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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 18, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

McDONALD'S NAMED RECYCLING LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise to commend the McDonald's Corporation, which is headquartered in my district, for its continued leadership in environmental conservation. For over a decade, McDonald's has set the standard for corporate social responsibility. It has been a pioneer in a range of initiatives to reduce solid waste, conserve energy, and promote environmental awareness and conservation here in the United States and around the world.

For its good work, McDonald's has been honored by many, including Keep America Beautiful, the National Audubon Society and Conservation International. It also has received awards from the President's Council on Environmental Quality and the Environmental Protection Agency.

Now adding to its long track record of achievements, McDonald's has been selected by the National Recycling Coalition for another important environmental award. This award recognizes the company's vision and leadership in proving that recycling really does work.

Back in 1989, McDonald's formed a partnership with the Environmental Defense Fund or EDF, to develop a comprehensive plan for reducing waste. This cooperative effort sparked a kind of revolution in the restaurant industry. In fact, it laid the foundation for a new approach to solving environmental problems: Working partnerships between businesses and environmental organizations.

With EDF's help, McDonald's set out to assess every aspect of its business, looking for opportunities to conserve. In 1990, McDonald's established one of the first corporate ''buy recycle'' programs. It also initiated an ongoing series of environmentally friendly changes in packaging designs and materials. Two years later, McDonald's became a founding member of the Buy Recycled Business Alliance, a group of businesses dedicated to purchasing recycled products.

The impact of these efforts has been extraordinary. Since 1990, McDonald's has purchased, in the United States, over $3 billion worth of products made from recycled materials, eliminated 150,000 tons of packaging, and recycled 1 million tons of corrugated cardboard.

Recycling is not the only significant conservation efforts undertaken by McDonald's over the years. This company has expanded its environmental programs to include water conservation, air pollution reduction, rain forest preservation and restoration, protection of domestic natural habitats, and litter reduction. Through partnerships with its suppliers and environmental organizations, it has fostered new conservation technologies, influenced business practices, and supported environmental education in classrooms, communities, and McDonald's restaurants in the U.S. and abroad.

NOTICE

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

Michael F. DiMario, *Public Printer*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

The National Recycling Coalition's award is a fitting recognition for such significant and successful efforts to make the world a better place.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I came to Congress dedicated to making the Federal Government a better partner with our communities, our business leaders, and our individual corporations to make sure that our communities are more livable, where our families are safe, healthy and more economically secure.

For over a century now, organized labor has been a champion of these same goals for families by defending the right to organize and represent themselves by being very active in public policy discussions and the enactment of protective legislation. Last week, in Las Vegas, the national AFL-CIO added their strong voice to achieving their goals for America's working families by promoting the principles of livable communities. It noted that the problems of both society and their members are compounded when our communities are abandoned. Cities are hollowed out by sprawl and the consequences of unmanaged growth. It is harder to travel, find decent affordable housing, it is harder for children to breathe, and even workers to organize.

Their important resolution was advanced by progressive unions like the United Food and Commercial Workers, the Amalgamated Transit Union, the good work of Jobs First, with their staff member, Greg LeRoy.

I would note three important provisions in that resolution where they point out; whereas sprawling development on urban fringes creates new jobs beyond public transit grids, leaving consumers with no choice about how to get to work and undermines transit ridership; and whereas many other central labor bodies and State federations have long advocated for policies now collectively called ''smart growth,'' such as affordable housing, better public transit, school rehabilitation, and the reclamation of brownfields; now, therefore be it resolved, that the AFL-CIO authorize and directs its leadership to actively engage in the emerging public and political debates surrounding urban sprawl and smart growth, asserting labor's rightful role in the national debate about the future of America's cities for the benefit of all working families. Powerful words from a powerful organization dedicated to promoting America's families.

I would note the special leadership of the regional labor leaders, people like Don Turner, the President of the Chicago Federation of Labor, that has been active with the Metropolitan Metropolis 2020, an organization in Metropolitan Chicago that brings together the community organizing for their future; John Dalrymple, the executive secretary-treasurer of the Contra Costa County Central Labor Council, where organized labor has been a vital force in Silicon Valley's efforts to come to grips with the livability of that fast growing area; and John Ryan, the executive secretary of the Cleveland Federation of Labor, where in Cleveland they have been part of a coalition with the Catholic Archdiocese of Cleveland, reaching out to communities around Ohio.

Mr. Speaker, these are leaders of vision, people who know that smart growth is not the same as no growth; leaders who know that dumb growth can be too expensive and choke long-term prosperity; and that in working together business, citizens, and organized labor, we can truly make our communities more livable where our families are safe, healthy, and more economically secure.

HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to express some very serious concerns about events that happened yesterday not in Afghanistan, where we are fixated by the CNN optic of what is going on there in Tora Bora and elsewhere, but about events in a friendly neighboring nearby country, democratic country, Haiti.

News reports indicate that a group of individuals attacked the Haitian National Police in the early morning hours. The government of Haiti official report claims that this was some type of attempted coup against President Aristide. There is no particular evidence to support this claim, however.

We are certain of some of the aftermath by some of the initial reports we are receiving from the area. President Aristide has unleashed mobs of his political cronies against U.S. and French official installations and against the homes and offices of numerous political opposition leaders. In fact, those homes and offices were, in several instances, burned to the ground.

Also, the mobs were directed against various independent radio stations, which were forcibly shut down. And there were apparently orchestrated riots staged in cities and towns all across Haiti. Most tragically, these mobs burned to death, in a very brutal way, a number of innocent people.

Given President Aristide's lack of commitment to democratic norms we have been watching through the years, I believe he owes the international community today, and now a detailed explanation of exactly what did happen yesterday in Haiti. I call on the United States Government, the friends of Haiti, and the Organization of the American States to seek thorough, complete and verifiable information on the following issues, at a minimum:

First, whether yesterday's attack on the national palace was deliberately staged by the Aristide government, as many think; secondly, that given the officially sanctioned attacks on the U.S. Consulate, these are our people, our property in Haiti, and the French embassy's Cultural Institute, whether Haiti intends to abide by its prior commitments to protect diplomatic personnel and facilities. This is at a minimum. And, third, given Haiti's legal agreement to various U.N. and OAS human rights treaties, whether the Aristide government will cease its attack on Haiti's independent media and democratic political parties and their leaders.

Unfortunately, we have been asking for this for a number of years now and we have not been seeing much cooperation from the Aristide government. In fact, I think most observers would fairly say there has been a very noticeable and significant retreat from democracy in that country, tragically.

One of the immediate consequences for my State of Florida and for the United States is a problem we have been talking about with regard to immigration troubles and terrorism, and that is our porous borders. We are now confronted with people fleeing Haiti, as has been their want in the past, refugees exposing themselves to the treachery of the Florida straits at this time of year, coming over in unsafe boating conditions, and trying to reach the safety of the shores of the United States of America.

It is a tough proposition for us on how to treat these people humanely and not encourage more people from coming. I think most Members will recall we have had floods of people in the past, so many that we have had to create camps in Guantanamo before, and I am afraid we are on the verge of another immigrant problem of that magnitude.

I think that it is very important that we look at Haiti very directly as part of a failed legacy of the Clinton foreign policy program. I am sorry to say that. There are many of us at the time that said that the policy was misguided; that it would not work; that the kinds of sanctions the Clinton administration put against Haiti would backfire, and, indeed, they did. Haiti has not had much leadership, and what it has had seems to have been away from democracy. I think it is a spectacular failure of foreign policy.

I think that the misery level in Haiti is spectacular also, regrettably. And I think that the brutality we saw yesterday, again in the mob violence, was brutality that is spectacular and inhuman and very, very regrettable.

□ 1245

I think we have a spectacle on our hands that needs to be explained in

what did happen yesterday, and in the events surrounding the further repression of democracy and the apparent actions that the Aristide Government is claiming that it now must take from yesterday's events in order to stamp out the last few remnants of decency and democracy and civilization of that wonderful country. It is time for accountability, and I think the world needs to know that.

BILLIONS OF DOLLARS IN TAX CUTS GO TO LARGEST CORPORATIONS

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we remember following the horrific events of September 11, several gas stations around the country raised their prices to $4, $5 and $6 a gallon. Most called that war profiteering, but the overwhelming majority of Americans came together. They gave blood and put out their flags. Many went to New York and the Pentagon to help. Thousands volunteered in their communities. School children collected pennies, nickels and dimes to send to the victims and families.

Something else happened in Washington, D.C., not war profiteering in the simple sense of raising gas prices, but a more sophisticated kind of political profiteering. This Congress, lobbied hard by the President and the Republican leadership, first of all gave a huge multi-billion dollar bailout to the airlines, requiring nothing from the airline executives, providing nothing for airline security, doing nothing for airline safety. When many tried to include help in this bill for the 100,000 airline workers who had lost their jobs, Republican majority leader, the gentleman from Texas (Mr. ARMEY) told us now is not the time, that extending government assistance to laid off workers ''was not commensurate with the American spirit.''

Then President Bush and this Congress gave billions of dollars in tax cuts and subsidies and rebates to the largest corporations in the United States. A tax refund to IBM, for example, literally in the form of a check from the Federal Government for $1.4 billion, $1 billion to Ford, $900 million to General Motors, hundreds of millions of dollars to American and United Airlines, as if the bailout was not enough, and the list goes on and on and on.

More recently, with unemployment creeping up to the highest 2-month increase we have seen in 21 years, with the anxiety that people have about their jobs, with LTV and Republic Technologies steelworkers and other steel industry workers facing company bankruptcies, with hundreds of thousands of people losing their jobs, this Congress, at the behest of the Republican leadership, the President and America's largest corporations, this Congress passed something called Trade Promotion Authority, which simply will send more of our jobs to Latin America and more of our jobs to developing countries around the world.

My dad used to talk about World War II and shared sacrifice, about war bonds and WAVES and WACs, about victory gardens and scrap metal drives. But this Republican Congress and this President do not know much about shared sacrifice. Instead, they demand tax cuts for IBM, General Electric and American Airlines, while doing absolutely nothing for 100,000 laid-off airline workers. Instead of shared sacrifice, this Republican Congress and this President demand of Congress that we pass Trade Promotion Authority while doing little to provide public investments for broken-down schools, while doing little to help starved public health infrastructure, while doing little to help our woefully inadequate rail system.

Imagine, Mr. Speaker, if the President and the Republican Congress called on us, like FDR did in World War II, called on the Congress and the American people for shared sacrifice. Imagine if the President called on young, patriotic Americans to enlist in the Army or the Peace Corps, to enlist in the Navy or AmeriCorps, to enlist in the Air Force, or teach for America. That is what waving the American flag is all about.

Imagine if the President said to his friends in the drug industry, no more special favors. We are not going to allow drug companies to charge American consumers and America's elderly more for prescription drugs than anywhere else in the world. Imagine. That is what waving the American flag is all about.

Imagine if the President called on America to volunteer for Meals on Wheels or clean up their neighborhoods or to tutor children who are having difficulty keeping up. Imagine. That is what waving the American flag is all about.

