONS FOR ALL YEARS—Sections 427A(k) and 455(b)(6) of the Higher Education Act of 1965 (20 U.S.C. 1077a(k), 1087e(b)(6)) are each amended—

(1) by removing “2003” in the heading and inserting “2006”; and

(2) by striking “July 1, 2003,” each place it appears and inserting “July 1, 2006.”

SEC. 2. EXTENSION OF SPECIAL ALLOWANCE PROVISION.


(1) by striking “AND BEFORE JULY 1, 2003” in the heading;

(2) by striking “and before July 1, 2003,” each place it appears, other than in clauses (ii) and (v); and

(3) by striking clause (ii) and inserting the following:

“(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan—

(I) for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(2); or

(II) for which the first disbursement is made on or after July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(1), but only with respect to (aa) periods prior to the beginning of the repayment period of the loan; or (bb) during the periods in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 427A(k)(2)(A) or 428B(b)(1)(M); clause (I)(III) of this subparagraph shall be applied by substituting ‘1.74 percent’ for ‘2.34 percent’;

(4) in clause (iii), by inserting ‘(or (2)(2))’ after ‘427A(k)(3));’

(5) in clause (iv), by inserting ‘(or (3)(3))’ after ‘427A(k)(4));’

(6) in clause (v)—

(A) by inserting, after “BEFORE JULY 1, 2006” after “PLUS LOANS”; and

(B) by striking “July 1, 2003,” and inserting “July 1, 2006.”

(7) in clause (vi)—

(A) by inserting ‘(or (3)(3))’ after ‘427A(k)(4));’ the first place it appears; and

(B) by inserting, after “BEFORE JULY 1, 2006” after “PLUS LOANS,” which is not applicable; after ‘427A(k)(4));’ the second place it appears; and

(C) by adding at the end the following new clause:

‘‘(vii) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS OR AFTER JULY 1, 2006.—In the case of PLUS loans made under section 428B and first disbursed on or after July 1, 2006, for which the interest rate is determined under section 427A(h)(2), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless—

(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial), as published by the Board of Governors of the Federal Reserve System in Publication H–15 (or its successor), for the last calendar week ending on or before such July 1; plus

(II) 2.64 percent, exceeds 9.0 percent.”.

Mr. JOHNSTON. Mr. President, today the Senate passed S. 1762, a bill I introduced to improve the formula for student loan rates and to ensure the long-term viability of the student loan program. I am pleased the Senate unanimously agreed to this important legislation and I am proud to have worked with both students and lenders and my colleagues on the Health, Education, Labor, and Pensions Committee, especially Chairman KENNEDY and Ranking Member GREGG, as well as Majority Leader DASCHLE, in passing this monumental legislation.

All across America, millions of young people are preparing to apply to college. These teenagers are dreaming not only of the college experience they are about to embark upon, but also of graduating as teachers, doctors, engineers, and even public servants. Thanks to the national education loan program, the educational and career aspirations of students and their families can become reality.

We know that the future of our Nation lies in educating the next generation of young people so that each of them can realize the promise of America. For 35 years, we have invested in our future by opening the doors of colleges and universities to the broadest possible cross-section of our citizens at the lowest possible cost. That is why passing this legislation was crucial to ensure that education loans are available to help future generations of students, workers, and their families climb the ladder of economic opportunity.

Since 1965, a partnership of students, workers, their families, educational institutions, lenders, and the Federal Government has opened the doors of educational opportunity for more than 50 million Americans. By any measure, the education loan program is a winning investment for our Nation.

Education loans are good investments in our economy and in our citizens. As I travel across South Dakota, educators, employers, and students tell me how valuable a college degree is in today’s economy. Indeed, we know that graduates with college degrees earn an average of 80 percent more than individuals with only a high school diploma. Over a lifetime, the earnings difference between individuals with high school and college degrees can be more than $1 million. At a time when many workers are losing their jobs through no fault of their own, education loans are critical tools that can empower these workers to upgrade their skills. As we search for ways to expand our economic prosperity, we must preserve this important investment in the future of our Nation.

Congress must ensure that future generations have access to the college or university of their choice by ensuring a permanent solution to the interest rate issue. Again, I thank my colleagues on both sides of the aisle for their support in passing this critically important legislation of which we can all be proud.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 278, S. 1793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1793) to provide the Secretary of Education with the authority to respond to conditions in national emergency declared by the President on September 14, 2001.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1793) was read the third time and passed as follows:

S. 1793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Higher Education Relief Opportunities for Students Act of 2001.’’

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO NATIONAL EMERGENCY.

(a) WAIVERS AND MODIFICATIONS.—In general—Nothing in this Act (or any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the ‘‘Secretary’’) may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as the Secretary deems necessary in connection with the national emergency to provide the waivers or modifications authorized by paragraph (2).

(b) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(1) borrowers of Federal student loans who are affected individuals are not placed in a worse position financially in relation to those loans because of their status as affected individuals;

(2) administrative requirements placed on affected individuals who are borrowers of Federal student loans are minimized, to the extent possible without impairing the integrity of the student loan programs, to ease the burden on such borrowers and avoid inadvertent, technical violations or defaults;

(3) the calculation of ‘‘annual adjusted family income’’ and ‘‘available income,’’ as used in the determination of need for student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family; and

(4) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that are located in, or whose operations are directly affected by, any declared disaster areas by any Federal, State, or local official in connection with the national disaster area.
emergency may be granted temporary relief from requirements that are rendered indefensible or unreasonable by the national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 367 of the General Education Provisions Act (20 U.S.C. 444), the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a). The report shall be submitted on affected individuals and the statutory and regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1098(c), 1098a) shall not apply to waivers and modifications authorized or required by this Act.

SEC. 3. TUTION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for that portion of a period of instruction such student was unable to complete as a result of which such student did not receive academic credit, because he or she was called up for such service; and

(2) if affected individuals withdraw from a course of study as a result of such emergency, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 4. I N DISCRETIONAL JUDGMENT.

At the time of publishing any waivers or modifications pursuant to section 2(b), the Secretary shall publish examples of measures that institutions may take in the appropriate section under the term "discretionary emergency" of section 479A of the Higher Education Act of 1965 (20 U.S.C. 1077(f)) to adjust financial aid and eligibility determinations for affected individuals.

SEC. 5. DEFINITIONS.

In this Act:

(1) ACTIVE DUTY.—The term "active duty" has the meaning given such term in title 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term "affected individual" means an individual who—

(A) is serving on active duty during the national emergency;

(B) is serving on National Guard duty during the national emergency if the Secretary determines that such active duty service is performed in connection with such national emergency or in support of the National Guard;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with the national emergency; or

(D) suffered direct economic hardship as a direct result of the national emergency, as determined under a waiver or modification issued under section 5.


(4) NATIONAL EMERGENCY.—The term "national emergency" means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

(5) SERVING ON ACTIVE DUTY DURING THE NATIONAL EMERGENCY.—The term "serving on active duty during the national emergency" shall include service by an individual who—

(A) is Reserve of an Armed Force ordered to active duty under section 12302(a), 12302(c), 12302, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 502(f) of title 32, United States Code, or any retired member of an Armed Force serving on National Guard duty during the national emergency;

(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned;

(C) SERVING ON NATIONAL GUARD DUTY DURING THE NATIONAL EMERGENCY.—The term "serving on National Guard duty during the national emergency" shall include persons authorized by section 502(f) of title 32, United States Code, as a member of the National Guard, at the request of the President, for or in support of an operation during the national emergency.

(4) TERMINATIONS OF AUTHORITY.—The provisions of this Act shall cease to be effective on June 30, 2003.

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 258, H.R. 2657.

The PRESIDING OFFICER. The clerk will report the bill by title.

The clerk reported as follows:

A bill (H.R. 2657) to amend title XI of the District of Columbia Code to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court of the District of Columbia, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Family Court Act of 2001".

SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.

(a) IN GENERAL.—Section 11-902, District of Columbia Code, is amended to read as follows:

"(a) FAMILY COURT.—The Superior Court shall consist of the following:

(1) The Civil Division.

(2) The Criminal Division.

(3) The Family Court.

(4) The Probate Division.

(5) The Tax Division.

(6) BRANCHES.—The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY COURT.—The Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

(d) JURISDICTION DESCRIBED.—The Family Court shall have original jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11–101. Actions, applications, determinations, adjudications, and proceedings being assigned to cross-jurisdictional units established by the Superior Court, including the Domestic Violence Unit, on the date of enactment of this section may continue to be so assigned after the date of enactment of this section."

SEC. 3. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.

(a) IN GENERAL.—Section 11–902, District of Columbia Code, is amended by inserting "the Family Court and" before "the various divisions".

(c) CONFORMING AMENDMENTS TO CHAPTER 9.—

Section 11–906(b), District of Columbia Code, is amended by inserting "the Family Court and" before "the various divisions".

SEC. 4. CONFORMING AMENDMENTS TO TITLE 16.—

(1) CALCULATION OF CHILD SUPPORT.—Section 16–2301 of the District of Columbia Code is amended by inserting "the Family Court and" and inserting "Family Court".

(2) EXPEDITED JUDICIAL HEARING OF CASES BROUGHT BEFORE HEARING COMMISSIONERS.—Section 16–924, District of Columbia Code, is amended by striking "Family Division" and inserting "Family Court of the Superior Court".

(3) GENERAL REFERENCES TO PROCEEDINGS.—

Chapter 23 of title 16, District of Columbia Code, is amended by inserting after section 16–201 the following new sections:

":16–201.1. References deemed to refer to Family Court of the Superior Court

"Any reference in this chapter or any other Federal or District of Columbia law, Executive order, or any other document of or pertaining to the Family Division of the Superior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia.".

SEC. 5. CLERICAL AMENDMENTS.—The table of sections for subchapter 1 of chapter 23 of title 16, District of Columbia Code, is amended by inserting after the item relating to section 16–201 the following new item:

"16–201.1. References deemed to refer to Family Court of the Superior Court
shall serve for a term of 5 years.

§11-908A. Special rules regarding assignment and service of judges of Family Court

(a) Number of judges for Family Court; qualifications and terms of service.— Chapter 9 of title 11, District of Columbia Code, is amended by inserting after section 11-908 the following new section:

§11-908A. Special rules regarding assignment and service of judges of Family Court

(a) Number of judges.—

(1) In general.—The number of judges serving on the Family Court of the Superior Court shall be not more than 15.

(2) Exception.—If the chief judge determines that in the interest of justice, the number of judges serving on the Family Court of the Superior Court at any time is more than 15, the chief judge may temporarily reassign qualified judges from other divisions of the Superior Court or qualified senior judges to serve on the Family Court. Such reassigned judges shall not be subject to the term of service requirements of this Act.

(3) Composition.—The total number of judges on the Superior Court may exceed the limit on the number of judges specified in section 11-908 to the extent necessary to maintain the requirements of this subsection if—

(A) the number of judges serving on the Family Court is less than 15, and

(B) the Chief Judge of the Superior Court—

(i) is unable to secure a volunteer judge who is sitting on the Superior Court outside of the Family Court for reassignment to the Family Court;

(ii) obtains approval of the Joint Committee on Judicial Administration; and

(iii) has a special knowledge of the child's needs, such that reassignment would be harmful to the child.

(b) Qualifications.—The chief judge may not assign an individual to serve on the Family Court of the Superior Court or handle a Family Court case unless—

(1) the individual has training or expertise in family law;

(2) the individual certifies to the chief judge that the individual intends to serve the full term of service required by this paragraph and will not apply with respect to individuals serving as senior judges under section 11-1504, temporary judges under section 11-908, and any other judges serving in another division of the Superior Court;

(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11-1104(c); and

(4) the individual meets the requirements of section 11-1501(b).

(c) Term of service.—

(1) In general.—

(A) Sitting judges.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is a sitting judge of the Superior Court on the date of enactment of the District of Columbia Family Court Act of 2001 shall serve in the Family Court for a term of not fewer than 3 years as determined by the chief judge of the Superior Court (including any period of service on the Family Division of the Superior Court immediately preceding the date of enactment of the District of Columbia Family Court Act of 2001).

(B) New judges.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is not serving as a judge in the Superior Court on the date of enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of 5 years.

(2) Assignment for additional service.—After the term of a judge of the Family Court (as described in paragraph (1)) expires, at the judge's request and with the approval of the chief judge, the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act) as the chief judge determines.

(3) Permitting service on Family Court for entire term.—At the request of the judge and with the approval of the chief judge, a judge of the Superior Court may serve on the Family Court for the entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

(d) Reassignment to other divisions.—The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that in the interest of justice, the remaining judges are unable to continue serving in the Family Court.

(1) Plan for family court transition.—In general.—Not later than 90 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall prepare and submit to the President and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

(A) The chief judge's determination of the role and function of the presiding judge of the Family Court.

(B) The chief judge's determination of the number of judges needed to serve on the Family Court.

(C) The chief judge's determination of the number of magistrate judges of the Family Court needed for appointment under section 11-1732, District of Columbia Code.

(D) The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.

(E) A plan for case flow, case management, and staffing needs (including needs for both judicial and nonjudicial personnel) for the Family Court.

(F) A plan for space, equipment, and other physical plant needs and requirements during the transition, as determined in consultation with the Administrator of General Services.

(G) An analysis of the number of magistrate judges needed under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11-903 of the District of Columbia, as amended by subsection (a)).

(H) Consistent with the requirements of paragraph (2), a proposal for the disposition or transfer of the docket of cases which have been assigned continuously to a judge for 18 months or more and the judge has a special knowledge of the child's needs, such that reassignment would be harmful to the child.

(2) Progress reports.—The chief judge of the Superior Court shall report to the Committee on Appropriations of each House, the Committee on Energy and Natural Resources, and the Committee on Government Reform of the House of Representatives at 6-month intervals for a period of 2 years after the date of enactment of this Act on the progress made towards disposing of pending actions or proceedings described in subparagraph (B).

(e) Effective date of implementation plan.—The chief judge of the Superior Court may not take any action to implement the transition plan under this subsection until the expiration of the 30-day period which begins on the date the chief judge submits the plan to the President and Congress under paragraph (1).

(f) Transition to required number of judges.—

(1) Analysis by chief judge of superior court.—The chief judge of the Superior Court of the District of Columbia shall include in the transition plan prepared under subsection (b)—

(A) the chief judge's determination of the number of individuals serving as judges of the Superior Court who—

(i) meet the qualifications for judges of the Family Court of the Superior Court under section 11-908A, District of Columbia Code (as added by subsection (a)); and

(ii) are willing and able to serve on the Family Court; and

(B) if the chief judge determines that the number of individuals described in subparagraph (A) is less than 15, a request that the Judicial Nomination Commission recruit and the President nominate (in accordance with section 433 of the District of Columbia Home Rule Act) an additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court under section 11-908A, District of Columbia Code, as may be required to enable the chief judge to make the required number of assignments.

(2) Role of district of columbia judicial nomination commission.—For purposes of section 434(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (f) is deemed to create a number of vacancies in the position of judge of the Superior Court equal to
the number of additional appointments so requested by the chief judge, except that the deadline for the submission by the District of Columbia Judicial Nomination Commission of nominees to fill such vacancies shall be 90 days after the creation of such vacancies. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit candidates for judicial positions in the superior court who meet the qualifications for judges of the Family Court of the superior court.

(f) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress a report on the implementation of this Act (including the transition plan under subsection (b)), and shall include in the report the following:

(A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(B) An analysis of the impact of magistrate judges, court (including the anticipated initial appointment of magistrate judges for the Court under section 6(d)) on the work-load of judges and other personnel of the Court.

(C) An analysis of the number of judges needed for the Family Court, including an analysis of how the number may be affected by the qualification requirements for judges, the availability of magistrate judges, and other provisions of this Act or the amendments made by this Act.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraphs (A) and (B), the Comptroller General shall provide a preliminary version of the report to the chief judge of the Superior Court and such judge shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(e) CONFORMING AMENDMENT.—The first sentence of section 11-908(a), District of Columbia Code, is amended by striking “The chief judge” and inserting “Subject to section 11-908A, the chief judge”.

(f) CLERICAL AMENDMENT.—The table of sections at the end of chapter 11, District of Columbia Code, is amended by inserting after the item relating to section 11-908 the following new item:

“11-908A. Special rules regarding assignment and service of judges of Family Court.”

SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT.

(a) IN GENERAL.—Chapter 11 of title 11, District of Columbia, is amended by striking section 1101 and inserting the following:

“§11-101. Jurisdiction of the Family Court

“(a) IN GENERAL.—The Family Court of the District of Columbia shall be assigned and have original jurisdiction over:

(1) Marriages contracted under the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

(2) Applications for revocation of divorce from bed and board;

(3) Actions to enforce support of any person as required by law;

(4) Actions seeking custody of minor children, including petitions for writs of habeas corpus;

(5) Actions to declare marriages void;

(6) Actions to declare marriages valid;

(7) Actions for annulment of marriage;

(8) Determinations and adjudications of property rights, both real and personal, in any action referred to in this section, irrespective of any jurisdictional limitation imposed on the Superior Court by any other court of this District of Columbia;

(9) Proceedings in adoption;

(10) Proceedings under the Act of July 10, 1957 (D.C. Code, secs. 30-301 to 30-324); and

(11) Proceedings for prosecution involving intrastate offenses, instituted pursuant to chapter 19 of title 16;

(12) Civil proceedings for protection involving intrafamily offenses, instituted pursuant to chapter 19 of title 16;

(13) Proceedings in which a child, as defined in section 16-2301, is alleged to be delinquent, neglected, or in need of supervision;

(14) Proceedings under chapter 5 of title 21 relating to the commitment of the mentally ill;

(15) Proceedings under chapter 11 of title 21 relating to the commitment of the substantially retarded; and


“(b) DEFINITION.—

“(1) IN GENERAL.—In this chapter, the term ‘action or proceeding’ with respect to the Family Court refers to cause of action described in paragraphs (1) through (16) of subsection (a).

“(2) EXCEPTION.—A proceeding may be assigned to or retained by magistrates of the District of Columbia under section 908 of title 11, District of Columbia, the Superior Court of the District of Columbia, the District of Columbia Superior Court, the District of Columbia Municipal Reference Court, the District of Columbia Juvenile Court, and the District of Columbia Court of Special Jurisdiction.

“(3) Standards of judicial ethics.—The actions of a judge or magistrate judge in retaining an action or proceeding under this paragraph shall be subject to applicable standards of judicial ethics.

“(4) Training Program.—

“(i) IN GENERAL.—The chief judge, in consultation with the presiding judge of the Superior Court, shall carry out an ongoing program to provide judges, magistrate judges, and nonjudicial personal staff for judges of the Family Court and other judges of the Superior Court who are assigned Family Court cases, including magistrate judges assigned to the Family Court, and appropriate nonjudicial personnel, and shall include in the program information and instruction regarding the following:

(A) Child development.

(B) Family dynamics, including domestic violence.

(C) Relevant Federal and District of Columbia laws.

(D) Permanency planning principles and practices.

(E) Recognizing the risk factors for child abuse.

(F) Any other matters the presiding judge considers appropriate.

“(5) USE OF CROSS-TRAINING.—The program carried out under this section shall use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields.

“(6) ACCESSIBILITY OF MATERIALS, SERVICES, AND PROCEEDINGS; PROMOTION OF ‘FAMILY-FRIENDLY’ ENVIRONMENT.—To the greatest extent practicable, the chief judge and the presiding judge of the Family Court shall ensure that the materials and services provided by the Family Court are understandable and accessible to the individual and families served by the Family Court, and that the Family Court carries out its duties in a manner which reflects the special needs of families with children.

“(7) LOCATION OF PROCEEDINGS.—To the maximum extent feasible, safe, and practical, all proceedings in the Family Court shall be conducted at locations readily accessible to the parties involved.

“(8) INTRODUCED COMPUTERIZED CASE TRACKING AND MANAGEMENT SYSTEM.—The Executive Officer of the District of Columbia courts under title 11 shall work with the chief judge of the Superior Court—

“(1) to ensure that all records and materials of cases and proceedings in the Family Court are stored and maintained in electronic format accessible by computers for the use of judges, magistrates, judges, and nonjudicial personnel of the Family Court, and for the use of other appropriate offices of the District government in accordance with the plan for integrating computer systems prepared by the District of Columbia under section 4(b) of the District of Columbia Family Court Act of 2001;
(2) to establish and operate an electronic tracking and management system for cases and proceedings in the Family Court for the use of judges and nonjudicial personnel of the Family Court, including the records and materials stored and maintained pursuant to paragraph (1); and

(3) to expand such system to cover all divisions of the Superior Court as soon as practicable.

§11–105. Social services and other related services

(a) Onsite coordination of services and information.—

(1) In general.—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District government provide social services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) are available on-site at the Family Court to coordinate the provision of such services and information regarding such services to such individuals and families.

(2) Duties of heads of offices.—The head of each office described in paragraph (1), including the Director of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraph.

(b) Appointment of social services liaison with family court.—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services provided by the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Family Court regarding the services available from the District government to the individuals and families served by the Family Court. The Mayor shall provide on an ongoing basis information to the chief judge of the Superior Court and the presiding judge of the Family Court regarding the services of the District government which are available for the individuals and families served by the Family Court.

§11–106. Reports to Congress

(1) General.—Not later than 90 days after the end of each calendar year, the chief judge of the Superior Court shall submit a report to Congress on the activities of the Family Court during the year, and shall include in the report the following:

(a) The number of judges serving on the Family Court as of the end of the year;

(b) How long each such judge has served on the Family Court;

(c) The number of cases retained outside the Family Court;

(d) The number of reassigned cases to and from the Family Court; and

(e) The number of recertified qualified sitting judges to serve on the Family Court.

(2) Based on outcome measures derived through the use of the information stored in electronic systems. §11–106(b), an analysis of the Family Court’s efficiency and effectiveness in managing its case load during the year, including an analysis of the time required to dispose of all cases among the various categories of the Family Court’s jurisdiction, as prescribed by applicable law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

(3) If the Family Court failed to meet the deadlines, standards, and outcome measures described in the previous paragraphs, a proposed remedial action plan to address the failure.

(b) Expedited appeals for certain family court actions and proceedings.—Section 11–721, District of Columbia Code, is amended by adding the end of the following new subsection:

(3) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals.

(c) Plan for integrating computer systems.—

(1) In general.—Not later than 6 months after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the President and Congress a plan for integrating the computer systems of the District government with the information systems of the Superior Court of the District of Columbia so that the Family Court of the Superior Court and the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court of the Superior Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Mayor of the District of Columbia such sums as may be necessary to carry out paragraph (1).