Imagine if the President would say to his friends in the oil business, we are going to wean ourselves off Middle Eastern oil. We are going to find a way to help Americans conserve and get better gas mileage. Imagine. That is what waving the American flag is all about.

Instead of this Republican President and Republican leadership in this House bestowing tax cuts on the wealthiest Americans, imagine if we helped those who needed it the most, laid-off workers, people without health insurance, children sentenced to inferior schools. Instead of the Republican President and the leadership in this Congress bestowing tax cuts on the largest corporations in the world in this country, imagine instead if they appealed to the best in America. Imagine.

PASS ECONOMIC STIMULUS PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, while Congress fiddles with the details of an economic stimulus package, the dreams of many American families burn. I rise today to urge my colleagues to move an economic stimulus package through the Congress this week.

I believe serving an agricultural and industrial district of eastern Indiana, that Americans and Hoosiers are hurting at this especially poignant time of the year. Since arriving in Congress in March, I have maintained that for my district and citizens we have been in a recession since the first of the year. Before summer of this year, nearly 3,000 Hoosiers lost their jobs in my district alone, and the events of September 11 have only exacerbated the problem.

I submit today, as someone who has in fact lost a job over the Christmas holidays myself, that it is especially burdensome on families to do so, and it is an especially grevious state of affairs. Jim and Eileen Decker of Goehring's Mens Shop in Anderson, Indiana, are closing the door of their Main Street store after 55 years of business due to downturns in the local Anderson economy. Delco Remy America, which is located in Anderson, has announced over 200 layoffs. J.J and Jodi Leever and their sons, Noah and Hunter, are part of the many families who will be gathered around the tree one week from today, not just filled with the joy of the moment, but filled with the uncertainty these economic times bring.

Yet we in Congress today continue to languish, continue to debate one with another, sometimes in demagogic tones and sometimes in legitimate ways, about whether or not we can pass an economic stimulus package this week. On behalf of J.J. and Jodi Leever, and the many families of eastern Indiana, I urge my colleagues to act, but not as the gentleman from Ohio (Mr. BROWN) just spoke moments ago, not simply in a way that is focused on the wage earner who finds themselves in dire circumstances.

Mr. Speaker, we must have, if it is to be an economic stimulus package, it must benefit not just the wage earner but the wage payer; and we must no longer tolerate the anti-capitalistic rhetoric that says that it is appropriate for leaders in this institution only to assist the wage earner once he finds himself out of gainful employment, and never to come alongside the wage payer, never to provide assistance to businesses small and large, and permit them to bring those families back to work.

Mr. Speaker, it is accurate to say the best welfare program in the world is a good job. The Republican leadership

here in the Congress passed an economic stimulus package that, yes, reinforces the safety net to assist Americans through rebates and low-income benefits, assist Americans who are struggling. But we also passed tax relief to working families, small businesses, and even large corporations to say we want to reinvigorate Americans in these difficult and uncertain economic times, to bring those Hoosiers and bring those Americans back to work and back to gainful employment.

There is talk on the editorial pages and in the hallways of this institution that we are about to give birth to an economic stimulus package that has very little stimulus to it at all. It seems to be developing into a potpourri of giveaways to moderate- and low-income and unemployed Americans while turning a deaf ear and a stiff arm to the wage payer in America.

I submit today that thanks to President Bush's foresight in arguing through this institution a tax relief this summer, this economy is already improving. We will find our way out with or without an economic stimulus package from our present malaise. But the reality is that this institution should heed the advice of many who have gone before, pro-growth conservatives like Jack Kemp and others; and we should go big or go home. We should either pass an economic stimulus package that truly speeds relief and invigorates the American economy at every level, for the wage earner and the wage payer, or we should just go home and enjoy our families over Christmas and be confident that this economic ship will right itself. I urge my colleagues to move on a real bill with real substance and real stimulative effect. Let us go big, Mr. Speaker, or let us go home.

U.S. TERRITORIES IN DIRE NEED OF ECONOMIC STIMULUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today as the House considers yet another version of the economic stimulus package, and while House and Senate negotiators continue to work out a potential agreement with the President, I would like again to speak on behalf of my home island of Guam and the U.S. Territories in the hope that some of our colleagues would understand the dire circumstances that we find ourselves in. We need economic relief. We need it now. We need balanced economic relief. We need relief that not only speaks big, but also seeks to ameliorate the real live conditions of human beings for whom this Christmas will be a very dim one indeed. If we go home without addressing their needs and their concerns, then we would be in the position of robbing them of having a decent and hopeful Christmas.

Prior to the September 11 attacks, Guam's economy was already struggling as a result of the Asian economic crisis. During 1999 and the year 2000, Guam's unemployment rate was 15.2 and 15.3 percent respectively. For this year, Guam's unemployment rate was already over 15 percent and is anticipated to be near 20 percent by the end of this year. When Members start talking about they have a few hundred or a few thousand workers that have been displaced or unemployed as a result of the September 11 attacks, and even previous to that, I do not think that there is a single community that can match the kinds of trials and tribulations that we face in Guam. This unemployment rate that we are experiencing today is three times the national average.

Already the Government of Guam has been seeking ways to ameliorate the first phase of tax cuts earlier this year. Because of the nature of the tax system in the Territories, in Guam and the Virgin Islands, we have a mirror Tax Code. We collect the income taxes, but whatever tax cuts are delivered are anticipated to come from so-called local revenues rather than national revenues.

Mr. Speaker, we could not even afford the first level of tax cuts. No taxpayer in Guam has yet received the advanced rebates that were promised this summer. Considering all of the factors that we have to deal with, the unemployment rate, the Asian economic crisis which has affected the nature of our economy, the President's tax relief plan which hindered the collection of Government of Guam revenues, Guam's economic situation has been exacerbated by the September 11 attacks.

□ 1300

The most immediate effect has been on tourism. Tourism and international tourism drives Guam's economy. It is a $3 billion economy in which we get about 1.5 million tourists a year, of which about 80 percent come from Japan.

Guam was impacted by flight cutbacks and employee layoffs of Continental Micronesia, a subsidiary of Continental Airlines, which is Guam's largest private employer. Guam is also hindered in trying to deal with the dislocation and the misery created by this because we have caps on Medicaid. We have a 50/50 share with the Federal Government, but we are capped, we have caps on TANF and the fact that there is no unemployment insurance available to private sectors in Guam means that the between 15 and 20 percent of the working population in Guam who find themselves dislocated face a dismal future indeed.

I have worked over the last several weeks to try to tell this story and to try to work on a bipartisan basis to ensure Guam's and other territories' inclusion in this stimulus package, no matter how it may look like. Particularly, for example, the national emergency grants, the President's proposal, when it first left the White House, it did not include the territories, an oversight as it was indicated. I am very pleased to note that the gentleman from Ohio (Mr. BOEHNER), chair of the Committee on Education and the Workforce, has agreed to make the territories eligible should this be part of the final stimulus package. We are also talking about making sure that the territories are included in any payroll tax rebate which we anticipate could be part of the final package. We also want to make sure that health insurance for the unemployed again include the territories. Finally, we want to make sure that unemployment benefits which are generally available, the extension to other American citizens, are also available to American citizens in the territories.

In summary, if we are not able to get all of this and we are not able to get the stimulus package, we call on the executive branch to at least provide discretionary funding to the territories.

NATION'S CAPITAL PLAYS A ROLE IN MAINTAINING AN OPEN SOCIETY DURING TIME OF WAR

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon to speak about a subject which may seem abstract, except that in wartime it is very real. We had a meeting with top White House officials, the Mayor, several city officials, business and labor officials and yes, some officials from here in the House to discuss maintaining an open society in a time of war.

Mr. Speaker, we have got to make sure that the words ''open society'' do not become cliches. We have been tested recently. The test goes on. Are we able to fight a war even in the homeland and maintain the normalcy that the President admonishes us to maintain? Or will we, little by little, close down the society so that we resemble somebody else's society, a society we try not to be?

Let us recall that this House was on the steps of this House on the evening of September 11 sending a brave message to the country and the world that we were going to keep this House open, that we could not be chased from the House and that they could not shut down democracy. It was one of the proudest moments probably in the 200 years that we have had a Congress. The importance, of course, there, was that it occurred in Washington and it occurred from the Nation's leaders. Then, of course, there was the anthrax scare, and we are still suffering from that. The House and the Senate took different paths. The House paid a price.

But I think people still recognize that the leadership by example is coming from this House and the Senate and will continue to come from the Congress.

The Christmas tree lighting which took place last week was the largest I have ever seen, and I am a native Washingtonian, occur from the Congress. I thank Speaker HASTERT for his leadership in making it a bigger and better lighting and the gentleman from Michigan (Mr. STUPAK) for his work in recognizing that this year, above all, we must make little events like lighting of the Christmas tree into big deals, because everybody is looking to Washington to see whether the war has canceled Christmas and to see whether normalcy really obtains.

I want to thank the Sergeant at Arms of the House and the Senate and the Architect of the Capitol, who are called the Capitol Police Board for reopening tours of the Capitol. People stood in pouring rain on a Saturday morning when they heard by word of mouth that the tours were reopened.

What is the importance of this event after event? I can tell you one thing, I do not intend to become the event planner for Washington or any other city, but the world is looking at us to see whether or not we know how to keep on keeping on. They cannot tell. They cannot get inside our heads. They can only tell by whether or not we continue to remain normal.

The White House at first closed the Christmas tree lighting. When I called the White House and said, do you really have to do this, I appreciate that they rethought it and decided that all they had to do was bring the same glass that they used around the President at the inauguration and put that same glass out there and they could have the public come to the Christmas tree lighting.

I want to make sure that this city is not closed down. If we close down this city, we close down every city in America. The Nation will look to see whether we run to our bunkers to see whether they should run to theirs.

At the meeting last week with White House officials, I want to share with Members some of the suggestions we made that would help send a message that the Nation's capital is open and, therefore, America is open: Allowing people who were screened through their Social Security numbers to tour the White House; opening E Street which was closed down again after September 11 even though the Secret Service had agreed that E Street could be reopened once it was widened; allowing a circulator or secured bus for tourists to go right across Pennsylvania Avenue in front of the White House. If that does not send a message to those who think we are afraid. And funding the National Capital Planning Commission so that we have a citywide plan to do security compatible with our national monuments.

Mr. Speaker, I certainly hope that the White House allows District schoolchildren to be the first to see the White House Christmas tree decorations as a sign that this does remain an open and free society.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

Lord God, King of heaven and earth, as Members of the U.S. House of Representatives gather today, let every Member know that the prayers of the great religious traditions across this Nation are with them. Guide them, sustain them, and bring them to solemn resolve for what is best for this Nation at this time.

Our Jewish brothers and sisters bring light to a dark world during Hanukkah, praying for the end of violence in the Middle East; they assure us that the lamp of faith is not diminished, but grows stronger day by day.

Our Christian brothers and sisters long for the celebration of the birth of Jesus. They pray that this assembly further the incarnation of peace, justice, and love in this world.

Our Muslim brothers and sisters, having finished their purifying fast, now with hearts and minds renewed, turn to You with greater faith that a new day of understanding, compassion, and prophetic truth is rapidly approaching.

May this House and this Nation place all their trust in You alone. Free the world of prejudice and violence in the name of religion as You manifest in us Your divine destiny now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on today.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has been concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

TREATMENT OF RECEIPTS FROM MINERAL LEASING ACTIVITIES ON CERTAIN NAVAL OIL SHALE RESERVES

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2187) to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves, as amended.

The Clerk read as follows:

H.R. 2187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF RECEIPTS FROM MINERAL LEASING ACTIVITIES ON CERTAIN NAVAL OIL SHALE RESERVES.

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)(1), by striking the second sentence; and

(2) by adding at the end the following new subsection:

''(g) USE OF RECEIPTS.—(1) The Secretary of the Interior may use, without further appropriation, not more than $1,500,000 of the moneys covered into the Treasury under subsection (f)(1) to cover the cost of any additional analysis, site characterization, and geotechnical studies deemed necessary by the Secretary to support environmental restoration, waste management, or environmental compliance with respect to Oil Shale Reserve Numbered 3. Upon the completion of such studies, the Secretary of the Interior shall submit to Congress a report containing—

''(A) the results and conclusions of such studies; and

''(B) an estimate of the total cost of the Secretary's preferred alternative to address environmental restoration, waste management, and environmental compliance needs at Oil Shale Reserve Numbered 3.

''(2) If the cost estimate required by paragraph (1)(B) does not exceed the total of the moneys covered into the Treasury under subsection (f)(1) and remaining available for obligation as of the date of submission of the report under paragraph (1), the Secretary of the Interior may access such moneys, beginning 60 days after submission of the report and without further appropriation, to cover the costs of implementing the preferred alternative to address environmental restoration, waste management, and environmental compliance needs at Oil Shale Reserve Numbered 3. If the cost estimate exceeds such available moneys, the Secretary of the Interior may only access such moneys as authorized by subsequent Act of Congress.''.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

I would like to thank my leadership for scheduling this bill today. It is my hope that, with the passage of this legislation, we can begin the cleanup work on certain naval oil shale reserves and proceed with the transfer we enacted on the floor 3 years ago.

I was the author of legislation which transferred these two oil shale reserves from the Department of Energy to the Bureau of Land Management in 1998. After a 10-year debate on the issue, even the Clinton administration came to agree that there was little future in using oil shale to fuel battleships and that these two reserves could be more useful to the public as BLM properties managed for multiple use and particularly for oil and gas leasing.

The State agency charged with promoting such development estimated as much as $125 million in oil and gas revenues to be generated by the two sites, to be split equally between Colorado and the Federal Government. The early returns seemed to confirm this as the first lease sale in the fall of 1999 generated $7 million, and that amount has since risen to around $8.5 million. At the same time, it was acknowledged that cleanup work needed to be done on the two sites, particularly at Anvil Point on the naval oil shale reserve number 3, which was the site of a Bureau of Mines experiment years before.

It was also acknowledged that a cost estimate for the cleanup could only come through negotiation. Strangely, whoever held the site seemed to feel it was an environmental hazard to all, while whoever no longer had the site felt it was a matter of minimal danger, perhaps of no danger at all. Because of this, it was agreed that the State Department of Public Health and the Environment could serve as the mediator between the two agencies and that the cleanup would be conducted to State standards.

All of this moved along until late 1999 when the BLM approached my office for help in funding the cleanup. As an interior solicitor had concluded, a specific authorization was needed to allow BLM to assess the leasing monies needed for the cleanup. This was further complicated by the question of just who the proper authorizing committee was. The transfer came about through the defense authorization of 1998, and the Committee on Armed Services bill. The House Committee on Resources is the normal authorizing committee for the BLM, but the Committee on Appropriations, The Subcommittee on the Interior, often handled such matters in the past, under BLM's standard authorization.

The bill before us, a Committee on Resources bill, would supply BLM with the authorization it needs to undertake the cleanup at Anvil Point and begin to realize the program first adopted in 1998. The authorization would be for 5 years, meaning the cleanup should be completed within that time.

If it were completed earlier, the two secretaries could certify as much and the distribution of revenues could begin.

About a year ago, we were talking to Colorado BLM director Ann Morgan about the problems surrounding the transfer. We thought we did this 3 years ago, we said. And she said, welcome to public lands management. Unfortunately, I think she may be right.

Mr. Speaker, at this time I will insert for the RECORD documentation in regard to this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, December 18, 2001.

Hon. W.J. ''BILLY'' TAUZIN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your earlier letter in which you agreed to waive the Committee on Energy and Commerce's additional referral of H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves. I agree that your waiver does not affect your jurisdiction over the subject matter of the bill, and I will support your request to be presented on any conference on the bill, or a similar matter, if one should become necessary.

A copy of your letter to me regarding this bill was included in the Committee's bill report on H.R. 2187 (House Report 107–202). I will be pleased to also include your letter and my response in the Congressional Record during today's debate on the measure.

Thank you for your cooperation in this matter, and I look forward to working with you and your staff during the second session of the 107th Congress.

Sincerely,

JAMES V. HANSEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 26, 2001.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN HANSEN: I am writing with regard to H.R. 2187, which was ordered reported with an amendment in the nature of a substitute by the Committee on Resources on June 27, 2001. As you know, the Committee on Energy and Commerce was named as an additional Committee of jurisdiction upon the bill's introduction.

I recognize your desire to bring this bill before the House in an expeditious manner. Accordingly, I will not exercise the Committee's right to exercise its referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 2187. In addition, the Energy and Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 2187 or similar legislation.

I request that you include this letter as a part of the Committee's report on H.R. 2187 and in the Congressional Record during debate on its provisions. Thank you for your attention to these matters.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

Mr. Speaker, with that, I ask for the support of my colleagues of the bill.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, the pending matter has already been explained by the previous speaker. However, I would note that the bill enjoys very strong bipartisan support, as it is also cosponsored by the gentleman from Colorado (Mr. UDALL) and was favorably reported by the Committee on Resources by voice vote.

In its essence, the measure completes the legislative process for an initiative which began several years ago with the enactment of the fiscal year 1998 Defense Authorization Act.

Recognizing that there was no longer any need to keep what had been formerly known as the Naval Oil Shale Reserve Number 3 in Colorado, off limits to competitive Federal oil and gas leasing, this Act transferred administrative jurisdiction over to the Department of the Interior. At the same time, the Act required that receipts from preexisting federally-owned oil and gas developments, once sold, as well as any new Federal oil and gas leases within the area, be used to finance the remediation of a legacy of environmental contamination at the site. However, the release of these receipts to pay for the environmental restoration activities was subjected to a future authorization. This is what the measure before us today provides.

Mr. Speaker, this is a noncontroversial measure. I urge its passage. I congratulate the gentleman from Colorado (Mr. HEFLEY).

Mr. Speaker, seeing no further speakers, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I have no further speakers. I encourage support for this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 2187, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COLD WAR INTERPRETIVE STUDY ACT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 107) to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes, as amended.

The Clerk read as follows:

H.R. 107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLD WAR STUDY.

(a) SUBJECT OF STUDY.—The Secretary of the Interior, in consultation with the Secretary of Defense, State historic preservation offices, State and local officials, Cold War scholars, and other interested organizations and individuals, shall conduct a National Historic Landmark theme study to identify sites and resources in the United States that are significant to the Cold War. In conducting the study, the Secretary of the Interior shall—

(1) consider the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense pursuant to section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906);

(2) consider historical studies and research of Cold War sites and resources such as intercontinental ballistic missiles, flight training centers, manufacturing facilities, communications and command centers (such as Cheyenne Mountain, Colorado), defensive radar networks (such as the Distant Early Warning Line), and strategic and tactical aircraft; and

(3) inventory and consider nonmilitary sites and resources associated with the people, events, and social aspects of the Cold War.

(b) CONTENTS.—The study shall include—

(1) recommendations for commemorating and interpreting sites and resources identified by the study, including—

(A) sites for which studies for potential inclusion in the National Park System should be authorized;

(B) sites for which new national historic landmarks should be nominated;

(C) recommendations on the suitability and feasibility of establishing a central repository for Cold War artifacts and information; and

(D) other appropriate designations;

(2) recommendations for cooperative arrangements with State and local governments, local historical organizations, and other entities; and

(3) cost estimates for carrying out each of those recommendations.

(c) GUIDELINES.—The study shall be—

(1) conducted with public involvement; and

(2) submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than 3 years after the date that funds are made available for the study.

SEC. 2. INTERPRETIVE HANDBOOK ON THE COLD WAR.

Not later than 4 years after funds are made available for that purpose, the Secretary of the Interior shall prepare and publish an interpretive handbook on the Cold War and shall disseminate information gathered through the study through appropriate means in addition to the handbook.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $300,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume. I will try not to take the full 20 minutes.

Mr. Speaker, H.R. 107, which I introduced, would direct the Secretary of the Interior to conduct a National Historic Landmark theme study to identify sites and resources in the United States that are significant to the Cold War. Generally speaking, the Cold War is considered to be from 1946 to 1989.

H.R. 107 would direct the Secretary to study military and nonmilitary sites and resources associated with the people, events, and social aspects of the Cold War. The study shall include recommendations for commemorating and interpreting the sites identified by the study, including cooperative arrangements with the State and local governments and local historical organizations, as well as cost estimates for carrying out each of the recommendations. The Secretary shall submit the report to the House Committee on Resources and the Senate Committee on Energy and Natural Resources.

The legislation also requires the Secretary to prepare and publish an interpretive handbook on the Cold War and disseminate information gathered through the study.

Mr. Speaker, the bill is supported by the majority and the minority of the subcommittee, and I do not believe it is controversial. In addition, the bill is supported by the administration with the ongoing caveat that the maintenance backlog be addressed first.

□ 1415

Mr. Speaker, I urge my colleagues to support H.R. 107, as amended.

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

Mr. UNDERWOOD. I yield myself such time as I may consume.

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 107, which was introduced by our colleague, the gentleman from Colorado (Mr. HEFLEY), directs the Secretary of the Interior to conduct a study regarding the sites and resources associated with the Cold War.

The period of history known as the Cold War covered some four decades, from approximately 1945 to 1991. The tension between the United States and the former Soviet Union that marked the Cold War era had a significant impact on U.S. policy, both at home and abroad, and as such, it is a crucial element of our recent history, certainly for most of us who have lived through this time period.

Already one site identified with the Cold War, a Minuteman missile complex in South Dakota, has been designated a national historic site. There are numerous sites and resources associated with the Cold War in the United States. The study authorized by H.R. 107 will provide public agencies and private individuals and organizations with recommendations on commemorating and interpreting appropriate sites and resources associated with the Cold War.

Mr. Speaker, we support the study authorized by H.R. 107, and recommend adoption of the bill, as amended by the House.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 107, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RICHARD J. GUADAGNO HEADQUARTERS AND VISITORS CENTER DESIGNATION ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3334) to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

The Clerk read as follows:

H.R. 3334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF RICHARD J. GUADAGNO HEADQUARTERS AND VISITORS CENTER.