(3) Effective date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAGISTRATE JUDGES.

(a) In general.—

(1) redesignation of title.—Section 11–1732, District of Columbia Code, is amended—

(A) by striking “hearing commissioners” each place it appears in subsection (a) and inserting “magistrate judge”; (B) by striking “hearing commissioner” each place it appears in subsections (b), (d), (i), and (j) and inserting “magistrate judge”;

(b) Appointment of social services liaison with Family Court.—The Mayor of the District of Columbia shall appoint an individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the date of the enactment of this Act to be a resident of the District of Columbia to be eligible to be reappointed.

(c) Effective date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAMILY COURT.

(a) In general.—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11–1732 the following subsection:

(1) citizen of the United States;

(2) is an active member of the unified District of Columbia Bar;

(3) for the 5 years immediately preceding the appointment has been engaged in the active practice of law in the District, has been on the faculty of a school of law in the District, or has been employed as a lawyer by the United States or District government, or any combination thereof;

(4) has not fewer than 3 years of training or experience in the practice of family law as a lawyer or judicial officer; and

(5)(A) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment, and retains such residency during service as a magistrate judge; and

(B) is a bona fide resident of the areas consisting of Montgomery and Prince George’s

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COUNTIES in Maryland, Arlington and Fairfax Counties, and the City of Alexandria in Virginia, has maintained an actual place of abode in such area, areas, or the District of Columbia for at least 6 years prior to appointment and certifies that the individual will become a bona fide resident of the District of Columbia not later than 90 days after appointment. 

In re APPOINTMENT OF COMMISSIONERS.—Those individuals serving as hearing commissioners under section 11-1732 on the effective date of this section who meet the qualifications described in subsection (b)(4) may request to be appointed as magistrate judges for the Family Court of the Superior Court under such section.

(b) DUTIES OF FAMILY COURT AND DOMESTIC VIOLENCE UNIT MAGISTRATES.—A magistrate judge, when specifically designated by the chief judge in consultation with the presiding judge to serve in the Family Court or in the Domestic Violence Unit and subject to the rules of the Superior Court and the right of review under section 11-1722(k), may perform the following functions:

(1) Administer oaths and affidavits and take acknowledgments.

(2) Subject to the rules of the Superior Court and applicable Federal and District of Columbia law, conduct hearings, make findings and enter interim and final orders or judgments in uncontested and contested proceedings under the jurisdiction of the Family Court and the Domestic Violence Unit of the Superior Court (as described in section 11-1101), excluding jury trials and trials of felony cases, as assigned by the presiding judge of the Family Court.

(3) Subject to the rules of the Superior Court, enter an order punishing an individual for contempt, except that no individual may be detained pursuant to the authority of this paragraph for longer than 180 days.

(e) LOCATION OF PROCEEDINGS.—To the maximum extent feasible and practicable, magistrate judges of the Family Court of the Superior Court shall conduct proceedings at locations readily accessible to the parties involved.

(f) TRAINING.—The chief judge, in consultation with the presiding judge of the Family Court of the Superior Court, shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—This amendment or section 11-1722(a), District of Columbia Code, is amended by inserting after "the duties enumerated in subsection (i) of this section" the following: "(or, in the case of magistrate judges for the Family Court or the Domestic Violence Unit of the Superior Court, the duties enumerated in section 11-1722(a)(4))".

(b) Section 11-1722(c), District of Columbia Code, is amended by striking "No individual" and inserting "Except as provided in section 11-1722 (ab), no individual".

(c) Section 11-1722(b), District of Columbia Code, is amended—

(a) by striking "subsection (i)" and inserting the following: "subsection (i) or proceedings and includes (or, in the case of magistrate judges for the Family Court or the Domestic Violence Unit of the Superior Court, by a judge of the Family Court or the Domestic Violence Unit)".

(b) by inserting after "appropriate division" the following: "(or, in the case of an order or judgment of a magistrate judge of the Family Court or the Domestic Violence Unit of the Superior Court, by a judge of the Family Court or the Domestic Violence Unit)".

(d) Section 11-1722(d), District of Columbia Code, is amended by inserting after "responsibilities" the following: "(subject to the requirements of section 11-1722(a) in the case of magistrate judges of the Family Court of the Superior Court or the Domestic Violence Unit)".

(e) Section 11-1722(g), District of Columbia Code, is amended by inserting after "responsibilities" the following: "(subject to the requirements of section 11-1722(a) in the case of magistrate judges of the Family Court of the Superior Court or the Domestic Violence Unit)".

(f) Section 11-1722(h), District of Columbia Code, by adding by inserting after "responsibilities" the following: "(subject to the requirements of section 11-1722(a) in the case of magistrate judges of the Family Court of the Superior Court or the Domestic Violence Unit)".

(g) Section 11-1722(i), District of Columbia Code, by adding by inserting after "responsibilities" the following: "(subject to the requirements of section 11-1722(a) in the case of magistrate judges of the Family Court of the Superior Court or the Domestic Violence Unit)".

(h) Section 11-1722(j), District of Columbia Code, by adding by inserting after "responsibilities" the following: "(subject to the requirements of section 11-1722(a) in the case of magistrate judges of the Family Court of the Superior Court or the Domestic Violence Unit)".

(i) Section 11-1722(k), District of Columbia Code, is amended by inserting the following:

"(K) APPOINTMENT OF FAMILY COURT MAGISTRATES.—The chief judge of the Superior Court, the duties enumerated in section 11-1722(a) may re-
mistakes resulted in over 180 deaths of children in foster care since 1999, 40 of whom died as a direct result of government workers’ failure to take key preventative actions or because they placed children in unsafe homes or institutions.

Again just last week, the Post ran a story about deficiencies in District’s child services. According to this story, “nearly 80 percent of the District’s child abuse complaints were not investigated within 90 days of passage of this bill. Thirty-seven percent of child neglect complaints were not investigated within 30 days after they came into the city’s hotline. Abuse and neglect cases are required to be investigated within a 30-day period.”

Stories like this, have been running for years in the District of Columbia. What is happening here in America’s capital, is a national tragedy. I realize that no child welfare system is perfect. Each one of us representing our respective States has seen problems in our home States, but what we see in the District of Columbia is an absolute outrage scandal.

Since being appointed to the District of Columbia Appropriations Committee, I have made it my personal mission to find financial solutions for the problems facing District of Columbia’s foster children. In March, we laid the groundwork for a District of Columbia Family Court Bill that would be bipartisan and effective. In drafting this bill, we have held numerous hearings, met with child welfare advocates from across the District, and had countless meetings with the District of Columbia Superior Court Judges.

The bill we are now passing today includes a number of important reforms that would ensure that the judicial system protects the children of the District. First, it increases the length of judicial terms for judges from 1 year for judges already presiding over the Superior Court to 3 years. New judges appointed to the Superior Court and then assigned to the Family Court will have 5-year terms. This change enables judges to develop an expertise in Family Law.

Second, our bill creates magistrates so that the current backlog of 4,500 permanency cases can be properly and adequately addressed. These magistrates will be distributed among the judges according to a transition plan, which must be submitted to Congress within 90 days of passage of this bill. We want to make sure the court has the flexibility to deal with these important child welfare issues.

Third, the bill provides the resources for an Integrated Judicial Information System, IJIS. This will enable the court to track and properly monitor family cases and will allow all judges and magistrates to have access to the information necessary to make the best decisions about placement and child safety.

Fourth, a reform in the bill that I find extremely important is the One-Judge/One-Family provision. This policy will ensure that the same judge, a judge who knows the history of a family and the child, will be making the important permanency decisions. This provision is essential for those hard cases involving abuse and neglect. It ensures consistency. It ensures safety. And, it just makes sense.

Ultimately, our bill will help provide consistency through the One-Judge/One-Family provision. It will help increase safety and security, and it will help instill stability for the children of the District. We need to give the children in the District’s welfare system all of these things. It is the right thing to do.

We must never, ever lose sight of our responsibility to the children involved. Their needs and their best interests must always come first. And today, I believe we are putting children first and taking a huge step forward on their behalf.

**AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL**

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 192) to authorize representation by the Senate Legal Counsel in Judith Lewis v. Rick Perry, et al.

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

Mr. DASCHLE. Mr. President, this resolution concerns a civil action commenced in the District Court for Dallas County, Texas. The lawsuit, filed by a pro se plaintiff, names Texas Governor Rick Perry and Senator Kay Bailey Hutchison as defendants. While the allegations in the complaint are not clear, the plaintiff appears to call for the impeachment of the defendants by the Texas state courts because of some unspecified, official action. This resolution authorizes the Senate Legal Counsel to represent Senator Hutchison in this suit.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motion to reconsider be laid upon the table.

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

Mr. DASCHLE. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk.

**ORDER FOR RECORD TO REMAIN OPEN**

Mr. DASCHLE. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m. for the introduction of legislation and the submission of statements.

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

**ORDERS FOR MONDAY, DECEMBER 17, 2001**

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:30 p.m., Monday, December 17; that on Monday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for
morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

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

ORDER FOR ADJOURNMENT

Mr. DASCHLE. For the information of the Senate, as previously announced, no rollcall votes will occur on Monday. The next vote will occur on Tuesday, December 18, at 11 a.m.

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned as under the previous order, following the remarks of Senator Sessions.

Mr. DASCHLE. Without objection, it is so ordered.

Mr. DASCHLE. I thank the Chair.

Mr. DASCHLE. The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DASCHLE. Mr. President, one thing we need to do a better job of in this Congress—and we do have oversight and appropriations authority for all monies that are expended—is to make sure that those monies have been spent wisely, efficiently, and that the taxpayers’ interests are protected with the same degree of fidelity that homeowners and families protect theirs, as small business people protect theirs. We don’t always do that. We spend such big sums of money that sometimes we think small matters are not that significant.

I had the responsibility a few years ago as Attorney General of Alabama to take over an office that was financially out of control. We had a huge debt facing the office the year I took office. We had to reduce personnel, substantially cut back on all kinds of things, and to reorganize the office. When it was over, even though we had lost some good people—no career people, thank goodness, but almost a third of the office, those who were political appointees; that office has never gotten close to the same number of people that it had—which we found was that working together we actually improved productivity. We did a great job. The people worked harder. They reorganized. They had a new vision.

We have a false impression that money is the only thing that answers a problem around here. Always the answer is, just give it more money. And we in Congress say: We did what we could. We did what we could. We did what we could.

I have initiated a program I call “Integrity Watch.” It is a program in which I take time periodically to analyze bad fiscal management expenditure practices in our Government and to highlight those. The one today I take no real pleasure in. It was a sad, confusing story, but it is appropriate for the taxpayers to know the final outcome, to be aware of how much it has cost us in expenditures.

Many people remember the decision by General Shinseki, Chief of Staff of the Army, to change the berets to give everybody a black beret. He set a deadline of this year, only a few months away from that date, and he had to find a whole lot of berets in a hurry. Under the Berry amendment, the Federal law requires that all of the items be manufactured within the United States except in times of armed conflict.

What happened with the deadline that was given was, the Defense Logistics Agency, that had been delegated the authority way down the line to grant waivers of the Berry amendment, found itself in a position where they did not have sufficient American manufacturing to meet that deadline. And so based on this artificial goal by the Chief of Staff of the Army, General Shinseki, they set about to get the berets wherever they could. They issued waivers and started getting berets from all over.

They got 925,000 of them made from China, by the Communist government. Other countries were called on and agreed to manufacture in this rushed process. When all that became public and the Senate began to ask about the beret decision to begin with and all these factors came up, there was quite an uproar. The result was that the military admitted that they had not complied at least with the spirit of the Berry amendment, that they should not utilize the Chinese-made black berets, worth $6.5 million, and so they stored them. They paid for them. They stored them. So we now have 925,000 berets on hand, stored at $6.5 million, not being utilized. Hopefully, some other army in the world might buy them from us, but we are certainly going to take a big hit on that.

Another thing that we learned: Some of this information came about as a result of my request to the General Accounting Office that does audits for the Congress and other agencies to determine how moneys are being spent. We just got this audit back earlier this week. The General Accounting Office report indicates a number of other things that happened.

GAO declared that the military, in order to meet its deadline, chose to shortcut normal contracting procedures. For example, that the defense logistics agency awarded the first set of contracts without competition.

According to the contract documents, all the contract actions were supposed to have been conducted in an unusual and compelling urgency. The real urgency was the self-imposed deadline they set.

It also goes on to point out that these rushed up contracts hadn’t worked very well. Not only were they being done substantially outside the United States by foreign suppliers in violation of congressional acts, but they were not being performed well and had to be canceled.

The Denmark military equipment supplier which manufactured black berets in Romania agreed to supply 90,000 berets. Only 26,000 have been supplied, and the military canceled the order for 350,000.

Another one was a Bernard Cap Company, which is manufacturing the berets in South Africa but with Chinese content. They contracted to supply 750,000 berets. The cancellation has now taken place, and 442,000 were canceled.

A third contract was with Northwest Woolen Mills to have the berets manufactured in India. The number purchased was 342,000; the number delivered was 56,000; the quantity canceled was 235,000.

Every time the military has to go through a cancellation of a contract, it costs us money. We all know that. That was bad management. A lot of things happened that I think were not good. I am, however, quick to say that the Assistant Deputy Secretary of Defense, Paul Wolfowitz, early on had a study and review done of the compliance with the Berry amendment. And what they concluded was that he would direct an order, throughout the Defense Department, requiring compliance. They directed the Under Secretary of Defense for Acquisition, that is what the problem was in this case.

It required that no waivers be granted without a full analysis of the alternative because it is easy to say there is no supplier in the United States. But had the Defense Department really looked at it and made sure that is true? Had they considered other possibilities? He directed that it be done. He achieved revisions throughout the acquisition regulations which govern our military forces as they make acquisitions. There are complex regulations and he revised them to make sure there would be no further violations of the Berry amendment. In the course of all this, he uncovered at least three cases in which the Berry amendment had apparently been violated. They had even raised it, and no analysis or waiver had been done. They just went on and purchased military apparel outside the U.S. without any kind of waiver authority.

Now, the Chief of Staff of the Army came under a lot of criticism, and I think he told the truth. He was frank when he discussed why he did what he did and why he believed it was important. I think he made a mistake. He did not work it out to make sure that was explained why he did what he did, and he believe he was justified. So I hope that is a learning experience there.
It is not enough that we just complain about waste, fraud, and abuse. My little program, called Integrity Watch, is designed to ask in some detail how can we make it better. Do we need legislation to be passed? Do we need regulations to be changed? Do we need to cut off funding? What do we need to do to improve a situation? In this case, I would say the Berry amendment is adequate. It does the task. What the problem was a cavalier attitude about how it should be administered. I also think there was an unnecessary rush to produce the berets, and it cost us a considerable amount of money, a $26 million total contract price. So I believe the actions of the Defense Department in reinvigorating and highlighting the need to enforce the Berry amendment, to raise up the level of the personnel of the Defense Logistics Agency before anybody can grant a waiver, will probably solve that.

So I don’t think legislation is needed. I am certainly not of the view that we need to pass legislation to direct how the Chief of Staff of the Army decides emergency matters. I hope through this experience, however, that he will have learned a lesson, and those who work with him will have learned a lesson, that sometimes it is better to go slow, not to set deadlines and goals that are too fast because the costs can be paid by the taxpayer and you can end up with problems such as we had in this case. You can end up with a situation where a nation is supplying berets that we don’t intend to use. You can end up with a situation where contracts, because they were rushed, got canceled and where it cost more money and ended up delaying distribution of the berets.

I think this is worth highlighting. I appreciate the GAO for doing an objective and fair analysis of the situation. It was not a bright day for the Department of Defense. In fact, it was a clear error—a kind of problem that should not have occurred. But it did occur. I believe we have all learned from it and, hopefully, in the future, this will be avoided as we go forward with the additional procurement we will be facing to make sure the men and women in uniform have the equipment, clothing, and resources they need to do the important jobs with which they are challenged.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 12:30 P.M., MONDAY, DECEMBER 17, 2001

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12:30 p.m. on Monday, December 17.

Thereupon, the Senate, at 3:14 p.m., adjourned until Monday, December 17, 2001, at 12:30 p.m.
PAYING TRIBUTE TO INGRID BOGGESS
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity and pay tribute to the life and memory of Ingrid Bogess who recently passed away in Pueblo, Colorado on December 3, 2001. Ingrid was fighting pancreatic cancer, and as we mourn her loss, I would like to recognize the dedication displayed and contributions made by Ingrid to her community.

Ingrid was born in Czechoslovakia and dreamed of coming to the United States early in life. While living in Germany, she learned English and worked as a translator for the German government in the late 1950’s. Her dream was realized when Ingrid became a naturalized citizen in 1964 and moved to the community of Pueblo. Ingrid soon found work, married her husband Jack, and dedicated her free time and energy to the community. Among her interests were promoting education, public health, and the arts.

Ingrid was a member of and served as President of the Pueblo Symphony and the Symphony Guild. Her commitment to helping others was evident in her service to the National Assistance League, Assistance League of Pueblo, Parkview Hospital Foundation Board and the Pueblo Community College Foundation. She also dedicated her time and efforts to the preservation of our history and arts through the Pueblo County Historical Society, the Rosemount Museum Auxiliary, and the Sangre de Cristo Arts and Conference Center.

Mr. Speaker, I have mentioned just a few of Ingrid’s many contributions to the community of Pueblo. She was a dedicated servant who dreamed of coming to this nation and living the American dream. She not only lived that dream but dedicated her life to helping others reach their aspirations. Her husband, two children survive her. My heart and my condolences go out to Ingrid’s family and friends during this time of loss and healing.

TRIBUTE TO SAND FORK ELEMENTARY
HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Sand Fork Elementary in recognition of their achievement as an “exemplary” school.

Sand Fork 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 Sand Fork 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 Sand Fork Elementary.

DENOUNCE TERROR IN ANY FORM
HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to condemn terrorism in all forms. We continue to be shocked and saddened by the September 11 attacks, and the gruesome attacks that have been taking place in Israel this month. Wednesday night, at least 10 Israelis were killed and more than 30 were injured during a roadside bombing and shooting attack against a bus. It was among the bloodiest incidents in nearly 15 months of violence in the Middle East. If there is going to be hope for peace in the region, these acts of hate and terror must stop. Israel cannot be expected to negotiate with those that allow for such atrocities to occur.

I was also angered and saddened yesterday to learn that two leaders of the Jewish Defense League were assembling bombs to use in planned attacks against one of L.A.’s largest mosques and the local offices of a House member (Mr. Issa).

The two men, Irving David Rubin and Earl Leslie Krugel, have been charged with conspiracy to manufacture and detonate bombs targeting Arab and Muslim buildings in the Los Angeles area, as well as the San Clemente offices of the gentleman from California (Mr. Issa).

As a Jewish Member of Congress, I was particularly outraged by the news of these vile plans. I want all of my colleagues and the entire American public to know that those individuals are seen by Jews as any other terrorist would be seen. They have no right to attempt to carry out murder in the name of religion and they do not represent the values or the beliefs of the Jewish community.

Now, more than any time, it is important for this nation to embrace its diversity and for all of us to denounce discrimination, terror, and hate in any form.
Chris leaves an indelible impression on his very many friends amongst Members and staff. A convinced European from the first hour, he was a fine public servant with strong convictions. Demanding of others, he gave of himself. Always dedicated to his work, he inspired loyalty and affection in his colleagues, even though his habit of asking difficult questions would sometimes put his hierarchy in a spin.

But it is as a great and loyal friend that we remember him: his love of life, his kindness, his enthusiasm for everything from skiing to books or to good-natured gossip over a good meal. To this list of qualities, and to his wonderful sense of humour, I must add his extraordinary courage and fortitude, particularly over the last two years. I saw him a week before he died, frail but still with his ineradicable sense of humour and bravery.

We will all miss him deeply.

JULIAN PRIESTLEY,  
Secretary General.

PAYING TRIBUTE TO VINCE BAKER

HON. SCOTT McINNIS  
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity to pay tribute to an icon of the Pueblo, Colorado community. Vince Baker recently passed away at the age of 88, and as his family mourns his loss, I think it is appropriate to remember Vince and pay tribute to him for his contributions to his community.

Vince owned and operated Vince Baker Motors, a car dealership located in Pueblo. He went on to become President of Modern Trailer Sales, Director of Western Acceptance Corporation, and managed a regional General Motors distributorship. Vince’s success was evident in the creation of over 30 automobile agencies in Colorado and New Mexico.

Vince’s true love was working and interacting with people. This became clear later in his life when he was derived as a motivational speaker and a writer. His communication skills served as motivational tools for others that were widely used throughout the automobile industry. In addition, Vince was a contributing writer for a motor magazine for over eight years.

Mr. Speaker, it is with profound sadness that we remember Vince Baker. He was known for his kind heart and a gentle demeanor he displayed throughout his life. Vince Baker will be remembered and missed not only by his family but also by a grateful community.

IN SUPPORT OF EDUCATION TAX CREDITS

HON. BOB SCHAFFER  
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. SCHAFFER. Mr. Speaker, I rise today to express my excitement for the next phase of education reform which will empower parents to make the best educational choices for their children. The bill before us today, the ‘‘No Child Left Behind Act,’’ will offer some small measure of parental options in the form of supplemental services for after-school tutoring and other educational resources. These reforms are an important step toward educational choice, but the real victory for American schoolchildren will be found in the Administration’s next education reform initiative—education tax credits.

Shortly after President Bush took office in January of this year, he announced an innovative plan to offer children in failing schools the option of attending a private school of their choosing. The President has indicated his commitment to much needed competition into our education system today and would have benefitted all schoolchildren, public and private alike. Unfortunately, the President’s proposal is not a part of the bill before us today. I am pleased to report, however, the President has indicated his full support and leadership for parental choice through tax credits in the next session of the 107th Congress.

In the remainder of my time, I’d like to discuss some of the promising benefits and opportunities afforded children through education tax credit legislation.

As you know, Mr. Speaker, the current tax system financially penalizes parents who send their children to schools other than the government-owned schools assigned to their children. As a result, parents are more apt to sacrifice and risk the future of their child, an option that would allow parents to redirect their own money to pay expenses at a school that best meets the needs of their child.