(a) DESIGNATION.—The headquarters and visitors center at Humboldt Bay National Wildlife Refuge, located at 1020 Ranch Road in Loleta, California, is designated as the Richard J. Guadagno Headquarters and Visitors Center.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such building is deemed to be a reference to the Richard J. Guadagno Headquarters and Visitors Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I rise in strong support of H.R. 3334, a bill to name the Humboldt Bay National Wildlife Refuge Visitor's Center after Mr. Richard J. Guadagno.

Mr. Guadagno was a refuge manager until his life was tragically ended on September 11 by terrorists with the crash of United Airlines Flight 93 in Pennsylvania. Mr. Guadagno was only 38 years old, and spent 17 years working for the Fish and Wildlife Service.

During his distinguished career, he was a biologist, wildlife inspector, refuge employee at five units of the system, and he became the refuge manager for the Humboldt Bay National Wildlife Refuge in March of last year. As a refuge manager, Mr. Guadagno was a dedicated, hard-working, and energetic public servant who made the completion of the visitor's center one of his highest priorities.

According to his colleagues, it was his vision that the American people should have an enhanced opportunity to see the natural wonders and the wildlife diversity of Humboldt Bay, and gain an appreciation for their beauty and importance. This refuge is home to more than 200 bird species, four endangered species, and hundreds of acres of essential wetland habitat.

This refuge, which is on the northern California coast, is a popular attraction for thousands of visitors each year. It is a fitting tribute to name the visitor's center for him in recognition of his tireless efforts to make this a place of peace, rest and learning.

Following his untimely death, Secretary of the Interior Gale Norton wrote to Mr. Guadagno's parents, to tell them that their son was a beloved colleague, a model professional, and one of our Nation's heroes.

In addition, the acting director of the U.S. Fish and Wildlife Service, Mr. Marshall Jones, wrote a letter to the 8,400 employees of the service in which he said that ''Rich was proud to achieve his goal of becoming a project leader of a major refuge. He never lacked the courage to do the right thing.''

Finally, his immediate supervisor, Ms. Anne Badgley, a regional director of the U.S. Fish and Wildlife Service, wrote, ''Rich was one of our finest managers in the National Wildlife Refuge System, and he will be sorely missed.''

The Richard J. Guadagno Visitor's Center will be more than brick and mortar. It will be an ever-regenerative repository of knowledge and hope.

Mr. Speaker, I want to compliment the author of the bill, the gentleman from California (Mr. THOMPSON) for his leadership, and I urge an aye vote on H.R. 3334.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 3334 would name the headquarters and the new visitor's center of the Humboldt Bay National Wildlife Refuge in California for Richard J. Guadagno, the refuge manager who lost his life in the crash of Flight 93 on September 11.

Introduced by our colleague, the gentleman from California (Mr. THOMPSON), the bill has 135 cosponsors, including the gentleman from Utah (Chairman HANSEN) and the ranking minority member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL).

I congratulate the gentleman from California (Mr. THOMPSON) for his efforts to honor a public servant whose life sadly ended much too soon. Regrettably, the gentleman from California (Mr. THOMPSON) is unavoidably detained today on important business in his district, and consequently he is unable to be here this afternoon to speak on his bill. I know that he sincerely appreciates the expedited consideration of this legislation, which would honor a remarkable constituent of his.

Richard Guadagno was only 38 years old, yet he had worked for the Fish and Wildlife Service for some 17 years in numerous refuges around the country, from Oregon to New Jersey. According to all who knew him well, he had a passion for wildlife management and worked tirelessly to enhance the habitat of the refuge system. He also was committed to providing public access and developing strong partnerships with other groups committed to the conservation of the refuge system.

Appointed as the refuge manager at Humboldt Bay in early 2000, he had made the completion of the visitors center there one of his top priorities, as it would enable even more people to enjoy the refuge and all that it had to offer.

While there is little we can say to ease the sorrow of the family and friends of Richard Guadagno, I am hopeful they will get some comfort from knowing that he was such a well-liked and well-respected public servant who devoted every day to a job which he clearly loved. That is something that they can be very proud of.

Naming this visitor's center and the headquarters of the Humboldt Bay National Wildlife Refuge in honor of Mr. Guadagno will ensure that his work on behalf of the wildlife and their habitat will not be forgotten.

On behalf of the gentleman from California (Mr. THOMPSON) and myself, I urge the adoption of the pending measure.

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

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

Mr. Speaker, I want to thank the gentleman from Guam (Mr. UNDERWOOD), the staff, and the gentleman from California (Mr. THOMPSON) for this legislation. The House salutes Mr. Guadagno and his family in their time of sorrow.

Mr. THOMPSON of California. Mr. Speaker, I rise today in strong support of H.R. 3334, the Richard J. Guadagno Headquarters and Visitors Center Designation Act. First, let me thank the distinguished gentleman from Utah, the Chairman of the Resources Committee, and the distinguished gentleman from West Virginia, the Ranking Member of the Resources Committee, for their efforts in bringing this bill to the floor. I would also like to recognize the distinguished Chairman and Ranking Member of the Fisheries, Conservation, Wildlife, and Oceans Subcommittee for their hard work in moving this important legislation forward.

I introduced this legislation to honor the memory of one of my constituents, Richard J. Guadagno, who perished aboard United Flight 93. Rich was the manager of the Humboldt Bay National Wildlife Refuge and devoted his life to the preservation of wildlife. This legislation will designate the Headquarters and Visitors Center of the Humboldt Bay National Wildlife Refuge as the Richard J. Guadagno Headquarters and Visitors Center.

As we know, the passengers aboard Flight 93 undoubtedly saved hundreds, if not thousands, of lives by thwarting the disastrous intent of the terrorists. Rich had a law enforcement background that would have aided him in his convictions and his desire to prevent an even greater tragedy. All Americans, especially those of us who work at the U.S. Capitol, have these brave individuals to thank for preventing terror on September 11th, 2001.

Rich was also a hero to all those who care about wildlife and the environment. Rich began a career in public service as a biologist at the New Jersey Fish and Game Department and the Great Swamp National Wildlife Refuge. Before joining the Humboldt Bay National Wildlife Refuge, he worked at the Prime Hook National Wildlife Refuge in Delaware, Supawna Meadows National Refuge in New Jersey, and the Baskett Slough and Ankeny National Wildlife Refuge in Oregon.

Colleagues in the Fish and Wildlife Service consistently commended his courage and dedication to conservation and protecting biological diversity. As refuge manager at the Humboldt Bay National Wildlife Refuge, he led with a vision that his colleagues embraced and admired. He always kept the best interests of the refuge at heart, and he enthusiastically worked to improve the condition of the refuge.

When Rich, 38, boarded Flight 93, he was leaving Newark, New Jersey after visiting his family and his grandmother on her 100th birthday. I urge my colleagues to pass this bill today, so that we may be assured his memory will live on, especially in the proud hearts and minds of his family and friends. All Americans will join his parents Jerry and Beatrice Guadagno, his sister Lori Guadagno, and his fiancée Diqui LaPenta in remembering Rich as a true hero.

Mr. Speaker, Richard Guadagno worked his entire life to make the world a better place for all of us. He was truly a great American. Please join me in passing this legislation, so

that Rich Guadagno and his tremendous successes in life will always be remembered.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 3334.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the three bills just considered, H.R. 2187, H.R. 107, as amended, and H.R. 3334.

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

There was no objection.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING ESTABLISHMENT OF A NATIONAL MOTIVATION AND INSPIRATION DAY

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 308) expressing the sense of the House of Representatives regarding the establishment of a National Motivation and Inspiration Day, as amended.

The Clerk read as follows:

H. RES. 308

Whereas motivation and inspiration have played important roles in the greatest achievements of civilized society and are characteristics common to all great leaders;

Whereas both children and adults need motivation and inspiration in order to achieve success and happiness in their lives;

Whereas the inspiration to define goals at school, home, and work and the motivation to achieve those goals is critical to achieving success and happiness;

Whereas all children and young adults need mentors to inspire them to achieve their goals and to motivate them to direct their energies toward positive and constructive activities and goals;

Whereas adults who mentor children and young adults become inspired and motivated themselves;

Whereas a renewed focus on motivation and inspiration is particularly important in the wake of the tragedies of September 11, 2001;

Whereas the beginning of the year is often a time of reflection, planning, and goal setting;

Whereas the establishment of a National Motivation and Inspiration Day would provide an opportunity for the people of the United States to focus on the importance of maintaining motivation and inspiration in their lives; and

Whereas prominent citizens of Long Island, New York, are attempting to establish January 2 as National Motivation and Inspiration Day: Now, therefore, be it

Resolved, That the House of Representatives supports the goals of a National Motivation and Inspiration Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Resolution 308, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 308, expressing the sense of the House of Representatives in support of the goals of a National Motivation and Inspiration Day.

Furthermore, I commend my distinguished colleague, the gentleman from New York (Mr. GRUCCI), for introducing this important resolution.

Mr. Speaker, motivation and inspiration have played important roles in the greatest achievements of civilized society, and are characteristics common to all great leaders.

Both children and adults need motivation and inspiration in order to achieve success and happiness in their lives. Children and young adults need mentors to inspire them to achieve their goals, and to motivate them to direct their energies toward positive and constructive activities and goals. Furthermore, the adults who mentor the children and young adults become inspired and motivated themselves.

Mr. Speaker, a renewed focus on motivation and inspiration is particularly important in the wake of September 11 tragedies. The inspiration to define goals at school, home, and work, and the motivation to achieve those goals is critical to achieving success and happiness in our current trying circumstances.

Mr. Speaker, the beginning of the year is often a time of reflection, planning, and goal-setting. For that reason, prominent citizens of Long Island, New York, are attempting to establish January 2 as National Motivation and Inspiration Day. This would set a good example for the rest of our Nation, and provide all with the focus of maintaining motivation and inspiration in their lives.

If successful, their efforts would provide an opportunity for the people of the United States to focus on the importance of maintaining motivation and inspiration in their lives.

Mr. Speaker, I urge all Members to support this important resolution, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pride that I rise to endorse House Resolution 308, a resolution expressing the support of the House of Representatives of the goals of a National Motivation and Inspiration Day.

I commend my colleague, the gentleman from New York (Mr. GRUCCI), for introducing such a resolution, and call upon all Members of the House to begin to focus on the importance of motivation and inspiration, especially as we embark upon a new year, 2002.

After reading House Resolution 308, I was immediately reminded of an important passage in the Bible: First Corinthians, Chapter 13. This passage discusses the love man can have for his fellow man, and how we should not worry about ourselves, but worry about others.

The ideals embodied in the First Corinthians passage not only embrace the message contained in House Resolution 308, they also speak to two legislative proposals we will consider today: H.R. 3072 and H.R. 3379.

H.R. 3072 seeks to honor Mr. Vernon Tarlton, a man of great faith and dedication to his community, by naming a post office after him in his hometown. H.R. 3379 names a post office after New York City Fire Department Chief of Rescue Operations, Mr. Ray Downey. Chief Downey, a firefighter for 39 years, died in the World Trade Center on September 11, 2001.

These two men are and were great leaders who directed their energies towards positive and constructive activities and goals. Chief Downey led a New York fire department special unit to assist in recovery efforts at the Murrah Building in Oklahoma City. He directed rescue efforts at the 1993 attack on the World Trade Center, and helped the Federal Emergency Management Agency found a national network search and rescue team.

□ 1430

He truly motivated and inspired and led the way for his team. He did not worry about himself; rather, he directed his efforts to save others.

Mr. Tarlton spent his lifetime working on behalf of others in his community and along the way being recognized for his efforts. In a time of uncertainty in the world and here at home, at a time when we as a Nation are called upon to show greater compassion and appreciation for the diversity of our people and religious faith, we need to take stock and focus on the importance of maintaining motivation and inspiration in our lives.

As part of that, we must open our arms wide and embrace and educate our children and young adults. They too must learn the value of helping others, not for glory, but because it is the right thing to do.

Mr. Speaker, I again commend my colleague for introducing this measure and urge its swift passage.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for yielding me time.

Mr. Speaker, in the wake of the September 11 attacks against our Nation, it is now important than ever to live each day with a sense of renewed spirit. It is for this reason that I stand before you today in support of my bill, H.R. 308, which supports the goals of National Motivation and Inspiration Day.

Throughout history, motivation and inspiration have been vital components of all great movements. They are qualities that have played an invaluable role in the intellectual movements, the civil rights movements, the suffrage movements and many more. All great leaders from Martin Luther King, Jr., and Winston Churchill to Ronald Reagan and Mother Theresa have all shared, among other things, the ability to motivate the masses and inspire them to achieve great goals.

In our daily lives we look to our teachers, parents, coaches, and clergy to do the same, whether it is in the victory at the end of a sporting event, a record-breaking year in the sales department, making the dean's list, or earning the rank of officer in our fine military forces, progress and betterment for all people is certain to arise from motivation and inspiration.

On September 11 we were all inspired by the hundreds of firefighters, police officers, and rescue workers who ran up and into the Twin Towers to save the lives of the thousands of people while sacrificing their own. The actions of these brave men and women on September 11 have motivated each American to do something to better contribute to the good of our society. Today we need to publicly recognize the importance of motivation and inspiration in our daily lives.

House Resolution 308 supports the goals of celebrating National Motivation and Inspiration Day on January 2 of each year, a time that is traditionally used for reflection, planning, and goal setting. There is no better time to celebrate motivation and inspiration than during the season of New Year's resolutions, when we are all trying to find ways to maintain our goals throughout the year.

While this resolution does not directly designate this day, it highlights the importance of motivation and inspiration and the valuable role those qualities should play in the education of our children in the United States and around the globe.

I would like to thank the Committee on Government Reform chairman, the gentleman from Illinois (Mr. BURTON), and the majority leader, the gentleman from Texas (Mr. ARMEY), and their staff for helping me bring this measure to the floor. I would also like to thank my constituent and my friend, Kevin McCrudden, whose birthday it is today, for coming up with this idea and for working closely with me and my staff to see that this comes to fruition.

Mr. Speaker, you do not have to be inspired by the greatest things in life. It is some of the smaller things that inspire people to move to greatness. One of the things that has inspired and motivated me on this House floor is the day that I traveled to New York with the Congressional delegation to visit the infamous Ground Zero. And as I was walking down the streets and getting closer and closer and recognizing the enormity of the damage and the severity of what transpired, the pain in people's hearts as I moved closer, what inspired me most was the passion in the eyes of the firefighters and the police officers. As you can look down into their soul and see what motivated them, that is what has been motivating me on the floor to continue that fight and to help them to move and to get accomplished the things that they have set out to accomplish.

Mr. Speaker, I ask that my colleagues join me in support of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further speakers; and as I prepare to close, let me again congratulate the gentleman for his very thoughtful resolution and for it coming at a time of great need. Because even as we stand here today, a great shadow is being cast across America, the shadow of economic crisis, of recession. We are now in our 14th month of decline in industrial production. There are 100,000 workers losing their jobs each week. More than 1.3 million Americans have lost their jobs this year. Poverty and homelessness are on the rise. And as usual, the largest group of the poor are the children. Tens of millions of them are without affordable health care.

Suddenly thousands of people cannot pay their mortgages, cannot afford to continue college education. The hopes of millions of Americans who struggle to enter the mainstream of American economic life, to share in the American dream during the past decade, are now being dashed.

The economic crisis has been worsened by the terrorist attacks of September 11. But despite the heartfelt outpouring of support from Americans of every socio-economic group for the victims of the terrorists, there still remain masses of poor people who are finding it difficult to survive in our country.

So this resolution, this resolution calling for the inspiration and motivation that people need to dream, to believe that their lives can become whatever it is that they would endeavor to make life be, to know that no matter how dark it is at night, that there is sunshine in the morning. And so the idea of hope, of motivation, of inspiration of helping people to know that they can overcome any obstacles, overcome any fears, that they are in control of their own destinies, and they can help to make America and the world even greater than anything that we have ever experienced.

Again, I commend the gentleman and urge all of my colleagues to support this resolution.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wish to thank the chairman of the Subcommittee on Civil Service and Agency Organization, the gentleman from Florida (Mr. WELDON), and the ranking member, the gentleman from Illinois (Mr. DAVIS), along with the chairman of the Committee on Government Reform, and ranking member, the gentleman from California (Mr. WAXMAN), for expediting consideration of this resolution. I commend my colleague, the gentleman from New York (Mr. GRUCCI).

Mr. Speaker, I urge all Members to support House Resolution 308.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 308, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Resolution supporting the goals of a National Motivation and Inspiration Day.''.

A motion to reconsider was laid on the table.

VERNON TARLTON POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3072) to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the ''Vernon Tarlton Post Office Building''.

The Clerk read as follows:

H.R. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VERNON TARLTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, shall be known and designated as the ''Vernon Tarlton Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Vernon Tarlton Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3072.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3072, and I commend the distinguished gentleman from North Carolina (Mr. TAYLOR) for introducing this bill. This measure designates the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the Vernon Tarlton Post Office Building. H.R. 3072 is supported by all members of the North Carolina delegation.

Mr. Speaker, in all corners of our great Nation we find many citizens who give so much to their communities. It is true of my own district and of each and every Member of Congress. Vernon Tarlton is one of these individuals.

A lifelong champion of Forest City in Rutherford County, North Carolina, Vernon Tarlton's list of accomplishments is long, varied, and distinguished. He served on the Forest City Board of Commissioners and was named one of the Outstanding City Councilmen in North Carolina.

He has received several awards to honor his community service. He was named the Rutherford County Volunteer of the Year. In 2000, he was honored by the Kiwanis Club as its Citizen of the Year. Furthermore, Vernon Tarlton received the North Carolina Governors Award for Outstanding Volunteer. Mr. Tarlton continues to take an active part in the Presbyterian church, serving as an elder and a trustee.

Finally, although in poor health, Vernon Tarlton worked tirelessly with property owners and postal officials to locate the site on which the new postal facility is to be built.

Mr. Speaker, it is fitting that we honor the many contributions of Vernon Tarlton by naming the post office at 125 Main Street in Forest City, North Carolina, for him.

Mr. Speaker, I urge all Members to support this important legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am pleased to join with my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), in the House consideration of H.R. 3072, which names the post office in Forest City, North Carolina, after Mr. Vernon Tarlton. This measure was introduced by the gentleman from North Carolina (Mr. TAYLOR) on October 9, 2001. H.R. 3072 has met the committee policy and is supported and cosponsored by the entire North Carolina delegation.

Mr. Tarlton is a lifelong member of the Forest City community. He has spent his time working for the betterment of his neighborhood and of the great State of North Carolina. He is a man of great faith and serves his Presbyterian church as both an elder and trustee. Last year, he was named the 2000 Citizen of the Year by the Kiwanis Club and is a recipient of the North Carolina Governors Award for Outstanding Volunteer.

Mr. Speaker, this is a man who truly cares about his community. So much so, that he has worked tirelessly on the bringing in of a new postal facility to the city. Mr. Tarlton's efforts have not been in vain. Passage of H.R. 3072 means that the new facility will be named after Mr. Tarlton. I cannot think of a better honor for one who has worked so diligently on behalf of his neighbors, friends, and other residents of his community.

I would urge passage of this postal-naming bill.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time.

I again thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, and the gentleman from California (Mr. WAXMAN), the ranking member, along with the gentleman from Florida (Mr. WELDON), the chairman of the Subcommittee on Civil Service and Agency Organization, and the gentleman from Illinois (Mr. DAVIS), the ranking member, for expediting consideration of this measure.

Again, I urge all Members to support this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3072.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RAYMOND M. DOWNEY POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3379) to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the ''Raymond M. Downey Post Office Building''.

The Clerk read as follows:

H.R. 3379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RAYMOND M. DOWNEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, shall be known and designated as the ''Raymond M. Downey Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Raymond M. Downey Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from New York (Mr. ISRAEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3379.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3379 introduced, by my distinguished colleague, the gentleman from New York (Mr. ISRAEL), is an important piece of legislation that designates the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the Raymond M. Downey Post Office Building. It carries the support of the entire New York congressional delegation.

Mr. Speaker, we lost many heroes in New York on September 11, but the loss of Chief Downey was an especially difficult one. A New York firefighter for 35 years, Raymond Downey's long and distinguished career is worth noting. He served with ladder and engine companies and with rescue squad companies.

He commanded Rescue Company 2 for 14 years. Chief Downey became a battalion chief in August 1994. Most recently, Chief Downey led the Special Operations Command, whose duties include rescue work, marine operations and the handling of dangerous materials.

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He was one of the Nation's leading experts on rescue operations at collapsed buildings.

Furthermore, Raymond Downey led a New York Fire Department special unit to assist in recovery efforts at the

Murrah Federal Building in Oklahoma City, directed rescue efforts at the 1993 attack at the World Trade Center, and assisted FEMA in forming a national network search and rescue team.

Mr. Speaker, these remarkable accomplishments speak highly of Raymond Downey. Those who saw him work were awed by his abilities to bring order to even the most chaotic situations. Chief Downey achieved almost mythical status among his colleagues.

Mr. Speaker, I would just like to say on a personal note, being married to a battalion chief in the Hampton Fire Department for 30 years, I know what these firefighters go through and I know what they are like, and I can just imagine what Mr. Downey did for his men that worked for him, and I know they are all very proud of him, as I am sure all of New York is.

Since September 11, we have heard countless stories of heroic acts from members of New York's Fire Department. And yet, even in an organization filled with great men and women, Chief Raymond Downey stood out. That he would die in just the type of disaster for which he had received world acclaim was no surprise to those who knew him. For almost 40 years, he had been running into buildings as everyone else was running out.

Raymond Downey was a cornerstone of the New York Fire Department. His commitment to public service and his fellow man will forever linger in the hearts and minds of New Yorkers and all Americans.

Mr. Speaker, it is fitting that we honor the memory of this great American hero by renaming the post office at 375 Carlls Path in Deer Park New York as the Raymond M. Downey Post Office Building. He is deserving of this great tribute. I urge all Members to support this important resolution.