Parents across the country are becoming increasingly concerned about their children’s education. More than $125 billion in federal funds have been directed toward K–12 education programs over the past 25 years, but these increases in financial investment have not been accompanied by similar gains in student achievement. American children languish far behind their international peers in math and science; the racial achievement gap on test scores is widening; and test scores on the nation’s report card (the National Assessment of Educational Progress) have remained largely stagnant over the past 20 years.

Any school business model that offers poor profit margins in return for such large financial investments would be forced to close its doors, yet the federal government continues to funnel billions of American taxpayer dollars annually toward the government’s education monopoly. Additional money, resources and programs—with all of the attached federal regulations and mandates—will not solve the nation’s education crisis. These methods have been tested and tried with negative results. Fundamental changes to the structure of our education system are needed and this can only happen by relying on the power of free markets by empowering parents with the ability to select the best school options for their children, whether it is a government-owned, private or home school.

Education tax credits are emerging as one of the most effective vehicles to encourage parental choice in education around the country. To date, six states have enacted some form of tax credit for elementary and secondary educational expenses—Arizona, Minnesota, Iowa, Illinois, Florida and Pennsylvania. A tax credit at the federal level would enable families to save on their federal income taxes, which are typically much higher than state income taxes. Nine states do not have a state income tax, therefore, a federal tax credit is their only option to receive educational assistance in this form. Moreover, federal education tax credits can provide a massive cash infusion toward a competitive, free-market education system in America.

Mr. Speaker, there are many different kinds of tax credits, including credits for educational expenses incurred by families and credits for individual and corporate donations to educational scholarship foundations. The details of the President’s legislation are forthcoming, but few major educational tax credits in the states, we will observe the exciting educational opportunities for children. In Arizona, for example, the state legislature passed a $500 tax credit for donations to scholarship foundations. The law has been effective since 1997, and since that time the number of scholarship organizations has grown from 2 to 34. Nearly $14 million was raised during that time through the donations of 30,000 taxpayers. Arizona’s tax credit could potentially raise $75 million in scholarships annually, according to some estimates.

Another indication of how a federal tax credit might be embraced is the overwhelming public support for such opportunities. A recent poll by McLaughlin and Associates, however, shows broad based support for education tax credits that cuts across party lines, ideologies, income levels and race. The poll found that seven out of 10 likely voters support providing $2,000 tax credits per child for all educational expenses, including tuition. Self-described liberals gave a 70 percent approval rating for the concept. African-Americans and households earning under $40,000 a year also show very high numbers of support (75.5 percent and 75 percent, respectively).

The corporate tax credit concept for donations to scholarship foundations or local schools had widespread approval ratings in the poll, as well. Nearly three in four Americans surveyed supported the idea, with more than 78 percent approval among blacks and 80 percent approval among Hispanics.

Education tax credit programs have withstood challenges in court, as well. Six states have received court challenges on the basis of favor of tax credit legislation. The courts have found that tax credits merely allow families to keep a greater portion of their own private money and do not involve the transfer of public funds to schools or individuals.

Finally, Mr. Speaker, education tax credits bypass the potential threat of government meddling. Many private school administrators are afraid to accept government assistance due to the threat of greater government regulation that would compromise the autonomy and integrity of the school. Vouchers are particularly susceptible to government regulation. In Milwaukee, for example, schools involved in the district’s voucher program are required to permit students to “opt-out” of religious activities—in effect, watering down the curriculum of the schools. Education tax credits, however, are more insulated from government regulation than vouchers because tax credits involve private money and do not constitute “public” spending.

Thank you, Mr. Speaker, for giving me this time to express my feelings about the future of education reform in America. We have all seen the effects of a government monopoly on our education system, and it isn’t good. The absence of competition only benefits bureaucrats, not children.
The time has come to give parents the option of sending their children to the schools of their choice, and I look forward to working with the President to successfully passing education tax credit legislation in the coming year.

R. LAWRENCE COUGHLIN, JR.

HON. WILLIAM J. COYNE
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. COYNE. Mr. Speaker, I rise today to join in this special order honoring our former colleague, R. Lawrence Coughlin. I want to thank Mr. Gekas for organizing this special order.

Larry Couglin represented a suburban Philadelphia district in the House of Representatives for 24 years. He was a gracious gentleman who represented his constituents with integrity and wisdom.

Mr. Coughlin had a remarkable background. Raised on a farm in Pennsylvania, he earned a degree in economics from Yale and an MBA from Harvard. He subsequently attended night school at Temple University to get his law degree while working during the day as a foreman. He had a lot of flight experience in hand, Paul returned to the aviation business and started his own company.

During his 12 terms in Congress, Representative Coughlin served on the House Judiciary Committee, the House Appropriations Committee, and the House Select Committee on Narcotics Abuse and Control. He was particularly active in working to increase federal housing and transportation assistance to our nation’s cities. Mr. Coughlin understood that even affluent suburbs like the ones he represented depend upon central cities for their continued economic well-being. Our Nation is healthier and more prosperous as a result of his service in Congress.

Larry Couglin was always a quite, upbeat, courteous man. He was an honor and a pleasure to serve in the House of Representatives with him. I join my colleagues in mourning his passing.

DINUTRITION SUPPLEMENT TAX FAIRNESS ACT

HON. FRANK PALLONE, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. PALLONE. Mr. Speaker, I was pleased yesterday to be joining my colleague from Indiana, Mr. Burton, in introducing this important legislation that will help shift the focus of our healthcare system to wellness and disease prevention. This legislation is the House companion to the Harkin-Hatch Senate bill, S. 1330.

Mr. Speaker, I have always been supportive of dietary supplements and the potential and promise they bring to our healthcare. I always participate in actively leading the effort for progressive reforms, like we did with the Dietary Supplement Health and Education Act of 1994 (DSHEA). The prime significance of this simple legislation is that the Internal Revenue Code will be modified in order to allow health insurers to create benefits that would provide some coverage for dietary supplements for insurance beneficiaries. Health insurers will not be required to provide coverage under this legislation. However, they will be now in a position to do it in a way that will provide the tax benefits to both the insurer and the insured.

Unfortunately, the Internal Revenue Code is not consumer friendly when it comes to health wellness and prevention. And if we are ever going to make meaningful roads to promote good health, wellness, and disease prevention, the Tax Code needs to be examined and reformed. This legislation is enormously popular with consumers who continually ask their insurance companies to offer some coverage for these healthcare products. Without passage of this legislation, they will not be able to obtain this type of insurance and healthcare benefit.

The low upfront cost of this coverage and the potential long-term savings they offer by assisting our country in staying healthier longer will indeed be a meaningful step to lowering and stabilizing our health care costs. This bipartisan legislation is an important part of realizing the requests of millions of Americans who want to enhance their healthcare. I look forward to working with my colleagues for prompt and swift passage of this legislation.

PAYING TRIBUTE TO PAUL LINDSTROM

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity and pay respect to the life and memory of Paul Lindstrom who recently passed away in Grand Junction, Colorado on November 21, 2001. Paul will always be remembered as a dedicated friend and leader to several Coloradans. His passing is a loss for those who knew Paul and relied on him for his strength and good nature in times of hardship and prosperity.

Paul graduated from Centennial High School in Pueblo, CO in 1934. Dreaming of flying his entire life, he moved to the West Coast to become a pilot. With his license and flight experience in hand, Paul returned to Parachute, Colorado and entered into the flying profession. Upon completing his instructor’s license, Paul took his first job with Feeney Flying School at Pueblo Airport. This began a long flying career for Paul that eventually led to training aviation cadets for World War II, flying private charters, crop dusting, and even uranium prospecting in Wyoming.

Later in life, Paul went on a different career path becoming a dude rancher in New Castle, Colorado, where he helped develop a popular campground for the KOA chain. His service in the guest industry gave Paul much gratification in his life. He loved to work and mingle with people, and was always known as a friend to everyone. To his family, he was known as a kind and caring patriarch who is survived by wife Bertha, three children, five grandchildren, nine step grandchildren, and six great-grandchildren.

Mr. Speaker, Paul Lindstrom passed away in Grand Junction after a long struggle with an illness. Yet despite his ailment, Paul was able to live his dream of flying and raised a large and loving family. He will be missed by the many he touched with his sense of humor and positive attitude. I extend my condolences to Paul Lindstrom’s family, friends, and the communities he blessed in the State of Colorado.

TRIBUTE TO NORMANTOWN ELEMENTARY

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Normantown Elementary in recognition of their achievement as an “exemplary” school.

Normantown 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 Normantown 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 Normantown Elementary.

QUENTIN YOUNG: “THE CONSCIENCE OF THE COUNTRY”

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Ms. SCHAKOWSKY. Mr. Speaker, some of my colleagues have had the privilege of getting to know Dr. Quentin Young, a revered Chicago institution known for his unrelenting commitment to health care, economic and social justice. Some of us know him because of his dedication to universal health care, under the banner he coined of “Everybody in, nobody out.” Some of us know him because of his leadership in protecting public health. Some of us know him because of his dedication to ending discrimination and bigotry. I also know him because he is a trusted friend and my personal physician.

Dr. Young brought his years of activism, dedication, and enthusiasm to the House last spring, when he testified at the inaugural meeting of the House Universal Health Care Task Force. I share his lifelong goal of universal health care for all and agree that he is the “conscience of the country” on this issue.
Dr. Young’s remarkable spirit and career are described in a December 9, 2001 article in the Chicago Tribune. It is entitled “The Patient Doctor,” and chronicles the story of a remarkable individual who fights every day to improve people’s lives and our nation, and I urge my colleagues to read the entire article, but I want to provide a brief sampling of Dr. Young’s extraordinary.

Young was barely launched on his medical center in the early 1950s when he became a leading advocate—and one of the few white physicians with the courage to end the discriminatoryattitudes and practices at Chicago-area hospitals that led to minority physicians’ being denied practice privileges at all but Cook County Hospital. In 1955, he founded the Medical Committee for Human Rights, a group of progressive physicians who provided medical care at civil rights marches and sit-ins and riots.

That role earned Young a prestigious position in the civil rights movement: He was Martin Luther King Jr.’s doctor when King lived in Chicago in 1966. His committee affiliation also got Young subpoenaed to appear before the House Un-American Activities Committee in October 1968 to answer questions about his medical committee’s role during the riots at the Democratic National Convention in Chicago that year—an experience friends say was a high point of Young’s advocacy: “I believe that was the best of verbal sparring with committee members.”

Young and the late Dr. John Pritzker, former head of the Chicago Board of Health, were the primary forces behind the movement to establish neighborhood medical clinics in the late 1950s. Their work led to the current network of 32 medical clinics throughout Cook County that will support the new $500 million Cook County Hospital.

Even now, nearing his 80th year, Young cannot keep still. “I am impulsive an advocate,” he says.

In addition to running an internal medicine practice in his native Hyde Park—as he has done since 1952—the indefatigable doctor is medical commentator for National Public Radio on WBEZ-FM and helps direct two organizations devoted to advocating national health care (often referred to by critics as socialized medicine): Physicians for a National Health Program and the Health and Medicine Policy Research Group.

Last summer, he and other health-care activists marched for 15 days across 137 miles of northern Illinois to drum up political support for a national amendment to the state constitution. Named for the late Cardinal Joseph Bernardin, who supported universal health care, the proposed amendment would guarantee health insurance for every Illinois resident.

Despite the long odds against any national health-care reform in a closely divided Congress, Young is optimistic about the possibility, saying the system is imploding. “I think very emphatically that the complications of Sept. 11 create a much more urgent need for national health insurance,” he says. “Our current system is imploding. Even with our straitened circumstances, I believe the incredible administrative waste in the present system, there’s still enough money there to take care of everybody.”

Of course, the forefront of divisive social and political issues can be risky, as Young learned in 1954 when as a young doctor he took a stand on an issue that cost him his job.

On Jan. 17, 1954, 15-month-old Laura Lingo was severely scalded when a vaporizer full of melted menthol oil overburned on top of her in her South Side home. The toddler’s mother, Irene, rushed her to nearby Woodlawn Hospital, which no longer exists. Irene Lingo had little money and no hospital insurance.

After initial emergency treatment, officials at Woodlawn decided not to admit the baby because of the mother’s inability to pay. Dr. Young offered to provide the baby’s care, and the baby was sent to Cook County Hospital. The baby died there the next day.

A coroner’s inquest found Woodlawn Hospital negligent in the baby’s death. Young, an attending physician at Woodlawn, was among several Chicago doctors who signed a letter published in one of the daily papers condemning the practice of hospitals’ sending poor patients away.

Not long after the letter was printed, Woodlawn revoked Young’s privileges, putting the young physician and father out of work.

Neither that nor any other setback has slowed Young down. He has been doing his advocacy work, seeing patients in his Hyde Park office and getting his various messages out through press conferences, newspaper op-ed pieces and, until recently, his weekly radio show “Public Affairs” on WBEZ. The show is taped at the Public Affairs Park office and getting his various messages out through press conferences, newspaper op-ed pieces and, until recently, his weekly radio show “Public Affairs” on WBEZ. The show is taped at the Public Affairs Park office and getting his various messages out through press conferences, newspaper op-ed pieces and, until recently, his weekly radio show “Public Affairs” on WBEZ. The show is taped at the Public Affairs Park office and getting his various messages out through press conferences, newspaper op-ed pieces and, until recently, his weekly radio show “Public Affairs” on WBEZ.
that: “In the end, you care a lot more about Los Angeles than you do about Taipei.”

China’s war planning will take advantage of its strategic alliance with Saddam Hussein. With Saddam as an ally, China will be able to threaten the flow of oil from the Middle East, and threaten Israel. Iraqi troops have infiltrated into Jordan. To further threaten the flow of oil from the Middle East, China has formed alliances with Pakistan and Myanmar, providing itself with access to the strategic strait of Malacca, connecting the Persian Gulf to the Far East.

China is preparing for direct military confrontation with the United States on its own terms. It plans to take advantage of the element of surprise, seeking to attack U.S. satellites, intelligence, communications, and forces in a sudden blow of lightning warfare, seizing the initiative. The effectiveness of China’s strategy will be heightened by the lack of U.S. ballistic missile defense and China’s corresponding buildup of ballistic missiles of all types—short, intermediate and long-range.

The United States needs to ask itself if it is ready for China’s attack expectations in a simultaneous confrontation with Saddam Hussein. We must prepare accordingly. Urgency is required.

Very truly yours,

BOB SCHAFFER,  
Member of Congress  
from Colorado.

PAYING TRIBUTE TO RUSSELL VIELE

HON. SCOTT McINNIS  
OF COLORADO  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute and recognize Russell Viele of Rifle, Colorado and thank him for his contributions to this nation. Russell began his service in the military in the 1950’s, and served as a Marine in the Korean War. Upon his discharge, Russell had accumulated over eight years of service to the Marine Corps.

Russell joined the Marines on July 1, 1952 and attended basic training in San Diego. Following graduation, he went on to mechanical school in Camp Lejeune, North Carolina. As a mechanical student, Russell graduated at the head of his class and was assigned back to California. It was from there that Russell left for the Korean War where he was assigned to a motor pool in Japan.

Russell’s duty, while in the motor pool, was to maintain the large five-ton trucks that were crucial to troop and ration supply for combat units in the theater. He was stationed there for fourteen months, promoted three times, and left the country at the end of the war as a Sergeant. He finished his tour with the Marines in the Mohave Desert of California. Russell now makes his home in Rifle, Colorado.

Mr. Speaker, it is a great privilege to recognize and pay tribute to Russell Viele for his service to his country during the Korean War. He served selflessly a time of great need. Bringing credit to himself and this nation. Paul Russell is one reason that our country enjoys the freedom that we hold so high today.

RETIRED OPPORTUNITY EXPANSION ACT OF 2001

HON. WILLIAM J. COYNE  
OF PENNSYLVANIA  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, December 13, 2001

Mr. COYNE. Mr. Speaker, today I am introducing legislation, the “Retirement Opportunity Expansion Act of 2001,” that would increase pension participation for workers without pensions, low-wage workers, and women. Joining me in this effort are Congressman CHARLES B. RANGEL, the ranking member of the Committee on Ways and Means, and Congresswoman ROBERT T. MATSUI, the ranking member of the Social Security Subcommittee.

Earlier this year the House passed H.R. 10, “The Comprehensive Retirement Security and Pension Reform Act.” I saw that bill as a beginning, a first step, to improve retirement opportunities for workers in this country. But, at that time, I emphasized the need to do more to address some many gaps and shortfalls in pension coverage.

In March 1999, the Oversight Committee of the Committee on Ways and Means held hearings on pension issues. At those hearings, Teresa Heinz, in her capacity as Chairwoman of the Heinz Foundations and Philanthropies, testified that nearly 40 percent of women are dependent on Social Security for almost all of their retirement income because they have fewer opportunities to participate in the retirement plans provided by employers. This is but one aspect of the problems facing our country as the baby-boom generation begins to retire and younger workers lack adequate pension coverage.

I believe that steps must be taken to help employees to fund their retirement accounts, to assist small business owners to start and maintain pension plans for themselves and their employees, and to provide women with improved retirement income protections. To that end, I have included in this bill a refundable tax credit that is substantially the same as that provided for in the Democratic substitute which was introduced by Mr. Neal in the 106th Congress.

Recently I ask the General Accounting Office (GAO) to look at the extent of pension coverage among American workers and the likely effects of increasing contribution limits in defined contribution plans, the type of pension plan that covers most pension participants. GAO identified what I believe to be disturbing trends in the degree of pension participation among lower-income and women workers. For instance, while 47 percent of all workers participate in some type of a pension plan, only 38 percent of workers earning less than $40,000 per year participate in a pension plan. Fully 70 percent of workers earning between $40,000 and $74,999 participate in a plan. GAO also revealed that 56 percent of female workers do not participate in a pension plan.

The disparities in coverage are even greater when looking at defined contribution plans. In a defined contribution plan, the employee may provide all or a portion of the funds and decide how to invest the money. There is no guaranteed benefit amount or formula as there is in traditional defined benefit plans. Of all workers who earned less than $40,000 per year, 28 percent participated in defined contribution plans. Only 32 percent of all female workers participated in defined contribution plans. Further, GAO found that only 8 percent of all defined contribution plan participants would likely benefit directly from increases in statutory contribution limits. Thus, it is clear that changes in contribution limits will do little directly to promote or extend coverage to workers lacking pension coverage.

Clearly greater effort is needed to encourage and facilitate pension participation, especially among lower-income workers and women. Before considering GAO’s findings and revisiting the issues raised during our consideration of H.R. 10, I am introducing a pension bill which addresses the following issues: The expansion of pension coverage for workers without pensions; the expansion of coverage for low-wage workers; the improvement of pension coverage for women; and the creation of additional incentives for small businesses to provide pension coverage for employees.

These are the very issues I emphasized in May during our deliberation of H.R. 10. I use the findings and research of other groups such as the Pension Rights Center and the Women’s Institute for a Secure Retirement (WISER) to demonstrate that lower-income and female workers are much less likely to be participants in pension plans, believe we must direct our focus to those workers who often tell us that they lack the knowledge to participate in a pension plan. Workers and women secure the pension benefits which all manner of their contributions have earned for their time of work and caregiving for their families.

Earlier initiatives provided a starting point to improve the pension system we have. It is now time to develop the pension system that we need. I would urge my colleagues to join me in supporting this legislation and ensuring its passage during the 107th Congress.

I am attaching a summary of the provisions of the “Retirement Opportunity Expansion Act of 2001.”
ATTACKS ON INDIAN PARLIAMENT

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. PALLONE. Mr. Speaker, very early this morning, a suicide squad of six terrorists attacked the Indian Parliament. Prime Minister Vajpayee and Members of the Cabinet and Parliament were thankfully safe. Unfortunately, seven people, including guards and workers, were killed and at least 17 people were injured at the hands of one suicide bomber and other assailants equipped with grenades and guns.

The United States has come forward and declared this raid “an outrageous act of terrorism”. Not only was this an attack on India, it was a brutal attack on the largest symbol of democracy worldwide. I am shocked and appalled at this extreme act of terrorism and I express my deepest regards towards India at this time.

India is a country that has been badly afflicted for 50 years by the loss of countless innocent citizens at the hands of cold-blooded murder by terrorists. For the past decade, India has fallen victim to terrorist attacks by groups that belong to the same terrorist network responsible for the attacks on the World Trade Center and Pentagon.

Since September 11th, there has been a flurry of terrorist attacks in Kashmir taking place on a daily basis. On October 1st in particular, a suicide car bomb exploded in front of the Jammu and Kashmir State Assembly while it was in session and 38 people were killed. Since this incident, a clear pattern of cross-border terrorism in Kashmir has manifested and Islamic terrorist groups are to be blamed for these terrorist activities.

The atrocious attack on the Indian Parliament falls within this familiar pattern of attacks by active terrorist forces in Kashmir. The suicide attack on democracy in Srinagar was clearly a precursor to this morning’s attack on democracy in India. However, terrorist groups have crossed the line this time. This attack on diversity, vibrancy, equality, democracy and all characteristics of India’s open society, goes far too.

The parallel that can be drawn between the United States and India at this time is remarkable. The U.S. and India are not only friends, but they are also two nations that serve together as pillars of commitment to democracy. The U.S. was brutally attacked by terrorists in an attempt to break down our democratic ideals and we are retaliating with a successful war effort in Afghanistan. Similarly, the attack on Indian Parliament is an impetus for India’s retaliation against the relentless terrorism taking place in Kashmir and now in New Delhi. These punitive actions undoubtedly will help in the global war on terrorism and the current effort to eliminate the Al-Qaeda terrorist network. The citizens of India deserve to live their lives without violence and terror. The Government of India deserves to exercise its strong democratic ideals.

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the patriotic citizens of the Ida Township Volunteer Fire Department, which has served Ida and the surrounding area for over 63 years. Mr. Speaker, these local Michiganders stand ready to give of their lives on the line in service to their community. They are a brave, professional and dedicated group, providing a lifeline to all whose lives are in danger.

The tragic events of September 11, 2001, have brought to light the important role firefighters and other first-responders play in protecting this country from numerous threats. Not only are they prepared to safeguard our communities from everyday tragedies such as fires and accidents, but they serve as the first line of response in the midst of major catastrophes, including terrorism.