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

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

I rise today not simply to honor a constituent but, rather, to honor a national treasure, Raymond Downey. Heroes are known not only for their deeds but also for their rarity. New York lost many heroes on September 11, Ray Downey epitomized their courage.

At 63, he had been a New York firefighter for nearly 40 years. He led the Special Operations Command, and was probably the world's leading expert on rescues of collapsed buildings. When the World Trade Center was first attacked in 1993, Ray Downey led rescue operations at the World Trade Center. When the Murrah Federal Building in Oklahoma was bombed, Chief Downey was the natural choice to oversee the search and rescue efforts. On September 11, when planes crashed into the Twin Towers, of course Chief Downey would be there, sacrificing his own life so that thousands of others might live; giving his life doing the job he performed so nobly.

Ray Downey gave his life side-by-side hundreds of New York rescue workers, thousands of New Yorkers. Almost everyone in my district knows someone who did not make it out of the World Trade Center that day. We are all prone to a sense of why some and not others. It is a question different people with different faiths will answer in different ways, but in the case of Chief Downey, we know why: It was because while everyone was running away from danger, Ray Downey and his comrades were rushing towards danger. He had been going in that direction for 39 years as firefighter.

While everyone was running down the stairs of the Towers, Ray Downey was going into those buildings, going up the stairs, an act of heroism that allowed thousands of innocent men and women to return home to their families that night. He was an inspiration to all who saw him that morning. He will be an inspiration to all who will know him throughout history. In the words of Reverend Billy Graham, ''courage is contagious. When a brave man takes a stand, the spines of others are stiffened.'' On September 11, Ray Downey took a noble stand.

There were over 300 firefighters who lost their lives running up the stairs, running into the very face of danger on September 11. I have been to countless memorial services for the almost 100 people in my district who have been lost. This weekend, I went to Ray Downey's. The turnout was immense, huge, commensurate to his standing in his community and his country. He was a rock of strength and courage to his fellow firefighters, to the people of New York, and his community of Deer Park.

We have come to know a lot of heroes in New York since September. Even among heroes, Ray Downey was something special, something truly extraordinary. His colleagues knew that. They called him God. He was not God. He was not immortal. And the risks he took running into a dangerous building were just as great as they were for anyone else. To give his life to save others, that is what made him a hero.

When Ray Downey and his 300 men raced up the staircases of the World Trade Center, they surely knew what the likely outcome would be. Yet they chose others' lives over their own. They chose professionalism over self-interest. They looked directly into the face of death and made us all brave. They were frightened in those last moments, of course, but they kept moving up to death, guiding people down to life. In the words of the poet, ''courage is not the absence of fear, it is the conquest of it.''

Ray Downey. We will not see his likes again in our lifetime, and that is why the naming of the Deer Park Post Office as the Raymond Downey Post Office is so appropriate a tribute.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I am proud to join with my colleague, the gentleman from New York (Mr. ISRAEL) this afternoon.

Ray Downey was a legend in the New York City Fire Department. He and I grew up in the same department in Queens. He is a man who dedicated his life to saving other lives. And as the gentleman from New York (Mr. ISRAEL) said, when 25,000 people were coming down the stairs, Ray Downey, at the age of 63, when he could have been sitting behind a desk, was going into a building to rescue thousands of people, and he certainly deserves whatever accolades we can give him. But more important than that, he has the accolades of all those who knew and loved him.

Mr. ISRAEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, at Raymond Downey's memorial service, his daughter Kathy recited a poem I would like to share. It is entitled Our Angel.

''On that dreadful day we huddled in prayer, hearts joined in sorrow, pain difficult to bear. Our angels climbed up, as they helped others down. The Towers may have fallen, but our bravest never touched the ground. They kept soaring up to that heavenly cloud, shining strength down on us, we are grateful and proud. So please say a prayer as a tribute to those whose love never faltered and eternally grows.''

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time. I commend the distinguished gentleman from New York (Mr. ISRAEL) for introducing this legislation and working so hard to ensure its passage.

I again urge all Members to support this important resolution and to reflect upon this great American, Raymond Downey, for the tremendous devotion that he gave to all New Yorkers during his tenure with the New York Fire Department.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3379.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ISRAEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3178) to authorize the Environmental Protection Agency to provide funding to support research, development, and demonstration projects for the security of water infrastructure, as amended.

The Clerk read as follows:

H.R. 3178

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 ''Water Infrastructure Security and Research Development Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''research organization'' means a public or private institution or entity, including a national laboratory, State or local agency, university, or association of water management professionals, or a consortium of such institutions or entities, that has the expertise to conduct research to improve the security of water supply systems; and

(3) the term ''water supply system'' means a public water system, as defined in section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)), and a treatment works, as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292), that is publicly owned or principally treating municipal waste water or domestic sewage.

SEC. 3. WATER SUPPLY SYSTEM SECURITY RESEARCH ASSISTANCE.

(a) IN GENERAL.—The Administrator, in consultation and coordination with other relevant Federal agencies, shall establish a program of research and development activities to achieve short-term and long-term improvements to technologies and related processes for the security of water supply systems. In carrying out the program, the Administrator shall make grants to or enter into cooperative agreements, interagency agreements, or contracts with research organizations.

(b) PROJECTS.—Awards provided under this section shall be used by a research organization to—

(1) conduct research related to or develop vulnerability assessment technologies and related processes for water supply systems to assess physical vulnerabilities (including biological, chemical, and radiological contamination) and information systems vulnerabilities;

(2) conduct research related to or develop technologies and related processes for protecting the physical assets and information systems of water supply systems from threats;

(3) develop programs for appropriately disseminating the results of research and development to the public to increase awareness of the nature and extent of threats to water supply systems, and to managers of water supply systems to increase the use of technologies and related processes for responding to those threats;

(4) develop scientific protocols for physical and information systems security at water supply systems;

(5) conduct research related to or develop real-time monitoring systems to protect against chemical, biological, and radiological attacks;

(6) conduct research related to or develop technologies and related processes for mitigation of, response to, and recovery from biological, chemical, and radiological contamination of water supply systems; or

(7) carry out other research and development activities the Administrator considers appropriate to improve the security of water supply systems.

(c) GUIDELINES, PROCEDURES, AND CRITERIA.—

(1) REQUIREMENT.—The Administrator shall, in consultation with representatives of relevant Federal and State agencies, water supply systems, and other appropriate public and private entities, publish application and selection guidelines, procedures, and criteria for awards under this section.

(2) REPORT TO CONGRESS.—Not later than 90 days before publication under paragraph (1), the Administrator shall transmit to Congress the guidelines, procedures, and criteria proposed to be published under paragraph (1).

(3) DIVERSITY OF AWARDS.—The Administrator shall ensure that, to the maximum extent practicable, awards under this section are made for a wide variety of projects described in subsection (b) to meet the needs of water supply systems of various sizes and are provided to geographically, socially, and economically diverse recipients.

(4) SECURITY.—The Administrator shall include as a condition for receiving an award under this section requirements to ensure that the recipient has in place appropriate security measures regarding the entities and individuals who carry out research and development activities under the award.

(5) DISSEMINATION.—The Administrator shall include as a condition for receiving an award under this section requirements to ensure the appropriate dissemination of the results of activities carried out under the award.

SEC. 4. EFFECT ON OTHER AUTHORITIES.

Nothing in this Act limits or preempts authorities of the Administrator under other provisions of law (including the Safe Drinking Water Act and the Federal Water Pollution Control Act) to award grants or to enter into interagency agreements, cooperative agreements, or contracts for the types of projects and activities described in this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator to carry out this Act $12,000,000 for each of the fiscal years 2002, 2003, 2004, 2005, and 2006.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Washington (Mr. BAIRD) will each control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislate days in which to revise and extend their remarks and to include extraneous material in the RECORD on H.R. 3178.

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

There was no objection.

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

Mr. Speaker, H.R. 3178, the Water Infrastructure Security and Research Development Act, or WISARD, as we call it, authorizes the Environmental Protection Agency to provide assistance for research and development of anti-terrorism tools for water infrastructure protection. The Committee on Science has worked hard to bring forth to this House a bipartisan broadly supported bill that responds to the growing threats facing our country's drinking water and wastewater systems.

Mr. Speaker, fences, guards dogs, and bottled water are not a sustainable approach to water infrastructure security. That is why my colleagues and I, with the help and support of water management agencies, State and local officials, engineering companies, and experts in the scientific community introduced and advanced the legislation before us today. H.R. 3178 is an important first step in ensuring that we have the research and development our country needs to combat biological, chemical, physical, and cyberterrorist threats today, tomorrow, and into the future. It focuses on not just short-term research needs, but also intermediate and, importantly, long-term needs.

Just as it took the greatest scientific minds and technological advances to win World War II and the Cold War, the success of America's new war will be measured not only on the battlefield, but also in the laboratory. H.R. 3178 is a big step down that path. The WISARD bill will help us identify and assess vulnerabilities, enhance our prevention and response measures, and ensure long-term security.

The testimony we received from experts in national security, water management, and scientific research confirmed the compelling need for this bill. While there are certain immediate actions we can take to increase the security of our water supplies, we cannot lose sight of the longer-term questions and opportunities involving technologies. H.R. 3178 responds with a focused research and development program to help answer the necessary questions and develop the technological solutions in collaboration with EPA's public and private partners.

Mr. Speaker, this bill is just one example of the Committee on Science's efforts regarding terrorism since September 11, 2001. We have held hearings and moved bills relating to cyberterrorism and information technology. We have had detailed hearings on bioterrorism, exploring issues of anthrax decontamination, how clean is clean and how coordinated is coordinated in terms of the Federal response. We have also looked at the interoperability issues and the interdependence of water systems and other critical infrastructures, such as telecommunications, energy and transportation. H.R. 3178 builds upon this record.

I should also explain that the text of this bill is essentially the text of H.R. 3178 as approved by the Committee on Science on November 15, 2001. We made additional clarifications and revisions after consultation with committees expressing a jurisdictional interest in the bill.

Finally, Mr. Speaker, I want to particularly thank the gentleman from

Washington (Mr. BAIRD) for his leadership, and the 46 other cosponsors who have helped shape and advance this legislation. My colleagues on the Committee on Science, including the ranking minority member the gentleman from Texas (Mr. HALL), and the chairman and ranking minority members of the Subcommittee on Environment, Technology, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. BARCIA) respectively, approved H.R. 3178 unanimously on November 15.

I also want to thank the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG); chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN); and the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), for their suggestions and cooperation in clarifying some of the bill's provisions.

Mr. Speaker, at this point, I enter into the RECORD background materials on H.R. 3178, including the exchange of correspondence between the Committee on Science and the Committee on Energy and Commerce, and the Committee on Transportation and Infrastructure.

PURPOSE OF THE BILL

The purpose of H.R. 3178 is to authorize the Environmental Protection Agency (EPA) to provide assistance for research and development of technologies and related processes to strengthen the security of water infrastructure systems.

BACKGROUND AND NEED FOR THE LEGISLATION

Federal, state and local governments have spent tens of billions of dollars to build the nation's drinking water and wastewater treatment infrastructure. In the coming decades, tens of billions more will be required to maintain that infrastructure and meet the needs of a growing population. What has become clear in recent years and, even more so after the September 11, 2001 attacks, is that while the nation's water infrastructure provides safe and plentiful water to more than 250 million Americans, the system was not built with security from terrorism in mind.

How can the nation respond successfully to this new and daunting challenge? Success will depend on, among other things, focused and sustained research to: (1) Assess potential physical, chemical and cyber vulnerabilities of the system, (2) develop techniques for real-time monitoring to detect threats, (3) conduct research on mitigation, response and recovery methods, and (4) develop mechanisms for widely disseminating and sharing information. H.R. 3178 directly addresses these needs by specifically authorizing water system infrastructure research and development projects and by authorizing funding to carry out this important work.

WATER INFRASTRUCTURE

Approximately 170,000 ''public water systems'' provide water for more than 250 million people in the United States. The Safe Drinking Water Act defines public water system as ''a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals . . . and includes collection, treatment, storage, and distribution facilities used primarily in connection with the system.'' Environmental Protection Agency (EPA) regulations recognize two primary types of such systems: (1) ''Community water systems,'' which provide drinking water to the same people year-round; and (2) ''non-community water systems,'' which serve people on a less than year round basis at such places as schools, factories or gas stations.

There are approximately 16,000 municipal sewage treatment works, servicing 73 percent of the U.S. population. Privately owned treatment systems, including septic tanks, serve the remaining population. The Federal Water Pollution Control Act (also known as the Clean Water Act) defines treatment works as ''any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature . . . including intercepting sewers, outfall sewers, sewage collection systems . . . and any works that will be an integral part of the treatment process.''

THREATS TO DRINKING AND WASTEWATER SYSTEMS

Physical threats to drinking water systems include chemical, biological, and radiological contaminants and disruption of flow through explosions or other destructive actions. Like wastewater treatment systems, drinking water systems may also be at risk because of on-site stockpiles of chemicals that could create fire, explosion, or other hazards. Cyber threats are an increasing concern, given the automated, remote-control nature of most drinking water treatment and distribution systems. Systems are also dependent on other critical infrastructure systems such as energy, telecommunications, and transportation. For example, a water treatment plant that depends on daily deliveries by truck of aluminum sulfate, chlorine, or other chemicals needs an emergency operations plan if such deliveries are interrupted. In recent years, most attention has focused on threats to drinking water systems, particularly to water storage reservoirs.

Wastewater treatment facilities have received increasing attention after the September 11, 2001 attacks. Like drinking water plants, they face physical and cyber threats and other vulnerabilities due to their dependence on other critical infrastructures. Particular attention has also focused on the large volume of liquid chlorine, sulfur dioxide, and other toxic chemicals that may be stored or in use at sewage facilities and the potential for an explosion to create a toxic cloud that could threaten employees and surrounding communities. In addition, some research has occurred with respect to alternative treatment systems and chemicals (such as chlorine bleach or sodium hypochorite in lieu of liquid chlorine).

SECURITY REPORTS AND ACTIONS

There has been increasing, though still limited, attention to infrastructure security in recent years. In response to a 1995 Congressional directive, President Clinton established a Commission on Critical Infrastructure Protection, which issued an October 1997 report, ''Critical Foundations, Protecting America's Infrastructures.'' The report addressed various infrastructure systems, including water, and recommended greater cooperation and communication between government and the private sector.

In May 1998, President Clinton issued President Decision Document 63 (PDD–63), which included the goal of protecting the nation's critical infrastructure from intentional physical and cyber attacks by 2003. Plans by key federal agencies to meet this goal were to be in place by late 1998. The report identified water supply as one of eight critical infrastructure systems requiring attention, specifically focusing on the 330 largest community water systems that each serve more than 100,000 persons. PDD–63 designated EPA as the lead federal agency for interacting with the water supply sector.

EPA responded in late 1998 with a ''Plan to Develop the National Infrastructure Assurance Plan: Water Supply Sector'' to address water infrastructure security. In June 2001, EPA's Inspector General issued a report that credited EPA with achieving a fast start on its efforts, but criticized the agency for missing many important milestones it had set for developing critical infrastructure protections. After the report, and again after the September 11 attacks, the pace of EPA's efforts has accelerated.

To date, EPA has entered into a partnership with the Association of Metropolitan Water Agencies (AMWA) and the American Waters Works Association (AWWA) to reduce the vulnerability of water systems. AWWA's Research Foundation has contracted with the Department of Energy's Sandia National Laboratories to develop vulnerability assessment tools for water systems. EPA has also received appropriations (e.g. $2M in FY 01) for projects with Sandia to pilot test physical vulnerability assessment tools and develop a cyber vulnerability assessment tool. Additional actions (e.g. upgrading security technologies and developing real-time monitoring technologies) on a variety of important security related issues have yet to be completed.

PDD–63 also called for the Federal Bureau of Investigation (FBI) to establish a National Infrastructure Protection Center to provide information sharing and analysis and to coordinate with and encourage private sector entities to establish Information Sharing and Analysis Centers (ISACs). AMWA volunteered to be the Water ISAC coordinator. The purpose of the Water ISAC is to provide to water managers early warnings and alerts about threats to the integrity and operation of water supply and wastewater systems.

While various federal agencies are conducting research on water-related security issues, the January 2001 report of the President's Commission on Critical Infrastructure Protection characterized ongoing water sector research efforts as relatively small with a number of gaps and shortfalls. Four major areas for further research are identified: (1) Threat/vulnerability risk assessments; (2) identification and characterization of biological and chemical agents; (3) establishment of a center of excellence to support communities in conducting vulnerability and risk assessments; and (4) application of information assurance techniques to computerized systems used by water utilities.

Various drinking water system managers and researchers have identified priority areas for research, including: (1) Assessment of physical vulnerabilities including disruption of flow and contamination by chemical, biological, or radiological agents; (2) cyber vulnerabilities including process control equipment, Supervisory Control and Data Acquisitions (SCADA) systems, and other information systems; and (3) vulnerabilities associated with interdependencies with other critical infrastructure sectors such as energy, telecommunications, transportation, and emergency services. Specific research needs include: vulnerability assessment tools; technologies and processes for protecting physical assets and information and process control systems; training, education, and awareness programs; information sharing tools; demonstration projects; real-time monitoring and detection systems; and response and recovery plans.

SUMMARY

Together, the various studies, plans and recommendations highlight significant gaps in research and development projects and shortfalls in funding for such research-related activities. More importantly, they provide a roadmap for actions in the short, medium and long term. H.R. 3178 directly addresses these gaps by providing a broad framework for water system infrastructure research and development projects and by authorizing funding to meet such needs.

SUMMARY OF HEARINGS

The Committee held a hearing on ''H.R. 3178 and Developing Anti-Terrorism Tools for Water Infrastructure'' on November 14, 2001. Four witnesses presented testimony: Mr. James Kallstrom, Director of the Office of Public Security, and a former official with the Federal Bureau of Investigation, described some of his experiences with terrorism and the importance of water infrastructure security. He testified on New York State's strong support for H.R. 3178 and reinforced the importance of building the technological prowess needed to anticipate, prevent, and respond to terrorist attacks.

Dr. Richard Luthy, Professor of Civil Engineering, Stanford University and Chair, Water Science and Technology Board, National Research Council, provided an overview of vulnerabilities facing water systems and areas for further research and development. In his support for H.R. 3178, he pointed out that dams, aqueducts and pumping stations are especially vulnerable to attack, including cyber attacks. He emphasized that while there are real physical threats to water systems from chemical or biological contamination, there are also important psychological and economic consequences from perceived or minor contamination. He recommended that steps be taken to enable early detection of threats or contamination, and to explore opportunities for interconnectedness or redundancies in and among water systems to address a failing in one part of the system.

Mr. Jeffrey Danneels, Department Manager, Security Systems and Technology Center at Sandia National laboratories, also provided an overview of water system vulnerabilities and described current and proposed projects by Sandia National Laboratories to increase water infrastructure security and develop vulnerability assessments. He testified first to the dramatic funding challenges faced by the nation's communities to maintain and build new drinking water and wastewater infrastructure in the coming years. In this context he described how less than one percent of the water flowing from most urban drinking water systems is consumed as drinking water. Because the remainder goes to other uses (such as fire fighting, flushing toilets, etc), he suggested that H.R. 3178 support research on prospective water system design improvements that could have profound benefits. In supporting H.R. 3178, he urged members to ensure that the bill addresses short-medium- and long-term threats and appropriate responses to them. In particular, he recommended that H.R. 3178 support the following efforts; security risk assessment methodologies, new security technologies, real-time monitoring supervisory control and data acquisition, and advanced treatment technologies.

Mr. Jerry Johnson, who oversees the District of Columbia's water distribution and wastewater treatment systems, and represented the Association of Metropolitan Waster Agencies (AMWA) and the American Water Works Association Research Foundation (AwwaRF), described the need for additional and/or improved information, technologies, and practices to strengthen the security of water systems. He conveyed the strong support of the water infrastructure community for H.R. 3178 and highlighted a variety of ongoing infrastructure security related research among federal agencies and the water infrastructure community. He also depicted numerous areas requiring further research, including: (1) An assessment of potential contaminants; (2) development of portable assessment tools, such as miniature liquid chemical laboratories and a gas chromatograph on a silicon chip; (3) nanoelectrode analysis technologies; (4) DNA chips; and (5) other technologies to assure rapid assessment and response to chemical or biological threats.

COMMITTEE ACTIONS

On October 30, Congressman Sherwood Boehlert, joined by Congressman Baird and several other members, introduced H.R. 3178. On November 14, 2001, the Science Committee held a hearing on the bill.

On November 15, 2001, the Science Committee considered the bill. Chairman Boehlert offered an en bloc amendment, which was adopted by voice vote. The amendment made the following changes: (1) Clarified that eligible research organizations include state and local entities and that entities have expertise to conduct water security research; (2) broadened the definition of water supply system to include source waters such as streams and aquifers and also aqueducts and other facilities to convey water from the water source; (3) clarified that funding arrangements include grants, cooperative agreements, interagency agreements, and contracts; (4) clarified that vulnerability assessment efforts included research, development, and demonstration; (5) specified and clarified that, to the maximum extent practicable, research projects should meet the needs of water systems of various sizes and that award recipients should be geographically, socially, and economically diverse; (6) clarified that dissemination of information and the results of research under the Act are to be on an appropriate basis, considering the sensitive nature or potentially sensitive nature of such information and research results; and (7) added a savings clause that nothing in the Act limits or preempts EPA authorities under other laws such as the State Drinking Water Act and the Clean Water Act.

The committee favorably reported the bill as amended, by voice vote, and authorized staff to make technical and conforming changes as necessary.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Provided short title.

SECTION 2

Defines the terms ''Administrator,'' ''research organization,'' and ''water supply system.'' Research organizations include national laboratories, state and local agencies, universities, and water management associations. Water supply systems include drinking water and wastewater facilities.