I am proud to represent these courageous individuals and on behalf of our local community, thank them for their service. Therefore, it is with great pride that I submit the following names of the Ida Township Volunteer Fire Department into the CONGRESSIONAL RECORD in recognition of their past and continued service:

Chief Ed Wertenger, Lonnie Wertenger, Troy Stein, Randy Stanifer, Paul Metz, Mark Murzek, Dale Longnecker, Jim Longnecker, Kirt Horn, Rocky Oberski, Tim Mata, Scott Desbrough, Shawn Geyman, Mike Geyman, Chad Metz, Curtis Durocher, Scott Weeman, Adam Booker, Scott Ducharme, Carl Arnold, Curtis Stanifer, Jim Longnecker Sr., Tim Wertenger, Corey Jones and Tyler Stern.

Mr. Speaker, I note that their hard work is not limited to their local community. Two days after the September 11 terrorist attacks, Curt Stanifer, Randy Stanifer, Carl Arnold, Scott Ducharme, Mark Murzke, Ed Wertenger, Dale Longnecker, Troy Stein, Rocky Oberski and Curtis Durocher traveled to New York City, winding through the city, to assist in the rescue and recovery efforts. They make this trip at great personal sacrifice and risk to their own lives. Accordingly, I salute them for their courageousness and commitment to serve others, and I ask my colleagues to join me in recognizing these brave individuals.

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Troy Elementary in recognition of their achievement as an “exemplary” school. Troy 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 Troy 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 Troy Elementary.

PAYING TRIBUTE TO BOB PARKS

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an extraordinary man who has repeatedly defied the odds and has embodied the spirit of my district in Colorado. The man I am referring to is Bob Parks and the odds he defied was whether he would live or die. Bob suffers from cancer and by all accounts, he should not be with us today.

Bob has much to be grateful for these days. Over a year ago, he was diagnosed with a cancerous tumor in his lung. Relying on an oxygen bottle, Bob was given little hope for recovery. Following a turn for the worse and with no salvation in sight, Bob learned of a clinic in Tijuana, Mexico that specialized in alternative medicines. He arrived last December and fell into a coma soon after arrival. His prognosis was grim and friends and family in Durango were informed yet again that his life was in jeopardy.

Bob held on, and with hope and prayer, he has unexpectedly recovered his strength and continues to defy his illness. Residents of Durango, Colorado, recently collected funds to fly Bob home for a visit and noted, in an article in the Durango Herald, that he looks stronger than ever and his recovery is nothing short of a miracle. Bob, who is a former psychology professor at Fort Lewis College and a greeter at the National Academy and the University of Tennessee, was a model to never give up on life, no matter what the odds faced. It is an honor to tell his story to this body and Congress and I wish him the best in the coming new year.

REGARIDING THE SMALL BUSINESS ECONOMIC RECOVERY ACT

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, on November 27, 2001, I introduced the Small Business Economic Recovery Act to help struggling small businesses survive.

Countless small businesses have suffered significant economic injury since the September 11 terrorist attacks. Some suffered direct economic injury as a result of closed and damaged buildings. Many more have suffered from the economic fallout caused by an economy that has plunged into a recession.

Small businesses are hurting and need help. The National Bureau of Economic Research announced that the United States entered a recession in March 2001. The Gross Domestic Product fell to 1.1 percent in the third quarter, and the unemployment rate has risen to 5.7 percent.

Prompted by the widespread economic impact of the terrorist attacks on New York City and the Pentagon, on October 18, 2001 the Small Business Administration widened access to Economic Injury Disaster Loans (EIDLs) for small businesses throughout the country. To qualify for these loans, small businesses must have suffered direct and substantial economic injury due to the terrorist attacks or the federal government’s response to the attacks. This notion of “direct” injury will severely limit the Small Business Administration’s ability to help all suffering businesses. Clearly a small business in an airport will qualify, but small businesses dependent on tourism may have a harder time proving that they were directly affected by the terrorist actions.

Even though 11,659 small businesses outside of New York City and Arlington, Virginia have requested Economic Injury Disaster Loans applications, the Small Business Administration has only granted 100 loans. Small businesses who are suffering because the attacks plunged the economy into a recession cannot prove a direct relationship to the terrorist attacks. They cannot get the Small Business Administration’s emergency loans. We must make sure there are no ambiguous rules that confuse applicants or make it difficult for the Small Business Administration to grant loans to struggling businesses.

I have introduced a bill that removes any ambiguity and ensures that the Small Business Administration can help all small businesses that need assistance. The Small Business Economic Recovery Act does not require businesses to prove that they suffered a “direct” injury as a result of the terrorist attacks. It permits any small business that has suffered “substantial economic injury” to obtain Economic Injury Disaster Loans from the Small Business Administration. Normally, businesses must be in a federally designated disaster area to receive these loans. My bill temporarily waives the federal disaster area requirement. Businesses will only have to prove that they suffered substantial economic injury. It will help businesses that cannot: meet obligations as they mature, and pay necessary operating expenses. The act will authorize the Small Business Administration to provide up to $1.5 million in disaster assistance to a suffering small business. The interest rate on the loans will not exceed 4 percent per year, and the loan terms cannot exceed 30 years. This emergency assistance program will expire on September 11, 2002.

Small businesses represent more than 99% of all employers and employ 51% of private-sector workers. We must provide immediate assistance to help this vital sector of our economy.

I urge my colleagues to help small businesses and cosponsor this important legislation.

HONORING THE CITY OF BLACKFOOT, IDAHO, ON ITS CENTENNIAL

HON. MICHAEL K. SIMPSON
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a place I call home. Blackfoot, Idaho is celebrating its centennial and as a resident of Blackfoot, I’d like to share with you what makes it an All-American town.

Nestled in the Snake River Plain, Blackfoot in Bingham County produces more potatoes than any other place in the world. The “famous” Idaho potatoes that the world enjoys come from Blackfoot and the numerous potato fields that surround it. In fact, Blackfoot offers “free taters for out of satters” at its Idaho Potato Expo Museum. It’s made Blackfoot the Potato Capital of the World by producing more than 200 million pounds of potatoes every year.

While Blackfoot is celebrating 100 years of incorporation, its history expands to the early 1800s. The first reference to Blackfoot is found in the 1818 journals of the Hudson Bay Company. In 1860, Grove City, where Blackfoot now sits, was settled to accommodate freight wagons bound for mines in central Idaho. Like many western settlements, the establishment of the Utah and Northern Railroad opened expansion and immigration. Then in 1878, the train arrived in Blackfoot on Christmas Day.

Using the Snake River to irrigate the fertile lava soil, pioneers and settlers found Blackfoot to be a prosperous agriculture community. Blackfoot became the county seat for Bingham County and at one time held the largest population in the state with 13,575 people. In 1901, Blackfoot was incorporated and now celebrates its centennial.

As many of you know, when I’m not serving in Congress, I go home to Blackfoot. I grew up there, graduated from Blackfoot High School and chose to return after completing dental school. I started my political career in Blackfoot, serving on the city council for four years. My wife, Kathy, and I have witnessed the kind heart and gentle spirit of many who live there. It’s truly a place where everyone knows your name. I salute this community that has give me so much over the years. While it may be the potato capital of the world, it’s a place I prefer to call home. Congratulations to Blackfoot on 100 years of excellence.

HONORING MR. GEORGE ALVIN TERRY OF NASHVILLE, TENNESSEE ON THE OCCASION OF HIS 75TH BIRTHDAY

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. George Alvin Terry of Nashville, Tennessee, on the occasion of his 75th birthday, December 19, 2001. A native Tennessean, Terry is a graduate of Columbia Military Academy and the University of Tennessee.
Mr. Terry has been a courageous leader in Tennessee for many years, as both a public servant and a community leader. A military veteran, he served as Second Lt. in the United States Army from 1945–1946.

With several years of public service, he was a member of the State House of Representatives from 1957–1959 during the 80th General Assembly. Additionally, he served in the State Senate during the 82nd, 83rd, and 84th sessions from 1961–1967. A portion of this service occurred during my father, Governor Frank Clement’s, tenure as governor of Tennessee.

In 1972, Governor Winfield Dunn appointed Mr. Terry Director of State and Federal Surplus Property for the Department of General Services of Tennessee. His career includes services as senior Vice President on the bank board of directors at Oneida First Trust and Savings Bank, as well as, holding the position of Chairman of the Board at First Southern Savings and Loan.

A deeply committed family man, he is married to Sarah Ellen Winn, and the father of four daughters with six grandchildren and three step grandchildren. Because of his deep love of genealogy and history, he authored the book, The Terrys of Scott County, chronicling the history of his family.

Civic and community work has always been an integral part of Terry’s life with involvement on various boards promoting important issues such as children, education, agriculture, and historic preservation. For instance, he served as President of the Oneida Kiwanis Club and on both the Korns and Mid-South Youth Camp Boards.

Further, he has enjoyed membership in the American Legion, the Tennessee Automotive Association, the National Committee for the Support of the Public Schools, and the National Committee for the support of Future Farmers. He has also participated in the National Trust for Historic Preservation, the United States Civil Defense Council, and the Scott County Historical Society.

Mr. Terry is dearly loved and respected by his peers, serving as a deacon and then elder in the Oneida Church of Christ, and later as an elder in the Madison Church of Christ. Today, he is a member of the Goodlettsville Church of Christ and a member of the Goodpasture Christian School Booster Club.

An ardent University of Tennessee (UT) fan, George Alvin Terry is to honored and commended for outstanding service and contributions to Tennessee in a spirit of excellence and strong moral character. Today we recognize his life and legacy as he celebrates a landmark birthday.

TRIBUTE TO SHEPHERDSTOWN ELEMENTARY

HON. SCOTT McINNIS OF COLORADO IN THE HOUSE OF REPRESENTATIVES Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a very special person from Glenwood Springs, Colorado. Tamara McFarland is a local nurse who has taken on a unique and courageous role in spreading holiday cheer while working on the front lines of the local community. Her efforts have brought much credit to herself and the community of Glenwood Springs, and it is my pleasure today to recognize her contributions.

Tamara began her charitable crusade last year with a simple gift to a friend. Since then her efforts have risen from one to 140 gifts for the residents of two local nursing homes. The homes include Glen Valley Care Center of Glenwood Springs and Heritage Park Center of Carbondale. Tamara has made these contributions possible by soliciting local merchants and citizens throughout the year to donate products and money to her fund. Thanks to her generosity, the “Roaring Fork Holiday Cheer” headed by Tamara, has been able to provide presents to the senior citizens of the area. The presents are simple gifts such as hair products, clothing and trinkets, but the joy they provide is priceless.

Mr. Speaker, it is an honor to be able to commend Tamara and thank her for her efforts to bring happiness this time of year. Her dedication to and the elderly community as a nurse and gift provider has brought joy into the lives of many. Thanks for all your hard work and cheer this Christmas season. Good luck in your future endeavors and in the New Year.

CONDEMNIN THE TERRORIST AT- TACKS ON THE INDIAN PAR- LIAMENT

HON. TOM LANTOS OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Thursday, December 13, 2001

Mr. LANTOS. Mr. Speaker, I rise today to denounce the cowardly and barbaric terrorist attack on the Indian Parliament building that took place in New Delhi earlier this morning. First I want to express by deepest condolences to Prime Minister Vajpayee, the families of victims and to the people of India. This latest attack, which comes two months after the October suicide bombing on the parliament building in Kashmir, strikes at the heart of India, the symbol of its democracy.

Six heavily armed terrorists, dressed in Indian military commando uniforms, killed 49 people and injured 124 others in the attack on the Indian Parliament. In addition, a suicide bomber exploded a car bomb in a New Delhi market that killed four people. The attack was the latest in a series of terrorist attacks in India, including the September 30th suicide bombing of the Indian Parliament.

Mr. Speaker, I rise today to express my solidarity with the Indian people and the Indian government in their fight against terrorism. The attack on the Indian Parliament is a clear example of the threat that terrorism poses to all nations.

I am deeply concerned about the ongoing threat of terrorism, especially in India. The Indian government must take strong action to prevent any further attacks. I urge the Indian government to take immediate action to prevent any further attacks.

The United States supports the Indian government in its efforts to combat terrorism. The United States is committed to working with the Indian government to prevent any further attacks. The United States is committed to working with the Indian government to combat terrorism.

HON. JOHN D. DINGELL OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES Thursday, December 13, 2001

Mr. DINGELL. Mr. Speaker, I am pleased to rise today to pay tribute to the Dearborn/Dearborn Heights Chapter of the League of Women Voters on the occasion of their 50th anniversary.

Recognized by the National League of Women Voters on December 19, 1951, the Dearborn/Dearborn Heights Chapter has fulfilled and continues to fulfill its primary goal of encouraging informed and active participation of citizens in government, working to increase understanding of major public issues and influencing public policy through education and advocacy.

The Dearborn/Dearborn Heights Chapter has provided numerous services to the community since their inception in 1951. In 1972, the chapter provided election-day assistance to 63 precincts, allowing parents to vote. They helped establish the Northwestern Child Guidance Clinic in 1963. Throughout the years, they have worked with ABC News on election-day exit polling. These fine women have helped pass library proposals and establish a diversity committee which works to engage local students in community discussions.

Mr. Speaker, these women have served their community well.

HON. SHELLEY MOORE CAPITO OF WEST VIRGINIA IN THE HOUSE OF REPRESENTATIVES Thursday, December 13, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Shepherdstown Elementary in recognition of their achievement as an ‘exemplary’ school.

Shepherdstown 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 and an incredible example for the other 817 students and parents of Shepherdstown 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 Shepherdstown Elementary.
Though they are a non-partisan group, the Dearborn/Dearborn Heights Chapter of the League of Women Voters is extremely political, focusing their efforts on child health and welfare, juvenile justice, and campaign finance reform. A League representative sits on the Rouge River Advisory Council, as well as the Southeast Michigan Council of Governments Educational Advisory Council. As spelled out in their original charter, the League’s actions are always a reflection their member’s priorities.

I would like to recognize the current officers of the Dearborn/Dearborn Heights Chapter of the League of Women Voters: Elizabeth Linick, Janice Berry, Mary Jo Durivage, Jeri Dunn and Mary Bugeia. I thank all the fine members of this Chapter of the League for all their hard work over the past 50 years, and would ask that they keep it up. On the occasion of their 50th anniversary, I would ask all my colleagues to salute the Dearborn/Dearborn Heights Chapter of the League of Women Voters.

HONORING DR. ROBERT CARVER
OF TENNESSEE
OF THE OCCASION OF HIS RETIREMENT

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Mr. CLEMENT. Mr. Speaker, I rise today to honor Dr. Robert Carver Bone of Lebanon, TN, as an outstanding Tennessean, who has made numerous contributions to medicine, education, and the community-at-large. I consider Dr. Bone a dear friend and confidante of many years.

Dr. Bone will be honored by Cumberland University as a 21st Century Montgomery G.I. Bill Enhancement Act. In recognition on December 22 for numerous accomplishments—including his leadership as Chairman of the Board of Trust from 1982 through May 2001. As president of Cumberland University from 1983 through 1987 and a current member of the Board of Trust, I have personally worked closely with Dr. Bone for a significant period of time and I have seen the devotion, care, and attention, that he has lavished upon that hallowed institution.

A native of Lebanon, TN, and an early achiever, Dr. Bone graduated as valedictorian of Lebanon High School in 1954, and earned a Bachelor of Arts from Vanderbilt University in 1958, where he graduated magna cum laude. Meanwhile, he completed the mathematics program at Cumberland in 1957 and the genetics program at Harvard in 1961. He received his Doctorate from Vanderbilt in 1962, while completing internships with Stanford University Hospital in Palo Alto, California, and Presbyterian Hospital in San Francisco. His residencies in pediatrics and surgery were completed in 1967 through 1969 at Vanderbilt, and 1971 through 1975, respectively. Later, in 1985, he earned a Master of Business Administration (MBA) from Vanderbilt’s Owen School of Business Management and then received a Doctor of Letters from Cumberland University in 1994.

His military service includes service as a flight surgeon and commander of the USAF, 1974–1980; commander of the 118th Tactical Hospital, USAF, 1974–1980; and U.S. Army flight surgeon in 1997. He has participated in numerous furthering education programs such as study overseas in 1959 with the Wellcome Library of Historic Medicine in London, the Royal College of Physicians in Edinburgh, and a preceptorship with Dr. G.A. Grant Peterkin in Leyden, Montpelier, Uppsala.

Dr. Bone has also completed a number of assistantships and fellowships including work as a research assistant on nuclear medicine at Vanderbilt in 1961; a World Study Tour with the Institutes of Nutrition in 65 countries from 1962–1963; mission hospital visits in Kenya, Tanzania in 1986; and a surgical oncology fellowship in 1987 at Vanderbilt. Further, he carries certifications from the American Board of Pediatrics, the American Board of Surgery, Advanced Cardiac Life Support, and Advanced Trauma Life Support.

He has also been a professor. In 1982, he published techniques in the publication of Independent Business on a mission sponsored by the U.S. Department of Commerce, to promote the export of U.S. products to the Far East in Hong Kong, Taiwan, South Korea, and Japan. In 1987, Bone represented Cumberland University to establish exchange relationships at the faculty level between Cumberland and Armidale College in New South Wales, Australia. He also negotiated with the Soviets and British over freeing a Zanbari dental student from Moscow to Prague, Cairo, Nairobi, and Zanzibar.

Further, he has served as President of the Wilson County Medical Society, and as a member of the Board of Health, Public Health Department of Wilson County.

Because of Dr. Bone’s outstanding contributions to the university, the community, and the state Tennessee throughout his lifetime—we honor him today.

HONORING STANLEY ROGERS ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Ms. DE LAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a man who has been active in the New Haven community for nearly 50 years. Today, I am pleased to join family, friends, and colleagues in wishing Stanley Rogers the very best as he celebrates his retirement.

A lifelong New Haven resident, Stanley has served his community in a variety of ways throughout his life. For forty-two years, he worked at G&O, a manufacturing company which made automotive parts. During his tenure at G&O, Stanley became the first African-American to serve as President of the United Auto Workers in Connecticut—fighting for better wages, more comprehensive health benefits, and safer work environments for his membership. In addition to his career with G&O, Stanley also served on the Redevelopment Agency with former Mayor Richard Lee in a time when New Haven underwent one of its most sweeping economic redevelopment periods.

He has also been an active member of the New Haven community. In 1994 and for three years as the chairman of the Board of Aldermen. His actions went a long way in assuring good jobs for New Haven’s minority communities.

Stanley has also been involved with the local municipal government for nearly 20 years. He was first elected to New Haven’s Board of Alderman in 1981 where he served as its president Pro Tempore from 1992 to 1994 and for 3 years as the chairman of the Board’s Blue and Hispanic Caucus. His dedication and commitment to New Haven’s 22nd Ward made a real difference in the lives of so many. After his tenure on the Board of Alderman, Stanley served three terms as the city/
Tribute from March 14

Mr. Speaker, I rise today to pay tribute to the civil and human rights initiative have revolutionized the lives of our fellow citizens. The United Way, the Private Industry Council, and the Dixwell Community Development Corporation are just a few who have benefited from his time and efforts.

I am pleased to rise today to extend my deepest thanks and appreciation to Stanley Rogers for his invaluable contributions to our community and my very best wishes as he enjoys his retirement.

Tribute to Polk Creek Elementary

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Polk Creek Elementary in recognition of their achievement as an "exemplary" school.

Polk Creek Elementary has been selected as one of the top 50 schools in 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 Polk Creek Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education of all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Polk Creek Elementary.

Honor Texas Legislative Black Caucus

HON. EDDIE BERNICE JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the legacy of representation and positive activism that has been fostered by the Texas Legislative Black Caucus. Since its inception, this fearless and focused group of State leaders has consistently fought to ensure that the policy priorities of Texas reflect the best interests of all of our citizens. The education, economic, civil and human rights initiative have revolutionized State services and have helped ensure that all Texans are empowered to achieve the American dream.

The Caucus will host its statewide conference from March 14–16, 2001. This year’s topic, “Exemplary Achievement for the Millennium,” is particularly poignant. As Texas prepares to lead the Nation in the technology driven, global economy of today and tomorrow, it is critical that its leaders devise ways to ensure that everyone is included. No organization in the State is better prepared or has a better track record of holding those in power accountable for the tools given to Texas families to improve their lives.

Mr. Speaker, I ask that the U.S. Congress join me in paying honor and tribute to the Texas Legislative Black Caucus as they continue their critical fight for all Texas families.

Tribute to Pickens School

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Pickens School in recognition of their achievement as an “exemplary” school.

Pickens 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 Pickens 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 Pickens School.

Help America Vote Act of 2001

SPEECH OF
HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. UDALL of Colorado. Mr. Speaker, we could do better than this bill. We should do better than this bill. But clearly, today, we will do better than this bill. We should do better than this bill. And so, with some reluctance, I will vote for this bill.

Over the course of this year, the House has considered several important measures, including bills to respond to the terror attacks on our country. But this could be the most important bill of the year, and maybe even of this 107th Congress—because nothing is more important for the health of our democracy than improving the fairness and inclusiveness of our elections. That is why I am cosponsoring H.R. 1170, introduced by Representative Conyers.

That comprehensive reform bill would establish uniform and nondiscriminatory requirements for Federal elections, which must be met by the 2004 general election. Under that bill, all voting machines would have to: Allow voters to verify their votes before tabulation; notify voters of over votes and under votes; provide an auditable record; and be equally accessible to voters with disabilities and special needs.

Also, under that bill provisional ballots would be permitted in all Federal elections and all voters would have to get a sample ballot and instructions 10 days prior to election day, and would have to be notified of their voting rights under federal and state law and of the federal and state agencies to contact if they think their rights are violated.

The Conyers bill would provide for federal reimbursement to the states for meeting these requirements and a matching grant fund program that would provide advance assistance to enable states and localities for that purpose. And the bill would establish a politically balanced study Commission to examine voter registration and maintenance of voters rolls; issues of voter intimidation; accuracy of voting; establishing a federal or State election-day holiday; modified polling place hours; and whether an existing or a new Federal agency should provide continuing assistance to states. It would also examine access to ballots and polling places, including notice of voting locations and access for voters with disabilities, limited English proficiency, visual and hearing impairments, and with other special needs.

The commission would develop recommendations of the best practices in voting and election administration.

These are all things that should be done—and while it does into do everything that should be done, this bill takes very important steps to improve current conditions. I opposed the rule because I wanted the bill to do more. I supported the motion to recommit for the same reason. But we should not refuse to do something even if we're not going to do all we should. So I will support the bill in the hope that it will be improved as the legislative process continues.

Getting America's Anti-Terrorist Message to Central Asia

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. LANTOS. Mr. Speaker, I am very pleased that the International Relations Committee recently passed legislation to create Radio Free Afghanistan. I also commend the Administration for the steps it has taken to ensure that the United States does not lose the public relations battle in Central Asia on terrorism. It is vital that the people of Afghanistan and its neighbors know the truth about America's objectives in combating terrorism and understand how our actions benefit all of mankind.

Setting up Radio Free Afghanistan will give us a valuable tool to fight the vicious propaganda that Osama bin Laden and his supporters continue to spew forth. But Radio Free Afghanistan cannot succeed in isolation. Its broadcasts must be supplemented by stepped up and improved broadcasts to Afghanistan's neighbors—Pakistan and the Eurasian states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. As my colleague from Colorado, Mr. Udall, pointed out, radio is an important weapon in America's fight against Islamic extremists in the Fergana Valley, where the borders of Uzbekistan, Kyrgyzstan and Tajikistan converge. It is conceivable that the Taliban's ultimate objective is to eliminate Uzbekistan, Kyrgyzstan and Tajikistan from the world. Broadcasts by Radio Free Europe and Radio Liberty to these countries should be increased both in air time and in quality. They
Number 15, Mariano has made for himself success-
ful life in this country and I praise him for his
determination and courage to live his dream.

Mr. Speaker, when asked by the Grand
Junction Sentinel why he wants to gain citi-
zenship, he simply replies, “I want to vote.” I
think this statement speaks volumes for the
pride Mariano has in his new country. He
wants to be part of the process, he wants to
participate in civic responsibility, and he
wants to make a difference. Mariano has grown
to love this nation and in these difficult and try-
ing times, he is a symbol of national pride and
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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 Mount Nebo 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 Mount Nebo Elementary.

**JAMES PEAK WILDERNESS AND PROTECTION AREA ACT**

**SPEECH OF**

**HON. MARK UDALL**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, December 11, 2001

Mr. UDALL of Colorado. Mr. Speaker, the House passed this bill earlier this week. While it was discussed at some length on the floor, and is further explained in the reports of the Resources and Environment Committees, this benefit of all with an interest in it here is an outline of the main provisions of the bill.

In this outline, I am including the latest acreage numbers by the Forest Service, based on more precise estimates they have made while developing the official map of the lands affected by the bill. I am including these because, of course, where the acreage estimates in the bill text are different, it is the map that will control and will show exactly what the bill would do.

**SECTION-BY-SECTION ANALYSIS**

**SHORT TITLE**

Section 1: provides a short title, namely James Peak Wilderness and Protection Area Act.

**WILDERNESS**

Section 2 amends two previous wilderness acts; a general effect is to (1) designate about 17,000 acres in Boulder, Clear Creek, and Gilpin Counties, Colorado, as the “James Peak Wilderness”; and (2) enlarge the Indian Peaks Wilderness by addition of three tracts that in total amount to about 3,350 acres.

**PROTECTION AREA**

Section 3 designates about 19,000 acres of national forest land as the “James Peak Protection Area.” Except as provided in this section, the protection area is to be managed in accordance with the relevant management prescriptions identified in the 1997 revision of the forest plan for the Arapaho-Roosevelt National Forest. The principal exceptions specified in the section include—

1. **Withdrawal.**—The entire protection area is withdrawn, subject to valid existing rights, from all forms of appropriation or disposal under the public land laws as well as from location, entry, and patent under the mining laws and from operation of the mineral leasing, mineral materials, and geothermal leasing laws;

2. **Timber harvest.**—The entire protection area is closed to timber harvesting except to the extent needed for insect or disease control projects, hazardous fuel reduction or other measures for control of fire, or protection of the public health and safety;

3. **Retention.**—The United States must retain all its right, title, and interest in lands within the boundaries of the protection area, including both those held as of the date of enactment and those acquired thereafter.

4. **Special interest management.**—The “special interest management provisions” or other applicable management prescriptions identified in the Forest plan as applicable to certain lands are also made applicable to additional contiguous lands, as indicated to make clean and complete the protection area. Together, these lands add up to about 7,000 acres.

**ROADS, TRAILS, AND VEHICLES**

Section 3 also includes provisions specifically related to use of lands within the protection area by motorized and mechanized vehicles, including—

1. **Inventory.**—Subsection 3(d)(1)(C) provides for a review and inventory of existing roads and trails in a portion of the protection area where use was officially allowed by the Forest Service on September 10, 2001.

2. **Closure.**—Subsection 3(d)(1)(C) also authorizes closure or removal of existing roads or trails anywhere in the protection area. The purpose of this authorization is to enable the Forest Service to provide a more functional and ecologically sound but not more extensive network of transportation routes in this part of the protection area.

3. **Prohibition of new roads and trails.**—Subsection 3(d)(1)(D) prohibits establishment of new roads or trails in the protection area. Subject to certain specified exceptions, the Forest Service is not authorized to establish any water or water rights with respect to any interstate compacts or equitable apportionment between the protection area and water rights. It specifies that the bill (1) does not constitute an express or implied reservation of water or water rights; (2) does not constitute an express or implied reservation of any water or water rights with respect to any interstate compacts or equitable apportionment; (3) will not limit, alter, modify, or amend any interstate compacts or equitable apportionment that apportion water among and between Colorado and other states; and (4) does not constitute a precedent with respect to any future protection area designation.

**Rivers and Water**

Subsection 3(d)(e) deals with the relationship between the protection area and water rights. It specifies that the bill (1) does not constitute an express or implied reservation of any water or water rights with respect to lands in the protection area; (2) will not affect any water rights in Colorado; (3) will not limit, alter, modify, or amend any interstate compacts or equitable apportionment that apportion water among and between Colorado and other states; and (4) does not constitute a precedent with respect to any future protection area designation.

The subsection also requires the Secretary of Agriculture to follow Colorado law in order to obtain any new water rights with respect to the protection area, and explicitly states that the Forest Service shall not have any effect on existing water facilities or infrastructure, or associated water-related property, interests, and uses, in the portion of the protection area subject to the “special interest area” management prescriptions.

**OTHER PROVISIONS**

Subsection 7(a) specifies that the bill’s designation of wilderness will not result in the establishment of buffer zones outside the boundaries of the wilderness areas.

Subsection 7(b) provides for technical assistance with respect to repair of the Rollins Pass road, if requested by one or more of the affected counties. The intention is that if the Rollins Pass road is reopened the cut-offs, bypasses and detours that have been created to protect the closed road will be closed so that the impacts caused by these detours are halted and the affected lands can be noted that this part of the National Forest has been a municipal watershed for the City and County of Denver and other communities for more than eight decades, without serious adverse effects on the resources and values of these lands. Section 7(d)(3) is included to make clear in this bill will interfere with the continuation of that use. Toward that end, it specifies that the bill will not interfere with operation and maintenance of water facilities or infrastructure, including, but not limited to, the Moffat Tunnel, the Fraser River Water Collection system or the Englewood water collection system. Nothing in this bill will give the Forest Service any additional rights of oversight, regulation or acquisition in regard to any water facilities located in the protection area. As a result, access to such facilities, as well as any necessary work in connection with them—including construction or repair of roads or other uses of rights-of-way—will continue to be subject to any conditions or restrictions that would have been applicable or could become applicable in the absence of this legislation.

Section 4 addresses non-federal lands located within the protection area. It provides for acquisition of any such lands by the United States by purchase or exchange within the context of the annual appropriation for the Congress concerning the status of negotiations toward that end, and for management of any such lands as part of the protection area upon their acquisition by the United States.

**FALL RIVER TRAILHEAD**

Section 5 directs the Forest Service to locate a new trailhead and appropriate attendant facilities in the Fall River basin area in the Jemez Valley Wilderness Area. The Forest Service is to consult with Clear Creek County, local communities and the interested public on the location and establishment of this trailhead. The purpose of this trailhead is to provide access to this region of the James Peak Wilderness Area while alleviating impacts to the communities of Alice Township and St. Mary’s Glacier from wilderness use and recreation.

**LOOP TRAIL STUDY**

Section 6 directs the Forest Service to undertake a study to determine whether the creation of buffer zones outside the boundaries of the wilderness areas would be both feasible and desirable to establish within the protection area a loop trail for non-motorized recreational use that would connect the existing “Pass” trail and the existing “Rollins Pass” road. This study is to be done in consultation with interest parties, which the Committee intends will result in a thorough public-involvement process. It is important to note that neither this section nor the provisions for review and inventory in section 3(d)(1)(C) provide for mechanisms of review and acquisition in regard to any water facilities located in the protection area.

The Forest Plan and the provisions of the bill.

With regard to the provisions related to water facilities or infrastructure, it should be noted that this part of the National Forest has been a municipal watershed for the City and County of Denver and other communities for more than eight decades, without serious adverse effects on the resources and values of these lands. Section 7(d)(3) is included to make clear in this bill will interfere with the continuation of that use. Toward that end, it specifies that the bill will not interfere with operation and maintenance of water facilities or infrastructure, including, but not limited to, the Moffat Tunnel, the Fraser River Water Collection system or the Englewood water collection system. Nothing in this bill will give the Forest Service any additional rights of oversight, regulation or acquisition in regard to any water facilities located in the protection area. As a result, access to such facilities, as well as any necessary work in connection with them—including construction or repair of roads or other uses of rights-of-way—will continue to be subject to any conditions or restrictions that would have been applicable or could become applicable in the absence of this legislation.

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HONORING CONGRESSMAN DICK ARMEY

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. CRANE. Mr. Speaker, I rise to pay tribute to my friend and colleague Dick Arney, the distinguished Majority Leader. Dick and I have been kindred souls in our quest for greater fiscal restraint, lower taxes and removing the government-imposed barriers that restrain the growth of our economy. He has been a leader in promoting growth through supply-side economics and advocated a fairer, flatter, and simpler tax code. These are positions that I hope those who follow him to Congress in the years to come will continue to fight for.

Both of us are educators by trade and brought the valuable experiences learned in the classroom to the Halls of Congress. I am certain that Dick was a great educator. I’m sure his quick wit and command of the subjects he taught were thoroughly appreciated by his students. I know that his command of the issues and his ability to lead are appreciated by his colleagues. I also know that I will miss fighting the good fight for a better America with my friend Dick Arney.

IN RECOGNITION OF MR. HAROLD L. "SPIKE" YOH, RECIPIENT OF THE JOHN J. JONES AWARD FOR OUTSTANDING CONTRIBUTIONS TO OUR NATIONAL DEFENSE

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, today I would like to recognize the recent winner of the National Defense Industrial Association’s John J. Jones Award for Outstanding Contributions to our National Defense, Mr. Harold L. “Spike” Yoh.

Under the leadership of Spike Yoh, Day & Zimmermann, Inc. has made and continues to make significant and exceptional contributions to our national security. Among these, Day & Zimmermann established new safety and production standards for the munitions industry, and provided vital support for our efforts during the Gulf War.

Spike Yoh’s contribution to the United States extends to our economy and community, as well. Under his guidance, Day & Zimmermann grew 1,000 percent and now employs over 24,000 personnel, performing $1.5 billion in professional services for clients in 45 states and 15 countries. Though most prominent for its engineering and plant operation services, Day & Zimmermann also oversees 25 subdivisions providing construction management, technical personnel, security, clerical, marine transportation, maintenance, defense systems, and information services.

Through all this, Spike has maintained a standard of excellence that places Day & Zimmermann in a position to support our troops as we wage war on terrorism. In addition, his legacy of generosity and community service is an example to all of what our citizenship demands. During this dangerous and uncertain time, when our future depends on our continued vigilance and ability to serve, Spike Yoh stands as a leader, giving us confidence that we can skillfully weather the challenges ahead.

PROHIBIT FEDERAL FUNDING FOR ANY ORGANIZATION ENGAGING IN ANYTHING HAVING TO DO WITH HUMAN CLONING

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce legislation prohibiting federal funding for any organization that engages in human cloning or human cloning techniques. Moral and legal questions surrounding human cloning are among the most contentious and divisive facing America today. However, I hope we can all agree that no American should be forced to subsidize this activity.

Some believe the current prohibition on the use of federal funds for cloning and cloning research is sufficient protection for those taxpayers who object to cloning. However, this argument is flawed for two reasons. First, the current ban is not permanent and thus could be changed at will by a future Congress or administration. Second, because federal funding is fungible, current law does not necessarily prevent federal funds from subsidizing cloning. After all, whenever a company that engages in cloning research receives federal dollars for any project, the company obviously then has more dollars available to use for cloning. Therefore, any federal funding for companies that engage in human cloning forces taxpayers to subsidize those activities. Thus, the only way to ensure that no American is forced to pay for cloning research is to eliminate all federal funding of such companies or organizations.

Thomas Jefferson said “To compel a man to furnish contributions for the promulgation of ideas he disbelieves is both sinful and tyrannical.” I hope my colleagues will embrace the spirit of Jefferson and join me in ending the sinful and tyrannical practice of forcing taxpayers to subsidize a practice so many find abhorrent. I urge my colleagues to support this bill and forbid federal funds from going to any company which engages in human cloning.

PAYING TRIBUTE TO LINDA MALINSKY

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Mancos Valley, Colorado, Linda Malinsky. Throughout the years, Linda has been a model citizen of the community by selflessly donating her time and efforts to needy organizations and seniors throughout the area. I would like now to highlight several of her efforts and commend Linda on her achievements.

Linda is known as a person with a kind heart and gentle soul who dedicates most of her time to the Valley Inn Nursing Home. At the home, she serves as the Social Services Director, providing her energies to ensure the continuation of a high quality of life for seniors in the home and in the area. When she is not at the home, she stays fully occupied by providing her amazing voice to her local church and other groups. Her voice is well known in the area and many of her listeners relish her sound as relaxing and soothing to the mind and spirit. In her desire to further help the elderly and provide healthcare to those in need, Linda organizes the annual Alzheimer’s Walk in Boyle Park. She volunteers all her time and efforts to the charity, which annually raises thousands of dollars to fight the debilitating disease.

Mr. Speaker, Linda Malinsky is a model citizen of the community and her hard work and efforts have not been overlooked. She has recently been named as the Citizen of the Year by the Mancos Valley Chamber of Commerce honoring Linda for her dedication to seniors in the area. I would like to congratulate Linda on her efforts and her recent award, wish her...
happy holidays, and good luck in her future endeavors.

THE INTRODUCTION OF THE RETIREMENT ENHANCEMENT ACT OF 2001

HON. ROBERT E. ANDREWS
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. ANDREWS. Mr. Speaker, I rise today to introduce the Retirement Enhancement Act of 2001. The Retirement, Enhancement Act of 2001 consists of two bills, one amending the Employee Retirement Income Security Act (ERISA) and the other amending the Internal Revenue Code (IRC).

These bills are the result of my work as the Ranking Member of the Subcommittee on Employer-Employee Relations, which last Congress and earlier this year held a number of hearings to consider improvements to ERISA. The Subcommittee heard from a wide variety of witnesses representing pension participants, employers, and financial advisors. They presented us with a variety of proposals to improve the retirement security of American workers. The Retirement Enhancement Act seeks to take the best of these contributions, and couple them with other pension provisions that I have either advocated or supported in the past.

Joining with me as cosponsors of the Retirement Enhancement Act of 2001 are numerous members of the Committee on Education and the Workforce, including Representatives MILLER, KLIDEE, OWENS, PAYNE, MINK, SCOTT, WOOLSEY, RIVERS, HINOJOSA, Tierney, Kind, Sanchez, FORN, KUCINICH, HOLT, SOLIS and McCOlLUM. They share my belief that enactment of these bills will improve workers’ access to and adequacy of needed retirement benefits.

Since the enactment of ERISA, the number of Americans who participate in a pension plan has nearly doubled from 38.4 million in 1975. While this growth is considerable, it still leaves about 30 percent of the workforce without access to a pension plan through their employer. Both the General Accounting Office and Congressional Research Service have completed studies analyzing pension coverage in the United States. The studies found that approximately 53 percent of workers, roughly 68 million people, lacked a pension plan in 1998. About 39 percent of those without coverage worked for an employer that did not sponsor a plan, while 14 percent lacked coverage because their company’s plan did not include them.

These bills seek to eliminate the remaining weaknesses in ERISA and lay the groundwork to help those not covered by an employer pension. These bills seek to improve pension coverage and adequacy. Under these bills, employers that sponsor plans would be required to offer coverage to all employees who meet current minimum eligibility requirements as soon as the one year of employment. These bills also improve coverage for part-time workers who represent one of the largest groups without pension coverage and currently represent 70 percent of the part-time workforce.

With the ever-changing, workforce, it is also important that we decrease the vesting period for workers in defined contribution plans. For workers who will have many employers during their working lives, we need to ensure that they will earn pension benefits that will benefit them in retirement. The bill reduces pension vesting from 5 to 3 years for defined contribution plans.

The Retirement Enhancement Act seeks to expand pension availability to those workers without it. One of the innovative ways in which it would do so is to create a model small employer group pension plan into which small employers could contribute minimal administrative responsibilities. The Departments of Labor and Treasury would work with associations or financial institutions to establish and advertise these model plans that so that employers and employees would know that easy and accessible pension options exist.

The Retirement Enhancement Act includes important pension protections for women. These bills establish a 75 percent joint and survivor annuity option that would provide surviving spouses greater benefits in retirement. It provides enhanced protection to divorced spouses who presently receive less than half of the benefits. It improves spouses’ access to and adequacy of needed retirement information rights. These bills would also allow for time taken off from work under the Family and Medical Leave Act to count toward pension participation and vesting requirements.

The Act improves ERISA’s safeguards for the investment of pension assets. It creates an expedited prohibited transaction exemption process under which plans would be able to more easily and quickly provide participants with new investment products. It does so, however, without weakening the safeguards that employers are required to provide qualified investment advice, including self-interested advice provided advisors meet minimum qualifications, adequate notice is provided, employees have an independent opinion and also effective remedies are available to employees for breach of the advisors fiduciary duties. This will be extremely helpful to those workers in defined contribution pension plans who bear the primary responsibility for their pension plan investment decisions.

In recent months, tens of thousands of participants in defined contribution plans have suffered great loss when their company stock price dramatically declined, most notably in the case of Enron. Too many participants have had their retirement savings effectively wiped out. The Retirement Enhancement Act would give pension participants enhanced rights to diversify their employer pension contributions. The bill would require all employers to notify employees of their right to diversify employer contributions and would require employers to diversify employer contributions.

The Retirement Enhancement Act of 2001 improves access to pension information and strengthens enforcement mechanisms. It would require that plan participants regularly receive statements apprising them of the status of their earned pension benefits. Pension plan forms would also have to provide more detailed financial information about their earnings and investments. These bills would improve the current pension auditing system by requiring accountants to conduct full scope audits, and report irregularities to the Department of Labor.

The bill includes important incentives to increase meaningful access to pension plans for low and moderate wage earners. It makes refundable the new tax credit for individuals who make pension contributions either to an IRA or 401(k) plan and it also includes a tax credit to small businesses that would subsidize 50 percent of their pension contributions for the first 3 years of a plan.

The bills create an alternate dispute resolution system to resolve benefit disputes. The Department of Labor, along with some reso- lution organizations, would develop an early neutral evaluation program. This would allow for participants to receive benefits in a timely manner instead of after years of litigation. The bills also strengthen ERISA’s remedies to ensure that participants have meaningful access to court, and that the courts can adequately remedy violations of the law.

Finally, the Retirement Enhancement Act of 2001 requires the timely distribution of defined contribution cash-out amounts, which would have to be made within 60 days of an employee’s termination. It permits employees to work longer without being required to start pension receipt by delaying the minimum distribution of benefits from age 70½ to 75. Furthermore, for workers who are involuntarily terminated, it permits them to borrow against their pension earnings in order to pay for health or job training expenses.

Mr. Speaker, it is now time for the Congress to build on what was started with the enactment of ERISA in 1974, and take additional steps to ensure retirement security for our workforce. Advances in medical technology, environmental protection, nutrition, and improved living standards give us reason to believe that Americans are going to live longer. Whether the quality of these lives, after retirement, is good or not, will depend upon the existence, nature and security of each person’s pension plan. Because employers are rapidly shifting to the use of employee-directed pension accounts, more and more workers will be making decisions that are critical to their future financial health. I believe that the Retirement Enhancement Act of 2001 will help make those decisions easier, and make the benefits of those decisions more secure.

I look forward to working with my colleagues and the pension community to continue to improve these bills and advance their consideration.

TRIBUTE TO JANET AND MAXWELL HILLARY SALTER

HON. HENRY A. WAXMAN
OF CALIFORNIA

HON. HOWARD L. BERMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. WAXMAN. Mr. Speaker, we rise today to pay tribute to two dear friends, Janet and Maxwell Hillary Salter. Janet and Max are being honored on January 17, 2002 by the University of Judaism (UJ) in Los Angeles for their tremendous commitment to Jewish, business and civic activities. We have known Janet and Max for more than three decades and can not imagine two more deserving recipients for this prestigious award.

The evening will be particularly meaningful because the Sigi Ziering Institute at the UJ will be unveiled due to the generosity of Janet and Max. The institute will provide a national...
center to explore the moral and religious im-
impact of the Holocaust for future generations.
And, it will solidify and honor the memory of
Sigi Zierling, who was a beloved philan-
thropist, entrepreneur, scientist and Holocaust
survivor. Sigi is survived by a loving family
who have always been instrumental in furthering
the memory of the UJ.

Janet and Max have been leaders in philan-
thropy for as long as we can remember. They
are patron members of the UJ and for more
than ten years they hosted parties for Jewish
single's affiliated with the UJ.

They are also past members of the Los
Angeles County Museum of Art, Museum of
Contemporary Art and Platinum Members for
the Center Theater Group. They are avid sup-
porters of the Beverly Hills Education Founda-
tion, the Maple Center, the Venice Family
Clinic and Happy Trails. Their tireless dedica-
tion to the arts and education has made them
integral members of Los Angeles, civic com-

unity.

Janet is a multi-talented published cartoonist
who also coproduced, co-wrote and directed
two major musicals for the City of Beverly
Hills. She was awarded the first Golda Meir
Award in 1978 by the State of Israel Bonds.
She has served as a board member and chair of
the Beverly Hills Fine Art Commission for
nine years. She currently serves as president
of the Beverly Hills Theatre Guild and is on
the board of the Greystone Foundation.

Max served two years as mayor of Beverly
Hills during his eight year tenure on the City
Council. He is the chairman of Bono's, a
downtown Los Angeles apparel company,
chairman of the Fashion District Business
improvement Board and member of the board
of directors of Diagnostic Products. He is also
on the advisory board of the Jewish Community
Foundation and past president of Temple Beth
Am. Like Janet, Max's influence is felt wher-
ever he dedicates his talents.

Janet and Max have lived in Beverly
Hills for over 40 years. They have three wonderful
children, all graduates of either Berkeley or
UCLA, and twelve grandchildren, six of whom
were at Berkeley at the same time.

We are delighted to honor our dear friends
as they receive the well-deserved honor from the
University of Judaism and ask our col-
leagues to join us in wishing them all the best
for the future.

BIPARTISAN TRADE PROMOTION
AUTHORITY ACT OF 2001

SPEECH OF
HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. KENNEDY of Rhode Island. Mr. Speak-
er, I rise in opposition to H.R. 3005, the Trade
Promotion Authority Act. I believe in free trade
that is also fair trade, and this bill does not en-
sure that our future trade agreements will fit
that description.

I strongly feel that we have to learn from the
experience of the North American Free Trade
Agreement (NAFTA), which has been a fail-
ure. Since NAFTA is still a trade deficit with Mex-
ican, it is not surprising that the environment
is down in Mexico and it is also putting on
suffering, consumer safety has been put at risk due to the
importation of goods that are poorly inspected, and
manufacturing jobs in states like Rhode Island have been put at risk as employers
leave for Mexico and other countries.

I am also concerned about the role that
international organizations such as the World
Trade Organization have on our national sov-
ereignty, both federal, state, and local regulations that protect our consumers
and environment will be put at risk by H.R. 3005. The bill would allow our environmental
agreements to safeguard biocides, control
the use of particular pollutants, and preserve
our most endangered species, to be chal-

ledged as unacceptable barriers to trade.

Another major problem with the bill is its fail-
ure to learn from NAFTA's mistakes when it
comes to corporate investment. Foreign cor-
porations are using NAFTA's Chapter 11 on
investment to challenge core governmental
functions. Rhode Islanders need to be par-

cularly concerned about this. We need to learn
from the experience of the State of California
which has been sued by the Canadian com-
pany, Methanex, because of California's ban
on MTBE, a gasoline additive. This example is
particularly pertinent to Rhode Island, because
the Pascoag water district of Burrillville, Rhode
Island has a contaminated water supply from
MTBE. If we pass The Trade Promotion Au-
thority Act, we need to be aware that we open
the door to place Rhode Island laws and regu-
lations at the mercy of foreign firms.

For all of these reasons, I urge my col-
leagues to vote against H.R. 3005 and in sup-
port of the Levin-Rangel substitute.

TRIBUTE TO JANE ROBERTS

HON. JOSEPH M. HOFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. HOFFEL. Mr. Speaker, I rise today to honor
Jane Roberts who will retire in December
as Commissioner of Springfield Township in
Montgomery County, Pennsylvania. She
has served her community for many years
with distinction.

Jane is a dedicated public servant. Upon ar-
iving in Montgomery County, she became ac-
tive with the Schuylkill Valley Center for Envi-
rmental Education and became interested in
politics through the League of Women Voters
where she served as President.

Jane, a Democrat, was elected a Commis-
sioner of Springfield Township in 1994. She
served as Vice President of the Board of
Commissioners in 1996 and 1997. For the
past seven years, she has been active in pro-
moting recycling and other environmental
causes as the Chairwoman of the Cultural and
Environmental Resources Committee. In addi-
tion, she has served as the Commissioner Li-
aison to the Board of Directors of the Free Li-
brary of Springfield Township.

Jane and her husband Roy are the proud
parents of two sons and one granddaughter.

I am pleased to honor Jane Roberts on her
retirement from the Board of Commissioners.
She has made significant contributions to her
community that will leave a lasting mark. Her
dedication to her community truly is commend-
able. I join Springfield Township in congratu-
lasting Jane on her many years of exemplary
service.
Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Richard “Dick” Woodfin and thank him for his contributions to the state of Colorado. Dick, who last year celebrated his 100th birthday, has been an active leader in state political and agricultural communities for most of his lifetime. I would now like to recognize some of his past and present accomplishments and extend my gratitude to his service and dedication to our state and nation.

Dick came to Colorado as a child when his parents settled in Cheyenne Wells in 1916. He graduated from Colorado State University in 1928 and became an agriculture teacher and then began a long career in the agricultural community. His work with the Colorado Farm Bureau began in 1930 as an extension agent. He worked and remained active in the cities of Crowley, Canon City, Grand Junction and Burlington. In 1948, his involvement took a step forward when he was instrumental in the creation of the Mesa County Farm Bureau. His official service to the Colorado Farm Bureau ended in 1962, but he remained persistent in fighting for the interests of the citizens of Colorado upon being elected to the state legislature in 1969.

Mr. Speaker, Dick Woodfin contributed so much to the struggles of the Colorado Farm Bureau and to the triumph of the people of Colorado. His achievements have recently been recognized with the presentation of the Colorado Farm Bureau 2001 Service to Agriculture Award. For his lengthy service to the State of Colorado and the United States of America, I would like to personally recognize him for his efforts. Dick, you are truly worthy of the praise of this body of Congress.
a mockery of the 2000 election's Florida recount. This will establish standards that every State must meet for every Federal election.

Passage of this bill will also authorize $2.65 billion in funds to help meet these new high standards by replacing outdated voting equipment, and educate voters about the voting process. Of this money, $400 million is to help States replace outdated and unreliable punch card voting systems, the antiquated system which led to the Florida turmoil, and another $2.25 billion is to help States improve their equipment, provide greater access to disabilities, better train election workers, and educate voters about their rights.

Although I support this bill as a good start towards desperately needed reform, I recognize that it does not solve all of our election difficulties. I am very disappointed that the Rules Committee did not make in order the amendment offered by my good friends Mr. MENENDEZ of New Jersey, Ms. DELAURER of Connecticut, and Ms. JOHNSON of Texas. Their amendment would have solved many of the deficiencies contained in the bill, and make it more compatible with the bills currently being considered in the Senate.

Their amendment would mandate that the voting authorities begin to inform voters of a mistake in their ballot of voting for either too few or too many candidates. Nearly 200,000 ballots were thrown out of the Florida Presidential ballot because of over or under counting, and the technology to prevent this from occurring again is available. We should be using it.

The amendment would also require accessibility to alternative language voting for people with a limited grasp of English. This is a vital issue to me because the people in my congressional district, the Seventh District of New York, are native speakers of over 70 different languages. These hard working American citizens are just as entitled to vote as everyone else and should not be intimidated by the electoral process—something every citizen should hold dear.

Beyond that, this amendment ensures that the standards of the motor-voter law remain in order, to ensure that States cannot purge people from their rolls if they fail to vote in two consecutive Federal elections. It requires provisional ballots to be provided to voters missing from precinct registers, and notice be provided as to whether their residency was established and their vote counted following Election Day. The amendment ensures that national standards are maintained for error rates for voting machines, in addition to the other standards already established.

Although the Rules Committee did not make this amendment in order, I believe it is vitally important that these provisions be added to any bill that becomes law. Nonetheless, I continue to support H.R. 3295, which is a very good step in the right direction and support its passage today. But I hope that the Senate passes a bill containing all of these important provisions, and we are able to adopt it in all conferences.

This bipartisan legislation has the endorsement of the National Commission on Federal Election Reform and its distinguished chairmen, former Presidents Carter and Ford. The National Conference of State Legislators and the National Association of Secretaries of State, both of which will have to deal with its mandates, have also endorsed it. They all recognize that this bill is the best way to help rectify the problems of the 2000 election, and ensure that debacle never occurs again. I urge a “yes” vote on H.R. 3295. Thank you Mr. Speaker and I yield back the balance of my time.

TRIBUTE TO WORLD WAR II FLYING ACE, RICHARD WEST OF CHILLICOTHE, MO

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. GRAVES. Mr. Speaker, I rise today to pay tribute to World War II flying ace Richard West of Chillicothe, MO. A member of 35th Squadron, 8th Fighter Group, 5th Air Force stationed in the South Pacific, Richard shot down 14 Japanese fighters during 1943 and 1944. He was one kill away from being a triple ace.

Amazingly, in his 173 combat missions flying P-40 Warhawks and P-38 Lightnings, Richard saw air-to-air combat only eight times. However, one of those times he shot down four planes, another time he shot down two planes.

Along with other American aces in the South Pacific, West's character became legendary as the “Samson of the Pacific”. In the book, “Fighter Aces,” it is said that he refused to cut his hair until he downed his first Japanese plane. Richard also authored his own book, “Three Songs and Other Poems,” a book depicting the drama of air-to-air combat. Richard West is a highly decorated war veteran who helped shape the course of our Nation. He is a member of the “greatest generation” and deserves our respect and thanks. I am proud to announce that on Saturday, January 12, the Chillicothe Municipal Airport Terminal Building will be named in his honor, a memorial long overdue. I thank Richard West for his service to our country.

INTRODUCING THE HUD HOUSING AND SECURITY FLEXIBILITY ACT

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. GREEN of Texas. Mr. Speaker, I would like to call to the attention of the House an innovative program created by the Houston office of the Department of Housing and Urban Development (HUD) in conjunction with local law enforcement agencies in the Houston area. This program, utilizing grant money from the Operation Safe Home program, hires off-duty law enforcement officers to provide security and patrol housing complexes and apartment buildings. Mr. Speaker, I am introducing the HUD Housing and Security Flexibility Act. This legislation would allow HUD to hire local law enforcement agencies for these purposes. It authorizes local governments to hire local law enforcement for these purposes. It authorizes local governments to hire local law enforcement officers to patrol housing complexes and apartment buildings. This contract with police departments and other agencies. These contracts would be limited to 3 years in length, and would be solely for security, patrols, or other protective services at HUD-owned or -assisted housing.

Mr. Speaker, I feel that this legislation will go a long way toward eliminating crime in our public housing, and making Americans feel safer in their homes. I hope that the Congress will take up this important legislation during the 107th Congress.

SOCIAL SECURITY GUARANTEE PLUS ACT OF 2001

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. SHAW. Mr. Speaker, today, I am introducing the Social Security Guarantee Plus Act of 2001 to save Social Security. I believe strongly that we can and will work in a bipartisan manner to save Social Security, provided we choose to legislate for the next generation, not the next election. Two-thirds of a century ago, Social Security's framers designed the program to meet certain promises for the American people: the promise of a safety net of financial security, the promise that all workers would be treated fairly, the promise that Social Security would be owned by workers, for workers, and a program that workers and their families could count on should they retire, suffer disability, or die. However our nation's current demographics and economics have changed, and Social Security's ability to honor these promises is threatened. The Social Security Guarantee Plus Act I am introducing today will enable Social Security to continue keeping its promises.

First, through this plan, the Social Security safety net is fully preserved. Promised benefits, including cost of living increases, are guaranteed for those already receiving retirement, survivors, and disability benefits, those about to receive those benefits, and future generations.

Second, the plan treats all workers fairly. Workers have paid into the system, it's their money, and we must protect and enhance their investment. It's not fair to workers to raise their payroll taxes or lower their benefits. Failure is it fair for the government to tell workers to work longer. I do not want to create another "fear". That's why my plan does not raise taxes, does not lower benefits, and does not change the retirement age.

Third, Social Security dollars belong to the workers that sent them here, therefore this plan gives workers a real ownership stake in the program by allowing workers to choose to receive a tax cut to invest directly in safe, individually-selected, market investments. A new

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Therefore, the bill includes a provision, similar to that approved by the Senate Finance Committee, that would preserve and guarantee benefits for all workers age 62 and older.

At retirement or when the worker becomes entitled to receive benefits, the Guarantee Plus Plan works. The plan guarantees full, guaranteed benefits. These assets are saved in each beneficiary’s Guarantee Account in 2001. The Guarantee Plus Plan meets or exceeds all of these principles.

Principle #1: Modernization must not change Social Security benefits or raise taxes. If your goal is to keep current benefits, boost women’s benefits, and return Social Security to a sound, sustainable financial footing, then nothing is more important than the principle of full, guaranteed benefits.

Principle #2: The entire Social Security surplus must be dedicated to Social Security only. For the first time available Social Security surplus will be used to benefit Social Security during and beyond the economic downturn. These assets in these accounts would grow tax-free. No withdrawals would be permitted until a worker starts receiving benefits to ensure that the money is preserved for retirement.

At retirement or when the worker becomes disabled, a portion of the Guarantee Account is paid to the working worker and the rest is used to pay the Social Security benefits that the worker is entitled to. The Guarantee Plus Plan does all this and pays for itself through future earnings, future actuarial payments, and that’s confirmed by the Social Security Administration’s Office of the Actuary. Even under the most conservative estimates, the Guarantee Plus Plan allows the new Social Security system to generate surplus cash in the later part of the century, actually adding black ink to the government’s bottom line.

Other plans may cost less because they cut benefits or raise taxes. If your goal is to keep current benefits, boost women’s benefits, and retain Social Security as an independent fund, the Guarantee Plus Plan is the lowest-cost proposal to date. My plan uses general revenues to fund the accounts. Even assuming borrowing for a transitional period, my plan pays back every borrowed dollar plus interest within the 75-year evaluation period. Not only does this solve the current Social Security mortgage, it leaves workers with substantial account balances and the federal government with excess cash.

President Bush has shown true leadership by setting out principles for reform. The Guarantee Plus Plan meets or exceeds all of these principles.

Principle #1: Modernization must not change Social Security benefits for retirees or near retirees. My plan exceeds this principle, because it preserves and guarantees benefits for all workers and retirees. In fact, my plan improves benefits for everybody.

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Mr. Booker and fellow teammate James Bonelli have been named to the U.S. Army All-American Bowl on January 5, 2002, at Alamodome Stadium in San Antonio, Texas. On the day before the game, the Ken Hall Player of the Year trophy will be awarded. Mr. Booker is a finalist. He is also a finalist for the USA Today Offensive Player of the Year and the High School Heisman.

Obviously a leader on the field, Mr. Booker also has been described as a leader off the field, and as a gentleman who is proud and confident but who treats everyone as his equal.

Not surprisingly, Mr. Booker is considered by many to be the top college recruit in the country. Ironically, Mr. Booker is in no rush: He says he’ll make a decision when he wakes up on National Signing Day, February 5.

WHEREAS he goes, college football fans will quickly learn what California high school fans already know: Lorenzo Booker is a winner.

Mr. Speaker, I know my colleagues will join me in congratulating Lorenzo Booker for a very successful and impressive high school football career and in wishing him the best as he dodges and weaves into the next chapter.

HONORING PROFESSOR GARY JOHNSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor an old and dear friend of mine, Dr. Gary Johnson. Dr. Johnson was instrumental in helping me become who I am today. As my advisor in the San José State University Counselor Education program, he helped me develop the sense of mediation and personal interactions which are so important in the work I do as a Member of Congress. This Friday evening, December 14, 2001, Dr. Johnson will be honored at a celebration of his impending retirement from the faculty of my alma mater. The College of Education and the Department of Counselor Education at San José State University will gather together to pay tribute to Dr. Johnson for his 32 years of dedicated service to the Counselor Education program and to the betterment of our community and public schools.

Dr. Gary Johnson has been a leader in the design and implementation of the graduate program in the Department of Counselor Education at the College of Education at San José State University since 1969. He has served as a faculty member, program director, and division chairperson. In these capacities, he has motivated and inspired students from diverse backgrounds to maximize their individual potential for the good of our collective communities.

Since 1957, the innovative Graduate Department of Counselor Education has trained and graduated over 2,000 diverse professionals. It has maintained a recruitment and training emphasis focusing on cross-cultural issues, community partnerships, career lifespan development, non-traditional counseling services, and historically under-represented student populations since 1970. Starting in 1978, the department has supported a bicultural emphasis in its students, a bilingual capability in its faculty, and a cross-cultural emphasis in its curriculum delivery.

Many students have chosen Counselor Education as the field in which to re-enter their university studies, receiving their Masters Degrees and going on to pursue successful careers in private industry, education, and community organizations. Many Counselor Education graduates have pursued leadership roles as school administrators and educational reformers. The professional work of these individuals is a testimony to the invaluable work of Dr. Johnson’s long and distinguished career. Along with so many others, I take this opportunity to commend Dr. Gary Johnson for his outstanding contributions to the Graduate Department of Counselor Education at San José State University, and his outstanding contributions to my life and my professional development and career.

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INTRODUCTION OF H.R. 3484, THE PROMPT UTILIZATION OF WIRELESS SPECTRUM ACT OF 2001
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. SENSENBRENNER. Mr. Speaker, I am pleased to be an original cosponsor of H.R. 3484, the Prompt Utilization of Wireless Spectrum Act of 2001. The bill’s title aptly describes the critical need for this legislation to turn wireless spectrum, which has been tied up in litigation for years, into a useful, performing asset for the American people.

For some five years, personal communication services spectrum licenses have been the subject of a contentious dispute between the original licensee, an entity known as NextWave, and the Federal Communications Commission, regarding their rightful ownership.

In 1993, the Communications Act of 1993 was amended to permit the FCC to sell licenses and construction permits through a

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In 1993, the Communications Act of 1993 was amended to permit the FCC to sell licenses and construction permits through a
competitive bidding process and allow the success-ful bidders to pay for their licenses in installments. Pursuant to this authorization, auc-tions of certain licenses were held in 1996. NextWave successfully bid approximately $4.7 billion for a substantial block of these licenses. Subsequently, however, the market value of these licenses became depressed in response to various events, which in turn, adversely im-pacted the ability of some licensees to obtain funding for their purchases and operations. After making an initial payment of approxi-mately $500 million, NextWave failed to obtain financing for the remaining balance of its obligations and filed for bankruptcy relief under Chapter 11 of the Bankruptcy Code in 1998. It thereafter made no other payments to the FCC for the licenses. Eventually, 20 other li-censees also filed for bankruptcy relief under Chapter 11.

Extensive litigation over NextWave's li-censes dragged on for several years. The FCC ultimately canceled the licenses and re-auctioned them in January of this year, with winning bids of nearly $16 billion. Neverthe-less, the United States Court of Appeals for the District of Columbia subsequently found the FCC's cancellation of the licenses violated the Bankruptcy Code and thereby rendering their reauction null and void.

In an effort to resolve the various issues presented by the disputed ownership of these licenses, the FCC, NextWave and certain other interested parties have entered into a comprehensive settlement agreement late last month. The agreement provides, in essence, for the transfer of the licenses by NextWave to the FCC, which in turn will convey them to the successful reauction bidders. In exchange for agreeing to transfer the licenses, NextWave will receive a cash payment from the United States government (in addition to which the government will make a cash payment directly to the IRS on behalf of NextWave). As the re-sale of such goods, initially called with the settlement agreement, the Subcommittee on Commercial and Administra-tive Law and the Subcommittee on the Courts, the Internet, and Intellectual Property of the Committee on the Judiciary held a Joint hear-ing last week on this matter. Over the course of that hearing, various issues presented by the settlement agreement and proposed legis-lation were closely scrutinized, particularly those provisions requiring expedited judicial review and limiting the venue of certain appeals.

Largely as a result of that hearing and ex-tensive consultations with the interested par-ties, I am now confident that the settlement agreement is in the best interest of the public and the national fisc, under the circumstances. H.R. 3484, the Prompt Utilization of Wireless Spectrum Act of 2001 ensures that the settlement agreement will be implemented with the ultimate goal of making these tele-communications licenses available to those who will best utilize them for the American people.

Given the time constraints implicit in the pending settlement agreement and the need to tree up these licenses as soon as possible, it is my hope that Congress will promptly con-sider and pass H.R. 3484.

A WIDENING WINDOW OF OPPOR-TUNITY FOR WASHINGTON AND HAVANA TO CONSTRUCTIVELY ENGAGE

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. RANGEL. Mr. Speaker. With the bipar-tisan momentum for the abrogation of the U.S. trade embargo against Cuba gaining steam, along with the recent courteous diplomatic ex-change between the State Department and Havana and the subsequent trade initiative that was struck between U.S. agricultural groups and Cuba's Foreign Trade Ministry, such development should be of great interest to those in this country who have long been concerned with the course of U.S.-Cuba rela-tions. These two long time foes seem to be exercising a newfound flexibility that could evolve into normalized relations between Washington and Havana.

Michael Marx McCarthy, Research Asso-ciate at the Washington-based Council on Hemispheric Affairs (COHA), has recently au-thored an article of considerable importance entitled, A Widening Window of Opportunity for Washington and Havana to Constructively Engage, some of which appeared in a recent issue of the organization's estimable biweekly publication, the Washington Report on the Hemisphere. McCarthy's article examines the polite exchange that transpired after Hurricane Michelle rained hundreds of millions of dollars of destruction on Cuba, and closely analyzes how the White House's expediting of Havana's cash purchase of U.S. foodstuffs could estab-lish a diplomatic framework and a new mood which could lead to the restoration of regular political and economic ties. There is some possibility that, if we are lucky, this develop-ment could engender further constructive discus-sion and congressional action on the status of the archaic U.S. trade embargo that Washington slapped on Havana in 1962.

Additionally, considering the UN General Assembly's 15th consecutive overwhelming vote in favor of ending the U.S. trade embar-go, and the mounting pressure from agricul-tural and business groups in this country to open the Cuban market to U.S. farm and in-dustry products, now may be the time for some of my colleagues to harmonize with the rest of the world's public opinion and join with me in revising a failed policy that already has cost us dearly in reputation and in economic opportunities.

Furthermore, as the Castro government is reaching its half centennial, the U.S. should want to build upon the recent discussions to bring about a watershed in these two neighbor-ties. To allow this positive momentum to re-lapse would be a grievous error. The Cuban government and people are aware that a ma-jority of U.S. legislators and citizens desire friendly relations. To ensure that a peaceful transition of power follows the Castro govern-ment's end, U.S. officials should not relent on efforts to engage Cuba now. In fact, U.S. offi-cials need to consider widening their humani-tarian initiative by addressing basic bilateral issues—such as maritime, air, land regulations, labor, human rights, and drug interdiction, and if it is merely a one-shot arrangement which we go nowhere.
In fact, in this latest round of hurricane diplomacy, Cuba’s foreign minister expressed optimism regarding recent developments, calling for the U.S. to terminate its stepped-up resolve to the issue by announcing Havana ready for normalized relations with Washington. As of now, according to the State Department, the diplomatic exchange is still at an early stage, with a positive signal indicating a breakthrough in the long-standing impasse. mentre, the Bush administration has already announced its intention to engage Cuba on a larger scale, including the potential for increased economic and commercial ties.

POLITICAL FALLOUT

The surprisingly new, almost amicable, tone in their discussions suggests that the beginning of a détente might be possible down the road. Such a development could prove beneficial for both Washington and Havana. Bona fide dialogue, beginning at a relatively low diplomatic level, which will focus on improving current conditions and the well-being of the Cuban people, will be key.

In the past, Washington has been criticized for human rights and assistance and helped produce an unusually civil diplomatic exchange between Washington and Havana. The State Department, in a departure from its past policy of total intransigence on the issue of Cuba qualifying for U.S. disaster relief, initiated the discussions by publicly offering hurricane relief aid to Cuba. Shortly thereafter, Havana responded to the U.S. tender in a manner devoid of its usual bitter bite, thanking Washington for its kind gesture, but recognizing the Cuban government should be allowed to have direct access for purchasing U.S. medical supplies and food and arranging for its delivery.

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HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001
Mr. PICKERING. Mr. Speaker, today I rise before the House of Representatives to honor the life of an outstanding American, Vincent E. Parker. United States Navy Petty Officer First Class Vincent E. Parker is originally from Preston, Mississippi. Tragically, Petty Officer Parker was lost on Sunday morning, November 18, 2001, along with one of his shipmates, Petty Officer Third Class Benjamin Johnson while serving his country in the Persian Gulf.

Vincent Parker, noted for his devotion to God and country, grew up in rural eastern Mississippi. He attended Macon Elementary School and graduated from Nanih Waiya High School in Louisville. He was a devout member of the Assembly of God Church in Columbus, Mississippi, and he grew up in a loving, well-respected family with five siblings.

Like his brother John, he enlisted in the Navy upon graduation from high school. He successfully climbed the ladder as an enlisted man and was rated as an Engineman First Class Petty Officer. He was serving onboard the USS Peterson. This deployment was to be his last, completing a successful career in the Navy. His mission on November 18th was to enforce the United Nations sanctions imposed upon Iraq following the Gulf War. He boarded Samra, a ship believed to be smuggling oil for Saddam Hussein.

Mr. Speaker, I want to pay tribute to Petty Officer Vincent Parker for his 19 years of service to the United States of America and the United States Navy. He is also to be commended for his life-long devotion as a son, husband, brother, father and citizen. Petty Officer Parker is survived by his parents, Mr. and Mrs. Glenn D. Parker Jr. He is survived by his wife, Butch, and their two children, Vincent Jr. (age fourteen) and Rachel (age twelve). He leaves behind his sister Ruth Marie, and his four brothers, Glenn, Andy, Steven, and John.

Vincent was known onboard the Peterson not only for his Naval leadership, but also for the example he set as a citizen and man of God. He was simply known as “Butch” to his friends. He enjoyed the simple pleasures in life such as family and deer hunting. He will most be remembered for his devotion to God, country, and family.

Mr. Speaker, I ask our colleagues to join me in remembering an American hero, Petty Officer First Class Vincent E. Parker. Our sincere prayers and thoughts are with the Parker family at this difficult time. May God bless the Parker family, and may God continue to bless the United States of America with heroes like Vincent Parker.

INTRODUCTION OF SPECTRUM LICENSE POLICY ACT
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001
Mr. CONYERS. Mr. Speaker, I am happy to be an original cosponsor of the Spectrum License Policy Act of 2001, and I am hopeful we can pass this bill into law this year before we adjourn.

After months of negotiation in this matter, I am glad we have a deal that represents a win for everyone. It benefits the government by providing ten billion dollars in revenues to our Treasury. It benefits the original license holder by preserving the benefit of the bargain it had originally negotiated. It benefits our bankruptcy code, by preserving the doctrine of the stay and the power of the courts to enforce it, even against the government. And it benefits consumers by permitting the spectrum to come on the market as soon as possible, fostering much needed competition.

In a very real sense we have reached this point because of the interest and involvement of the Judiciary Committee. When the Federal Communications Commission was seeking to unilaterally take away NextWave’s spectrum assets, in violation of the automatic stay, this Committee weighed in to preserve the integrity of the bankruptcy code. The FCC was unable to ram their legislation through and the parties, to their credit, continued negotiating.

I am hopeful that this bill will serve as a precedent for achieving settlements for other similarly impacted parties. For example, I would note that Urban Communicators PCS LP, a minority owned enterprise, has also filed for bankruptcy and been engaged in a dispute with the FCC over spectrum rights. I would urge the FCC and the Congress to take up their case on an expedited schedule as well.

PAYING TRIBUTE TO J. PAUL BROWN
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001
Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize J. Paul Brown for his contributions to the community of Ignacio, Colorado. J. Paul’s civic involvement in the community spans over twenty years and involves the areas of agriculture, education, planning, and economic growth. I am proud to recognize him for his hard work and dedication in the following achievements.

J. Paul graduated from New Mexico State University with honors in 1975. In that same year, J. Paul became a rancher and entered the cattle and sheep market, a business he still runs today. In 1978, he began his civic service and was elected to the La Plata County Farm Bureau, serving later as President of the organization. He served on the State Board of Directors for the Colorado Farm Bureau, President of Colorado Wool Growers, and was honored as the Colorado Wool Grower Of The Year in 1996.

J. Paul continued his service to the community and state as a member of the La Plata Planning Commission, Sergeant of Arms for Colorado Counties, Inc., and as Chairman of the Region 9 Economic Development District. As a father and firm believer in education, J. Paul was elected to the Ignacio School Board of Directors. His performance led him to the honor of being one of only five members in the state to be nominated for the State School Board.

Mr. Speaker, I am honored to recognize J. Paul Brown and his dedication to the community of Ignacio, Colorado. J. Paul comes from a long line of dedicated community activists, following in the footsteps of his parents, Casey and Jean, who have recently passed a milestone of their own by celebrating their 50th wedding anniversary this year. His own dedication to the community is amazing when one considers the obstacles he has raised in order to provide for his family along with his wonderful Debbie, during his service to the people of Ignacio and the State of Colorado. Please continue your service to the community J. Paul and good luck in your future endeavors.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROGRAMS ENHANCEMENT ACT OF 2001
SPEECH OF
HON. JERRY MORAN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001
Mr. MORAN of Kansas. Mr. Speaker, I want to thank Chairman Chris Smith for his leadership this year. Our new Chairman of the Veterans Affairs Committee has served our Veterans well.

I would recall the words of the bill now before the House, H.R. 3447. It is a compromise that was achieved over several months by the House and Senate Veterans Affairs Committees. It contains measures from the health care bill that I introduced earlier this year, H.R. 2792, as well as proposals from a number of Senate bills. This bill will provide veterans greater confidence in their health care system, along with higher accountability for the VA.

Important Provisions of this bill:
- Enables VA nurses to pursue advanced degrees while continuing to care for veterans. This aids recruitment and retention of veterans within the VA health care system, and promotes higher quality of care for veterans.
- Mandates Saturday premium pay to certain VA patient care staff, such as licensed vocational nurses, pharmacists, and respiratory, physical, and occupational therapists. This provision will ensure that the VA remains competitive with other providers.
- Requires the VA to develop a nationwide policy on health care staffing to promote safe and high quality care for veterans.
- Establishes a 12-member National Commission on VA Nursing that would enhance the recruitment and retention of VA nurses and strengthen the nursing profession in the VA and nationwide.

Authorizes service dogs to be provided to severely disabled veterans suffering from spinal cord injuries, other mobility diseases, hearing loss or other types of disabilities that have trained service dog would assist.

Strengthens the mandate for the VA to maintain capacity in specialized medical programs for veterans by requiring each network of VA facilities to maintain a proportional share of national capacity in specialized health care
TRIBUTE TO HOOPS SAGRADO
(SACRED HOOPS)

HON. HAROLD E. FORD, JR.
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. FORD. Mr. Speaker, once in a while on this floor, we have the privilege to leave politics behind and recognize the outstanding achievements of Americans.

So today I would like to pay tribute to a group of young Americans—very close to my heart—that have become ambassadors of the playground.

In 1999, my friend Bryan Weaver founded a non-profit group named Hoops Sagrado. Hoops Sagrado is a cultural exchange program that is using the game of basketball to help bring a better life to two groups with seemingly little in common, young adults from the urban center that is Washington, DC, and young Mayans from the rural western highlands of Guatemala.

Despite the difference in cultures, the group share a common passion: They both love playing basketball. Hoops Sagrado is named after a Native American belief that all races are connected through the sacred hoops of life, and must live in balance with one another to survive.

These young men and women are doing their part to fulfill what Dr. Martin Luther King said was “Life’s most persistent and urgent question is, what are you doing for others?”

For the last two years I have had the great privilege of serving as an honorary chair of the Hoops Sagrado project, and was thus especially pleased to see that last week the Washington Post devoted a Metro Section series to Hoops Sagrado’s mission in Guatemala. The series highlighted the hope that Hoops Sagrado brings to these young people from Guatemala and America, a disproportionate portion of whom are raised by single mothers, and touched by the scourge of violence.

With great pride in the achievements of Hoops Sagrado, I urge all Americans to follow their example in touching young people, and review this book that was published during the week of November 25, 2001 and describing how they overcame hardship to build bridges of friendship.

Finally, I would like to thank them and their sponsors Ben Cohen, Phil and Jan Fenty of Fletch & Steele, and The National Basketball Association for the important and honest work they did as ambassadors on behalf of this country.

From The Washington Post, Nov. 25, 2001

The ancient colonial arch in Antigua is a grand 16th-century ruin—convents and churches toppled in 1773 by an earthquake that forever changed the face of this former Central American capital. But looking at the massive stone walls and windows, Biggie says, “Imagine what it would be like to be in one of these Guatemala jails.”

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He figured that this—the third summer of the program—would be pivotal.

He had joined forces with directors of the Shiloh Development Community, a teen mentoring program in Columbia Heights, and with the addition of the Shiloh group was bringing the largest number of players yet to Guatemala: 11. He had included two girls, hoping they would arrive and serve as role models for the Mayan girls who also would turn out for the basketball clinics.

There were preparatory meetings, with Bryan talking to parents about Guatemala’s indigenous Mayan community and urging them to heed the Rev. Martin Luther King Jr.’s challenge: “The most urgent and pressing question in life is what are you doing for others.”

He was focused on lofty ideals and aspirations. But the players including one young man who, despite two previous trips with him to Guatemala, was still fighting the lure of the street—presented the kind of mundane and vexing problems that young people sometimes exhibit: Stubbornness, Laziness. Lack of common sense. Failure to think through the consequences of their actions. Anger. Indifference to other people and their problems.

The oldest and the veteran of these trips was Sean Thomas, 23, who in his mid-teens was sent to a summer camp and was slowly trying to realize that he needed to break out of Adams Morgan to straighten out his life. He was flashy and street smart but erratic—Just like one of his favorite ballplayers, former Sacramento Kings point guard Jason Williams. Sean wore his Williams Jersey in Guatemala: Vamos, chicas. They have rocks and streets, he said later.

The girls also included Clayton Mitchell, a brash 18-year-old, who walked through Antigua and tried to figure out the little Spanish he remembered from his two previous summers in Guatemala: Vamos, chicas. “Let’s go, girls.”

The first female Hoops Sagrado volunteer, 16-year-old Dwayne Crossgill, knew that. An all-around athlete, Dwayne ran track and played football and basketball. He longed for opportunities to get out of the District. He thought he could bear more to lift the view from his second-story apartment in Columbia Heights, where he lives with his mother. There, drug dealers stand on stoops and push their wares. Dwayne had heard the occasional gunshot. He had attended more than one friend’s funeral.

“Living in D.C., I realize there’s lot of bad in these systems,” he said before he left for Guatemala. “It’s good to see the there’s other ways of life.”

Bryan eventually found out—the hard way—that teenagers who don’t know each other don’t magically get along and that even the most well-meaning adult counselors can clash. He later realized that his charges were probably prepared as they should have been about the culture and mores of Guatemala, about how to talk, act and dress in a vastly different culture. And he also discovered he had to learn to persuade a manager that behavior or dress that is acceptable in Washington could easily be offensive or provocative in a Mayan village.

But those were challenges.

TRYING TO CONNECT

Bryan had brought with him the autobiog-raphy “I, Rigoberta Menchu,” and a few days after the group got to Guatemala, he asked Sean to read to the group a paragraph from Chapter 1, in hopes of setting the right tone for the trip. Menchu is a Mayan who grew up not far from where the Hoops Sagrado team was headed.

During Guatemala’s 37-year civil war, as she tells the story, members of her family were raped, tortured and killed by the hundreds of thousands of Mayan Indians. Menchu, living in exile in Mexico, won a Nobel Peace Prize in 1992 for her work in promoting social justice and human rights for Guatemala’s indigenous people. The work has been criticized for exaggeration and misstatements, although it has also been widely praised as an accurate portrait of what it was like in Guatemala in those years.

Menchu was Sean’s age, 23, when she told the story of her life, a narrative that turned into the book. So when he hoped the words would resonate with him, as well as the others as they embarked upon their journey into the Mayan world.

“I’d like to stress it’s not only my life. It’s also the testimony of my people. It’s hard for me to remember everything that’s happened to me in my life since there have been many very happy and very joyous moments as well,” Sean said haltingly.

“The important thing is that what has happened to me has happened to many other people, too: My story is the story of all poor Guatemalan. My personal experience is the reality of a whole people.”

SO DIFFERENT, SO SIMILAR

But their first night, Menchu’s world was far removed from these young people, armed with their headphones and gangsta rap and hip-hop CDs. Their T-shirts bore the slogans: “Thug Life” and “Scarface.” “Kids and Guns Don’t Mix” they said on the front. On their feet they wore the equivalent of what could pay for several school scholarships for Mayan children: silver Nike Solo Flights and black patent-toe Air Jordans; leather Reeboks and New Balance cross-trainers.

What they did share with many Mayan children wasn’t so obvious: broken homes, families wracked by alcohol or substance abuse, apathy and discrimination.

Daily, the Hoops Sagrado team would travel a road up a mountain to get to the village of Xecam and the basketball clinics. It was a strain, up a steep and gutted road, marked by hairpin curves and treacherous cliffs.

But the real problem, Sean thought, would come from within. The road from Washington to Guatemala and back was marked by tears, turmoil, anger, doubt and misunderstanding.

Dwayne’s favorite T-shirt was imprinted with the words of a Swahili slogan that bore the prophecy for this group, “Life has meaning only in the victory, defeat or death in the hands of the gods.” So let us celebrate the struggles.”

There were plenty of struggles ahead.

INTERGOVERNMENTAL LAW ENFORCEMENT INFORMATION SHARING ACT OF 2001 H.R. 3483

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES Thursday, December 13, 2001

Mr. HORN. Mr. Speaker, today, I am introdu-cing the Intergovernmental Law Enforcement Information Sharing Act of 2001. This bi-partisan bill is designed to increase the flow of critical information among Federal, State and local law enforcement agencies.
their constituents. These State and local officials are the first responders to emergencies. They need access to critical information on potential threats within their jurisdictions. The “Intergovernmental Law Enforcement Sharing Act of 2001” will enhance their ability to get that information.

I urge my colleagues to support this bill.

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.

SEC. 1. SHORT TITLE.
This Act may be cited as the “Intergovernmental Law Enforcement Information Sharing Act of 2001.”

SEC. 2. CONGRESSIONAL FINDINGS.
Congress finds the following:

(1) Governors and mayors are responsible for the protection of their constituents, and State and local agencies are typically the first responders to emergencies. Therefore, State and local officials and agencies must be able to receive information regarding potential threats within their jurisdictions.

(2) Most State and local law enforcement authorities currently have mechanisms in place to receive and protect classified information provided by Federal officials. These mechanisms must be supplemented to include elected officials and additional senior law enforcement officials in every State.

(3) Expanding the issuance of security clearances, consistent with applicable Federal standards and investigative requirements, is an important means of improving information sharing among Federal, State, and local officials.

(4) There is a need for a comprehensive review of procedures within Federal law enforcement agencies in order to identify and remedy unnecessary barriers to information sharing among Federal, State, and local law enforcement agencies.

SEC. 3. SECURITY CLEARANCES AND ENHANCED INFORMATION SHARING.
Chapter 65 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 6509. Intergovernmental cooperation to enhance the sharing of law enforcement information

“(a) The Attorney General shall expeditiously carry out security clearance investigations for the persons identified in subsection (b), and shall grant appropriate security clearances to all such persons who qualify for clearances under the standards set forth in applicable laws and Executive orders.

“(b) The persons referred to in subsection (a) are:

“(1) Every Governor of a State or territory who applies for a security clearance.

“(2) Every chief elected official of a political subdivision of a State or territory with a population exceeding 30,000 who applies for a security clearance.

“(3) At least one senior law enforcement official for each State or territory, as designated by the Governor of such State or territory.

“(4) At least one senior law enforcement official for each political subdivision described in paragraph (2), as designated by the chief elected official of such subdivision.

“(5) Law enforcement officers from State, territorial, and local agencies that participate in law enforcement-terrorism working groups, joint or regional terrorism task forces, and other activities involving the combined efforts of Federal and non-Federal law enforcement agencies.

“(6) The chiefs, commissioners, sheriffs, or comparable officials who head each State, territorial, and local government that participates in a working group, task force, or similar activity described in paragraph (5).

“(c) REPORT.
Not later than 6 months after the date of the enactment of this Act the Attorney General shall submit a report containing the findings and recommendations of the study to the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.

SEC. 4. STUDY BY THE ATTORNEY GENERAL.

(a) Study Required.—The Attorney General shall conduct a study of methods to enhance the sharing of sensitive Federal law enforcement information with State, territorial, and local law enforcement officials.

(b) Readiness Required.—The Attorney General shall ensure that information systems, including databases, are configured to allow efficient and effective sharing of information among appropriate Federal, State, territorial, and local officials and agencies.

SEC. 5. DISCLAIMER.
Nothing in this Act shall be construed to limit the authority of the head of a Federal agency to classify information or to continue the classification of information previously classified by an agency.

PERSONAL EXPLANATION
HON. JANICE D. SChAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Ms. SCHAKOWSKY. Mr. Speaker, during rollcall vote No. 494 on December 12, 2001 I was unavoidably detained. Had I been present, I would have voted “yea.”

MIDDLE EASTERN TERRORIST INCIDENTS
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. GILMAN. Mr. Speaker, on September 11th, the U.S. suffered the most destructive terrorist attack on its soil by Middle Eastern terrorists with the suicide bombing of the World Trade Center in New York City and the Pentagon in Washington, D.C., which killed over three thousand Americans and wounded many more. This was the highest casualty toll ever recorded for a single terrorist incident anywhere. Yet the U.S. is by no means the only country to feel the wrath of Middle Eastern terrorists in recent months.

The cancer of terrorism that has plagued the Middle East for decades has now transformed into new and more deadly forms that pose grave challenges to the United States and our allies. Middle Eastern terrorists are now striking outside their home region, boldly attacking high-profile targets, and killing in a more indiscriminant manner.

Nonetheless, the Middle East is a hotbed of state-sponsored terrorism. Five of the seven states that have been branded by the U.S. government as sponsors of international terrorism—Iran, Iraq, Libya, Sudan, and Syria—are part of the troubled Middle East region. The Middle East is not only infested with more terrorist groups than any other region, but the Middle East remains the world’s foremost exporter of terrorism, with most of the spillover into Western Europe and the United States. These state sponsors of terrorism are concerned with furthering their national goals only through the use of their terrorist networks. It remains imperative, therefore that the United States and our allies track down and destroy these terrorist groups and their global reach wherever they may be.

Accordingly, in wanting to bring to the attention of my colleagues a list of the significant Middle Eastern terrorist incidents from 1961—2001 based on the findings of the State Department’s Office of the Historian, I request that this terrorism list be printed at this point in the RECORD.

Significant Middle Eastern Terrorist Incidents:

1961—2001

1961—1962

Munich Olympic Massacre, September 5, 1972: Eight Palestinian “Black September” terrorists seized 11 Israeli athletes in the Olympic Village in Munich, West Germany. In a bungled rescue attempt by West German authorities, nine of the hostages and five terrorists were killed.

Ambassador to Sudan Assassinated, March 2, 1973: U.S. Ambassador to Sudan Cleo A. Noel and other diplomats were assassinated at the Saudi Arabian Embassy in Khartoum by members of the Black September organization.

Entebbe Hostage Crisis, June 27, 1976: Members of the Baader-Meinhof Group and the Popular Front for the Liberation of Palestine (PFLP) seized an Air France airliner with 141 passengers. The plane was forced to land in Uganda, where on July 3, Israeli commandos successfully rescued the passengers.

Iran Hostage Crisis, November 4, 1979: After President Carter agreed to admit the Shah of Iran into the U.S., Iranian radicals
seized the U.S. embassy in Tehran and took 66 American diplomats hostage. Thirteen hostages were soon released, but the remaining 53 were held until their release on January 20, 1981.

Grand Mosque Seizure, November 20, 1979: 200 Islamic terrorists seized the Grand Mosque in Mecca, Saudi Arabia, taking hundreds of hostages. Saudi and French security forces retook the shrine after an intense battle in which some 250 people were killed and 600 wounded.

Assassination of Egyptian President, October 6, 1981: Soldiers who were secretly members of the Takrif Wal-Hajira sect attacked and killed Egyptian President Anwar Sadat during an Egyptian army parade.

Assassination of Lebanese Prime Minister, September 14, 1982: Premier Bashir Gemayel was assassinated by a car bomb parked outside his party's Beirut headquarters.

Bombing of U.S. Embassy in Beirut, April 19, 1983: Sixty-three people including the CIA's Middle East director, were killed, and 229 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French embassies in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 400-pound device hit a French base. Islamic Jihad claimed responsibility.

Kidnapping of Embassy Official, March 16, 1984: The Islamic Jihad kidnapped and later murdered American cultural advisor William Buckley in Beirut, Lebanon. Other U.S. citizens not connected to the U.S. Government were seized over a succeeding 2-year period.

Bukhara Restaurant Bombing, April 12, 1984: Eighteen U.S. servicemen were killed, and 83 people were injured in a bomb attack on a restaurant near a U.S. Air Force Base in Tonkian, Spain. Responsibility was claimed by Hizballah.

TWA Hijacking, June 14, 1985: A TransWorld Airlines flight was hijacked en route to Kansas City by two Lebanese Hizballah terrorists and forced to fly to Beirut. The eight crew members and 145 passengers were held for 17 days, during which one American U.S. Navy sailor was murdered. After being flown twice to Algiers, the aircraft was returned to Beirut after Israeli release of 450 Lebanese and Palestinian prisoners.

Soviet Diplomats Kidnapped, September 30, 1985: In Beirut, Lebanon, Sunni terrorists kidnapped four Soviet diplomats. One was killed after release.

Achille Lauro Hijacking, October 7, 1985: Four Palestinian Liberation Front terrorists seized the Italian cruise liner in the eastern Mediterranean Sea, taking more than 700 hostages. One U.S. passenger was murdered before the Egyptian Government offered the terrorists safe haven in return for the hostages' freedom.

Egyptian Airliner Hijacking, November 23, 1985: An Egyptian airliner bound from Athens to Malta and carrying several U.S. citizens was hijacked by the Abu Nidal Group.

Aircraft Bombing in Greece, March 30, 1986: A Palestinian splinter group detonated a bomb as TWA Flight 840 approached Athens Airport. Six Americans and six Britons were killed, and 59 Americans were wounded.

Berlin Discotheque Bombing, April 5, 1986: Two U.S. soldiers were killed, and 79 Americans were injured in a Libyan bomb attack on a nightclub in West Berlin, West Germany. In retaliation, U.S. military jets bombed targets in and around Tripoli and Benghazi.


Pan Am 103 Bombing, December 21, 1988: Pan American Airways Flight 103 was blown up over Lockerbie, Scotland, by a bomb believed to have been placed on the aircraft in Frankfurt, West Germany, by Libyan terrorists. All 259 people on board were killed.


Bombing of the Imperial Embassy in Argentina, March 17, 1992: Hizballah claimed responsibility. The embassy was destroyed in Buenos Aires, Argentina, causing the deaths of 29 and wounding 242.

World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists explodes in an underground garage. The bomb left six people dead and 1,000 injured. The men carrying out the attack were followers of Umar Abd al-Rahman, an Egyptian cleric who preached out the attack were followers of Umar Abd al-Rahman, an Egyptian cleric who preached.


Kidnapping of Archbishop of Oran, August 19, 1991: French Archbishop of Oran, killing him and his chauffeur. The attack occurred during the Archbishop's meeting with the French Foreign Minister. The Algerian Armed Islamic Group (GIA) is suspected.

PUK Kidnapping, September 13, 1996: In Iraq, Patriotic Union of Kurdistan (PUK) militants kidnapped four French workers for the Lebanese Universal National Committee for Refugees (UNHCR) official, and two Iraqis.

Egyptian Letter Bombs, January 2-3, 1997: A series of letter bombs with Alexandria, Egypt, postmarks were discovered at Al-Hayat newspaper bureau in Washington, New York City, London, and Riyadh, Saudi Arabia. Three similar devices, also postmarked Egypt, were found at the consulate in Switzerland, and France before turning the gun on himself. A handwritten note carried by the gunman claimed this was a punishment attack against the "enemies of Palestine."

Israeli Shopping Mall Bombing, September 4, 1997: Three suicide bombers of Hamas detonated bombs in the Ben Yehuda shopping mall in Jerusalem, killing eight persons, including the bombers, and wounding nearly 200 others. A dual U.S./Israeli citizen was among the dead, and seven U.S. citizens were wounded.

Yemeni Kidnapping, October 30, 1997: Ali-Sha'ib terrorists kidnapped a U.S. businesswoman near Sanaa. The tribesman sought the release of two fellow tribesmen who were arrested on smuggling charges and several public works projects they claim the government stopped. They released the hostage on November 27.

Tourist killings in Egypt, November 17, 1997: At Gam-a's al-Islamiyya (IG) gunmen shot and killed 58 tourists, 52 Egyptians and wounded 26 others at the Hatshepsut Temple in the Valley of the Kings near Luxor. Thirty-four Swiss, eight Japanese, five Germans, one French, one Cuban, a British citizen, and four unidentified persons...
were among the dead. Twelve Swiss, two Japanese, two Germans, one French, and nine Egyptians were among the wounded.

1998


2000

Attack on U.S.S. Cole, October 12, 2000: In Aden, Yemen, a small dingy carrying explosives rammed the destroyer U.S.S. Cole, killing 17 sailors and injuring 39 others. Supreme Court Justice Sandra Day O’Connor today to pay tribute to the late Betty Ann Bush on an Israel bus in the West Bank just injuring dozens of others.

2001

Global Coalition Against Terrorism. In response to the attacks, the United States formed the international terrorism. In the aftermath of the United States in a state of war with these acts. President Bush and Cabinet officials held Usama Bin Laden responsible.

4 hijacked plane, suspected to be bound and wounding more than 90.

Terrorist Attacks on U.S. Homeland, September 11, 2001: Two hijacked airplanes crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington, crashed into a field in southern Pennsylvania. More than 5,000 U.S. citizens and other foreigners died in these attacks. President Bush and Cabinet officials indicated that Osama Bin Laden was the prime suspect and that they considered the United States was in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terrorism.

Santa Barbara Airport, December 2, 2002: Two suicide bombers blew themselves up in downtown Jerusalem killing ten people and wounding more than 130. Hamas claimed responsibility for the attack.

Hamas Bus Attack, December 3, 2001: A Hamas suicide bomber blew himself up on a public bus in the northern Israeli city of Haifa, killing at least 15 people and wounding dozens of others.

West Bank Bus Attack, December 12, 2001: Palestinian gunman killed eight people and wounded 30 in a grenade and shooting ambush on an Israeli bus in the West Bank just minutes before 2 suicide bombers struck in the Gaza Strip.

A TRIBUTE TO BETTY ANN ONG

HON. CALVIN M. DOOLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to the late Betty Ann Ong, the sister of my constituent and friend Cathie Ann Ong-Herrera. Betty was a woman of remarkable courage who was one of the many to die in the act of war perpetrated on our country on September 11, 2001.

Betty Ann Ong was born in San Francisco on February 5, 1956 to Harry Ong, Sr. and Yee Gam Oy Ong. Betty was the youngest of four siblings, Harry Ong, Jr., Cathie Ann Ong-Herrera, and Gloria Ann Ong-Woo. Betty grew up in San Francisco's Chinatown where she attended Park Elementary School, Francis Middle School, Washington High School, and the City College of San Francisco. She excelled in volleyball and bowling. Later in life, Betty also loved to travel, collect antiques and carousels, and had an extensive collection of stuffed animals and dolls.

Betty began her career in the airline industry as a baggage handler and a ticket reservations agent with PSA and Delta Airlines. In 1998, Betty joined American Airlines as a flight attendant and later became a flight attendant purser. Betty loved her job and the people she worked with, and she was voted Flight Attendant of the Year five time by her peers.

Betty's colleagues always described her as a very loving, caring, and always friendly person, both to her co-workers and to the passengers she served. Betty received numerous written compliments from her passengers. On that tragic date of September 11, Betty was serving as a flight attendant on American Airlines Flight 11 from Boston to Los Angeles. As terrorist hijackers took over the plane, Betty and her colleagues calmly reported to the ground crew vital information about what was taking place. She identified some of the hijackers' seat locations, which helped investigators later identify the individuals involved and ask the ground crew to pray for the passengers aboard. Under overwhelming circumstances, Betty's primary concern was the safety of her passengers.

Up until the moment her life was tragically taken, Betty Ann Ong was a true professional who performed beyond her call of duty. Betty Ann Ong acted heroically under trying circumstances, and her heroism should be a sterling example of service to us all. Mr. Speaker, I ask my colleagues to join me in wishing Betty the very best.

HONORING FRESNO BEE REPORTER, JOHN ELLIS

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Fresno Bee reporter John Ellis, celebrating his heroic legacy, and wishing his family peace for their loss.

Mr. Speaker, I congratulate John Ellis both for his dedication to journalism and child welfare. I urge my colleagues to join me in wishing John the very best.

PERSONAL EXPLANATION

HON. JANICE D. SCHAOKWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 2001

Ms. SCHAOKWSKY. Mr. Speaker, during rollcall vote No. 495 on December 12, 2001 I was unavoidably detained. Had I been present, I would have voted "yea".

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROGRAMS ENHANCEMENT ACT OF 2001

SPEECH OF
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 2001

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3447, the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001. I urge my colleagues to join me in supporting this important measure and I commend the distinguished chairman of the Veterans Committee, the gentleman from New Jersey, Mr. SMITH.

This legislation provides a number of significant enhancements to veterans health care programs, with the purpose of both expanding those services offered to veterans, and improving the manner in which those services are delivered.

Specifically, the bill makes a number of changes to the policies governing VA nursing staff. It enhances eligibility and benefits for the employee incentive scholarship and education debt reduction programs by enabling VA nurses to pursue advanced degrees while continuing to care for veterans, in order to improve recruitment and retention of nurses within the VA health care system. Furthermore, the bill establishes a 12-member National Commission on VA Nursing that would assess legislative and organizational policy changes
to enhance the recruitment and retention of nurses by the department and the future of the nursing profession within the department, and recommends legislative and organizational policy changes to enhance the recruitment and retention of nursing personnel in the department.

Another issue addressed by the legislation concerns the maintenance of proper staffing ratios and the provision of overtime pay. The bill mandates that the VA provide Saturday premium pay for eligible 38 hybrid employees. Such hybrid-authority employees include licensed vocational nurses, pharmacists, certified or registered respiratory therapists, physical therapists, and occupational therapists. Moreover, it requires the VA to develop a nationwide policy on staffing standards to ensure that veterans are provided with safe, high quality care, taking into consideration the numbers and skill mix required of staff in specific health care settings. It also requires a report on the use of mandatory overtime by licensed nursing staff and nursing assistants in each VA health care facility, and to include in this report a description of the amount of mandatory overtime used by facilities.

H.R. 3447 offers several improvements in services for those veterans who require specialized medical care. It authorizes service dogs to be provided by VA to a veteran suffering from spinal cord injuries or dysfunction, other diseases causing physical immobility, hearing loss or other types of disabilities susceptible to improvement or enhanced functioning in activities of daily living through employment of a service dog. Additionally, it strengthens the mandate for VA to maintain capacity in specialized medical programs for veterans by requiring VA and each of its veterans integrated service networks to maintain the national capacity in certain specialized health care programs for veterans (those with serious mental illness, including substance use disorders, and spinal cord, brain injured and blinded veterans; veterans who need prosthetics and sensory aids); and extends capacity reporting requirement for 3 years.

Mr. Speaker, the legislation makes some important adjustments to regulations governing payment rates for non-service-connected veterans. This is done through modifying the VA’s system of determining non-service-connected veterans’ “ability to pay” for VA health care services by introducing the “low income housing limits” employed by the Department of Housing and Urban Development (HUD), used by HUD to determine family income thresholds for housing assistance. This index is adjusted for all standard metropolitan statistical areas (SMSAS), and is updated periodically by HUD to reflect economic changes within the SMSAS. The bill would retain the current-law means test national income threshold, but would reduce co-payments by 80 percent for near-poor veterans who require acute VA hospital inpatient care. This is important for those veterans with low incomes who reside in high-cost-of-living areas, like New York.

Finally, Mr. Speaker, the legislation extends the authority of the VA to collect proceeds from veterans’ health insurance policies for services provided as non-service-connected care. This bill represents the latest step in the longstanding ongoing commitment of Congress to oversee and improve the system that provides health care to our Nation’s veterans. For this reason, I urge my colleagues to join in supporting this vital measure.

INTRODUCTION OF THE “PROMPT UTILIZATION OF WIRELESS SPECTRUM ACT OF 2001”

HON. W.J. (BILLY) TAUZIN
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. TAUZIN. Mr. Speaker, I rise today to introduce the “Prompt Utilization of Wireless Spectrum Act of 2001.” For longer than I would like to acknowledge, the FCC and Nextwave have battled back and forth about the status of Nextwave’s C block licenses. Nextwave obtained these licenses the way every carrier obtains a spectrum license from the FCC: by being the highest bidder at auction.

When Nextwave filed for bankruptcy, the FCC sought to cancel Nextwave’s licenses, I asked, begged, and pleaded with Chairman Powell’s predecessor, Bill Kennard, not to cancel the licenses, and, more importantly, not to reauction them.

Despite having filed for chapter 11 bankruptcy protection, Nextwave retained a property right in those licenses, a right that could not be rescinded by the FCC or any other agency. Auction 35 went ahead anyway, raising a record amount. But the D.C. circuit confirmed what I had been arguing for some time: that Nextwave’s property right to those licenses could not be violated.

Auction 35 has thus placed us in a quandary. Wireless carriers who were auction 35 winners are counting on that spectrum to roll out or enhance valuable services to consumers. And we have a giant hole in the budget that needs to be plugged.

Nextwave’s C block licenses have faltered for too long and need to be put to good use. The settlement agreement authorized by the prompt utilization of Wireless Spectrum Act of 2001 may not be the prettiest or easiest way to ensure that the licenses are put to good use. But this legislation, and the corresponding settlement, appear to be the best way to put them to good use.

I applaud the parties for spending countless hours reaching this settlement. And I hope that both Houses of Congress can enact this legislation this year so that consumers can reap the benefits of putting this spectrum to its best use.

I thank Mr. SENSENBRENNER, Mr. THOMAS, and Mr. CONVERS for co-sponsoring this legislation. And I look forward to its prompt consideration.

HONORING EDNA BUTRIMOWITZ Ipson ON HER 90TH BIRTHDAY

HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. CANTOR. Mr. Speaker, I rise today to honor a remarkable woman. Edna Buttrimowitz Ipson was born in a small town outside Kovno, Lithuania in 1911. The youngest of six children, she is a survivor—a survivor of hunger, of hardship, of sacrifice. Mrs. Ipson survived the Holocaust.

When her husband could no longer practice law and opened a motorcycle business in their home, Mrs. Ipson turned her talents to the family business. She may not have been able to ride a motorcycle, but she certainly could sell them. Often times, she had been known to say, “When my husband comes home, you’ll see. If this motorcycle isn’t everything I said it was, you don’t have to buy it.”

She and her son, Jay, were in line with the rest of her family to be taken to the Riga Latvia concentration camp when they were pulled out of line by a guard who had known her husband. While the rest of her family did not survive the concentration camps, she was sent to the airport where she worked endless days as a slave laborer, loading and unloading coal cars.

In 1943, the Ipsons escaped from the ghetto to a small farm in Trakai where a Polish Catholic farmer risked his life to save her and her family. For nine months, they lived in a hole in the ground, escaping detection.

Yet even after liberation, their lives were not easy. While her husband sought ways of escaping, Mrs. Ipson took sole responsibility for providing for their family. She risked her life, traveling through Russian Military lines to illegal procure food from the black market. If caught, she would have been jailed and severely punished. However, she persevered and kept their family alive.

Her family finally escaped using Mrs. Ipson’s maiden name, Buttrimowitz, and forged Polish papers through Poland to the American Zone in Berlin. Finally, after being sponsored by Mrs. Ipson’s uncle Abraham Brown, they immigrated to America.

Once in America, her phenomenal will and fortitude continued to serve her family. Mrs. Ipson became the first female service station attendant. She would wash the windshield and check the oil of the service station customers—a very unusual sight in those days. Yet, she was one of the best salespeople in the area. While servicing the vehicles, she would bring out Like New car wax, shine a spot and convince the driver he needed the wax to make his car look “like new.” Her service station sold more car wax than any other in the area.

Mr. Speaker, Mrs. Ipson has led an amazing life of joy, sorrow and unending sacrifice. In fact, she often sacrificed celebrating her own birthday, protesting that Hanukah and her December Wedding anniversary were more important then her birthday. This year, her son, Jay, is honoring her life and celebrating her 90th birthday. Although I cannot be there in person, Mr. Speaker, I hope you will join me in honoring this remarkable woman and in wishing her the happiest of birthdays.
HIGHLIGHTS

Senate passed H.J. Res 78, Continuing Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S13245-S13319

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1829–1834, S. Res. 192.

Measures Reported:

- Senate passed H.J. Res 78, Continuing Appropriations.

Measures Passed:

- Student Loan Interest Rates: Senate passed S. 1762, to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders.
- Higher Education Relief Opportunities for Students Act: Senate passed S. 1793, to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.
- District of Columbia Family Court Act: Senate passed H.R. 2657, to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:
  - Daschle (for Lieberman/Thompson) Amendment. No. 2610, to make certain improvements to the bill.
  - Senate Legal Representation: Senate agreed to S. Res. 192, to authorize representation by the Senate Legal Counsel in Judith Lewis v. Rick Perry, et al.
- Continuing Appropriations: Senate passed H.J. Res. 78, making further continuing appropriations for the fiscal year 2002, clearing the measure for the President.
- 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:
  - Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.
  - 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.
  - 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.

Pending:

- 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.  

Wellstone Amendment No. 2602 (to Amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and to a payment limitation.  

Lugar (for McCain) Amendment No. 2603 (to Amendment No. 2471), to provide for the market name for catfish.  

Harkin Modified Amendment No. 2604 (to Amendment No. 2471), to apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract with certain individuals.  

Burns Amendment No. 2607 (to Amendment No. 2471), to establish a per-farm limitation on land enrolled in the conservation reserve program.  

Burns Amendment No. 2608 (to Amendment No. 2471), to direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program.

Executive Reports of Committees: Senate received the following executive report of a committee:  


Measures Referred:  

Measures Read First Time:  

Enrolled Bills Presented: Pages S13246–47

Executive Reports of Committees:  

Additional Cosponsors: Pages S13247

Statements on Introduced Bills/Resolutions:  

Additional Statements: Pages S13247–59, S13260–75

Amendments Submitted:  

Adjournment: Senate met at 9:30 a.m., and adjourned at 3:14 p.m., until 12:30 p.m., on Monday, December 17, 2001. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S13318.)

Committee Meetings  

No committee meetings were held.

House of Representatives

Chamber Action  
The House was not in session today.

Committee Meetings

BATTLING BIOTERRORISM  
Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on Battling Bioterrorism: Why Timely Information-Sharing Between Local, State and Federal Governments is the Key to Protecting Public Health. Testimony was heard from Edward Baker, M.D., Director, Public Health Program Practice Office, Centers for Disease Control and Prevention, Department of Health and Human Services; Rock Regan, Chief Information Officer, State of Connecticut; Gianfranco Pezzino, M.D., Epidemiologist, Department of Health and Environment, State of Kansas; and public officials.

CONGRESSIONAL PROGRAM AHEAD

Week of December 17 through December 22, 2001

Senate Chamber  

On Monday, at 1 p.m., Senate will begin consideration of the conference report on H.R. 1, Elementary and Secondary Education Act Authorization.  

On Tuesday, Senate will continue consideration of the conference report on H.R. 1, Elementary and Secondary Education Act Authorization, with a vote on adoption of the conference report to occur at 11 a.m.

During the balance of the week, Senate expects to resume consideration of S. 1731, Federal Farm bill, Conference Reports on H.R. 3338, Department of Defense Appropriations, H.R. 2506, Foreign Operations Appropriations, and H.R. 3061, Labor, Health and Human Services, and Education Appropriations, and any other cleared legislative and executive business.
Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Commerce, Science, and Transportation: December 18, to hold hearings to examine issues surrounding the collapse of Enron Corporation, 9:30 a.m., SR–253.

Committee on Finance: December 18, business meeting to mark up 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.

Committee on Foreign Relations: December 18, Subcommittee on International Operations and Terrorism, to hold hearings to examine the global outreach of Al-Qaeda, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: December 18, to hold hearings to examine the limits of existing laws with respect to protecting against genetic discrimination, 10 a.m., SD–106.

House Committees


Committee on the Judiciary, December 19, Subcommittee on Commercial and Administrative Law, oversight hearing on the Alabama-Coosa-Tallapoosa River Basin Compact and the Apalachicola-Chattahoochee and Flint River Basin Compact, 10 a.m., 2141 Rayburn.

Next Meeting of the SENATE
12:30 p.m., Monday, December 17

Senate Chamber

Program for Monday: After a period of morning business (not to extend beyond 1 p.m.), Senate will begin consideration of the conference report on H.R. 1, Education Reform.

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

Andrews, Robert E., N.J., E2304
Berman, Howard L., Calif., E2304
Bonior, David E., Mich., E2312
Capito, Shelley Moore, W.Va., E2291, E2293, E2296, E2298, E2300, E2301
Clement, Bob, Tenn., E2297, E2299
Conyers, John, Jr., Mich., E2312
Coyne, William J., Pa., E2293, E2295
Crane, Philip M., Ill., E2293
Crowley, Joseph, N.Y., E2306
DeLauro, Rosa L., Conn., E2299, E2301
DeOliveira, John D., Mich., E2296, E2298
Dooley, Calvin M., Calif., E2317
Ford, Harold E., Jr., Tenn., E2313
Gailey, Elton, Calif., E2308
Gilman, Benjamin A., N.Y., E2291, E2315, E2317
Gordon, Bart, Tenn., E2306
Graves, Samuel, Mo., E2307
Green, Gene, Tex., E2307
Hoeffel, Joseph M., Pa., E2295
Honda, Michael M., Calif., E2309
Horn, Stephen, Calif., E2314
Johnson, Johnny, Ga., E2305
Johnson, Eddie Bernice, Tex., E2300, E2301
Kennedy, Patrick J. R.I., E2305
Lantos, Tom, Calif., E2291, E2298, E2300
McInnis, Scott, Colo., E2291, E2292, E2298, E2299, E2296, E2297, E2298, E2301, E2303, E2306, E2312
Miller, George, Calif., E2306
Mink, Patsy, Hawaii, E2397, E2299
Moran, Jerry, Kansas, E2312
Ney, Robert W., Ohio, E2313
Pallone, Frank, Jr., N.J., E2293, E2296
Paul, Ron, Tex., E2303
Pickering, Charles W. "Chip", Miss., E2312
Rangel, Charles B., N.Y., E2293
Schaffer, Bob, Colo., E2292, E2294
Schakowsky, Janice D., Ill., E2299, E2300, E2315, E2317
Sensenbrenner, F. James, Jr., Wisc., E2309
Shaw, E. Clay, Jr., Fla., E2307
Simpson, Michael K., Idaho, E2297
Tausch, W. J. "Billy", La., E2298
Traficant, James A., Jr., Ohio, E2299
Udall, Mark, Colo., E2290, E2302
Visclosky, Peter J., Ind., E2309
Waxman, Henry A., Calif., E2304
Weldon, Curt, Pa., E2303

Congressional Record

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