SECTION 3

''Water Supply System Security Research Assistance''—subsection (a): Directs the EPA, in conjunction with other relevant agencies, to establish a program for the research and development of technologies and related processes to increase the security of water supply systems. In carrying out the program, EPA is to make grants or enter into cooperative agreements, interagency agreements, or contracts.

Subsection (b) Projects—provides that awards may be used to: (1) Conduct research related to or develop technologies and related processes to assess physical and information systems vulnerabilities; (2) conduct research related to or develop technologies and related processes for protecting physical assets and information systems; (3) develop programs to appropriately disseminate the results of research to increase public awareness of threats to water supply systems, and to help managers of water supply systems respond to threats; (4) develop scientific protocols for physical and information systems security at water supply systems; (5) conduct research related to or develop real-time monitoring systems related to chemical, physical, and radiological attacks; (6) conduct research related to or develop technologies for the mitigation, response to, and recovery from biological, chemical, and radiological contamination; or (7) carry out other research, development, and demonstration activities EPA considers appropriate.

Subsection (c) Guidelines, Procedures, Criteria—(1) Requires EPA to consult and coordinate with various entities, including water supply agencies, in developing guidelines, procedures, and criteria for applications and the selection of awards.

(2) Requires EPA to transmit to Congress proposed guidelines, procedures, and criteria at least 90 days before finalizing such proposals.

(3) Directs the EPA to ensure, to the maximum extent practicable, that awards are provided to a wide variety of projects to meet the needs of water systems of various sizes and to geographically, socially, and economically diverse recipients.

(4) Requires, as a condition of receiving an award, that research organizations have in place appropriate security measures regarding entities and individuals carrying out activities under the award.

(5) Requires the appropriate dissemination of the results of activities carried out under the award.

SECTION 4

''Effect on Other Authorities''—provides that nothing in the Act limits or preempts authorities of the Administrator under other provisions of law (including the Safe Drinking Water Act and the Federal Water Pollution Control Act) to award grants or to enter into interagency agreements, cooperative agreements, or contracts for the types of projects and activities described in the Act.

SECTION 5

''Authorization of Appropriations''—authorizes $12 million for each of fiscal years 2002 through 2006 for EPA to carry out the Act and requires that such funds remain available until expended.

ADDITIONAL COMMENTS

The Committee encourages the Administrator to make full use of scientific peer review procedures, the Science Advisory Board, and other appropriate entities, to help ensure the wisest, most cost-effective use of federal and non-federal funds. In carrying out this Act, which authorizes scientific, environmental, and energy-related research and development activities, the Administrator should consult and coordinate with other agencies, including the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy.

The definition of ''water supply system,'' including the terms defined in section 1401 of the Safe Drinking Water Act and section 212 of the Clean Water Act, should be construed broadly.

In carrying out section 3(a) and (c), the Administrator should consult and coordinate with the Director of the National Institute of Standards and Technology. Such coordination is particularly important for any EPA

research projects, as described in subsection (b)(4), relating to the development of scientific protocols. The purpose of subsection (b)(4) is to foster the development of scientific protocols for security-related technologies; nothing in the paragraph should be construed to affect or relate to EPA's regulatory activities or programs. Activities under subsection (b)(7) include the provision of financial and technical assistance for dissemination of research results.

The Committee directs the Administrator to ensure an appropriate balance among short-, medium,-, and long-term research and development activities. Throughout the Committee's deliberations on H.R. 3178, witnesses and Members consistently emphasized the importance of looking at more than just immediate- and short-term needs. Accordingly, this legislation emphasizes and lays the foundation for a longer-term, focused program of research that can provide answers to the most basic questions in water security.

The Administrator should ensure that awards are made for a wide variety of projects to meet the needs of large, medium, and small water supply systems. Awards should also be provided to recipients from different geographic areas and with different social or economic backgrounds. For example, where appropriate, the Administrator should consider research organizations that are historically black colleges and universities, institutions that serve Hispanic and other minority populations, and institutions that serve rural communities.

Water sources and water systems vary widely in the differing regions of the United States in how they obtain, store and deliver water. In testimony before the Committee on November 14, 2001, Dr. Richard Luthy highlighted how unique water resources and facilities (such as impoundments or dams, aqueducts, rivers, groundwater, etc.) require different solutions to protect them. It is the intent of the Committee that funds provided in this bill should be made available to researchers familiar with the challenges posed by the unique circumstances of differing regions. EPA should give serious consideration providing funds under this Act to the numerous state regional centers of excellence for water research.

The Committee believes that dissemination of research results and related information to water managers and other officials, including the public, should be only on an ''as appropriate'' basis. EPA should determine the appropriateness of such dissemination, in close consultation with the FBI and other agencies with expertise in national security matters. The Committee recognizes there is a difficult, but important, balance required between distributing information on infrastructure vulnerabilities and potential or developed solutions on the one hand and withholding sensitive or classified information on the other. Accordingly, the Committee directs the Administrator and recipients of awards under this Act to work together closely to ensure that potentially sensitive information is obtained, disseminated, and used only under secure situations with safeguards in place.

Among options to be considered under section 3(b)(7) should be: research and development of innovative technologies capable of reducing reliance upon the centralized purification of water to potable quality. Such innovative technologies should enable distributed or on-site water treatment or water recycling. The goal of such technologies is to make water supplies more secure from deliberate disruption or contamination by increasing redundancy while improving purity, isolation, reliability and availability.

EPA should also consider research and development projects involving the effectiveness of alternative materials, processes, and technologies for reducing the quality of toxic or hazardous materials maintained on site at facilities for use in the treatment of water and wastewater.

H.R. 3178—THE WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT (WISARD)

Supporters Include the Following: American Council of Engineering Companies; American Society of Civil Engineers; American Water Works Association; American Water Works Research Foundation; Association of California Water Agencies.

Association of Metropolitan Sewerage Agencies; Association of Metropolitan Water Agencies; National Association of Counties; National Association of Water Companies; National Society of Professional Engineers; and the Water Environment Federation, State of New York.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 16, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3178, the Water Infrastructure Security and Research Development Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), who can be reached at 226–2860, and Elyse Goldman (for the state and local impact), who can be reached at 225–3220.

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, NOVEMBER 16, 2001.

H.R. 3178: WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT

[As ordered reported by the House Committee on Science on November 15, 2001]

SUMMARY

H.R. 3178 would authorize the appropriation of $60 million over the 2002–2006 period for the Environmental Protection Agency (EPA) to provide new grants to research organizations, including state and local agencies, to carry out projects aimed at improving the protection and security of water supply systems, such as protection from biological and chemical contamination. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3178 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, and tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3178 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2002	2003	2004	2005	2006
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	12	12	12	12	12
Estimated Outlays	5	10	12	12	12

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted before the end of 2001, that the full amounts authorized will be appropriated each fiscal year, and that outlays will occur at rates similar to previous funding for EPA's Science and Technology programs. CBO estimates that implementing H.R. 3178 would increase spending subject to appropriation by $51 million over the 2002–2006 period.

Pay-as-you-go considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3178 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, and tribal governments. The bill would benefit state and local governments by establishing a grant program for research institutions, including public universities and state and local agencies, to improve the protection and security of public water supply systems. Any costs associated with the grant program would be considered a condition of aid.

PREVIOUS CBO ESTIMATE

On November 16, 2001, CBO transmitted a cost estimate for S. 1593, the Water Infrastructure Security and Research Development Act, as ordered reported by the Senate Committee on Environment and Public Works on November 8, 2001. The bills are similar but our cost estimate of S. 1593 reflects additional spending provisions in that bill.

Estimate prepared by: Federal Costs: Susanne S. Mehlman (226–2860); Impact on State, Local, and Tribal Governments: Elyse Goldman (225–3220); and Impact on the Private Sector: Jean Talarico (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analyis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 14, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHLERT: I am writing with regard to H.R. 3178, the Water Infrastructure Security and Research Development Act.

As you know, Rule X of the Rules of the House of Representatives grants the Committee on Energy and Commerce jurisdiction over public health and quarantine. Under this authority, the Committee on Energy and Commerce Committee has jurisdiction over the Safe Drinking Water Act (SDWA) and the construction, operation and maintenance of ''public water systems'' as defined in the Act. As ordered reported, H.R. 3178 authorizes EPA to undertake certain specified activities concerning the regulation, design, and operation of public water systems (including treatment techniques used, monitoring activities, operational processes and both internal and external information systems), among other things, and therefore the bill falls within the jurisdiction of the Energy and Commerce Committee. I understand that you are making changes to H.R. 3178 as ordered reported that may lessen, though not eliminate, the jurisdictional interests of my Committee in the bill.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise the Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 3178. In addition, the Energy and Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your

commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 3179 or similar legislation.

I request that you include this letter as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 14, 2001.

Hon. W.J. ''BILLY'' TAUZIN,
Chairman, Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter of December 14, 2001, regarding the Commerce Committee's jurisdictional interest in H.R. 3178, the ''Water Infrastructure Security and Research Development Act,'' with amendments.

The Science Committee appreciates you not seeking a referral of H.R. 3178 and appreciates your cooperation in moving the bill to the House floor expeditiously. I concur that your decision to forego action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on H.R. 3178 or on similar or related legislation. Additionally, I recognize your right to request conferees on H.R. 3178 or similar legislation for those provisions that fall within the purview of the Committee on Energy and Commerce. I will include a copy of your letter and this response in the Congressional Record when the House considers the legislation.

Once again, thank you for your cooperation in this matter.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 17, 2001.

Hon. SHERWOOD L. BOEHLERT
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review H.R. 3178 on behalf of the Committee on Transportation and Infrastructure before the filing of the report by the Committee on Science.

The Committee on Transportation and Infrastructure has a valid claim to jurisdiction over H.R. 3178, both as introduced and as amended. This legislation authorizes the Administrator of the Environmental Protection Agency (EPA) to award grants for the development of technologies, processes, protocols, and monitoring systems for the security for treatment works, as defined in section 212 of the Federal Water Pollution Control Act. Security measures are component of operation and maintenance. The Committee on Transportation and Infrastructure has jurisdiction over the operation and maintenance, as well as construction, of treatment works. Accordingly, the Committee on Transportation and Infrastructure has jurisdiction over EPA grants awarded to develop security measures for treatment works. As you know, this topic was a topic covered in an October 10, 2001, hearing held by the Water Resources and Environment Subcommittee on ''Terrorism, Are America's Water Resources and Environment at Risk?''

The Committee on Transportation and Infrastructure recognizes the importance of this legislation. In view of your desire to move H.R. 3178 to the floor in an expeditious fashion, I do not intend to seek a sequential referral of H.R. 3178. However, this should in no way be viewed as a waiver of jurisdiction and the Transportation on Transportation and Infrastructure reserves the right to seek conferees in the event that this legislation is considered in an House-Senate conference.

I look forward to working with you on this bill.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 17, 2001.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: Thank you for your letter of December 17, 2001, regarding the Transportation and Infrastructure Committee's jurisdictional interest in H.R. 3178, the ''Water Infrastructure Security and Research Development Act,'' with amendments.

The Science Committee appreciates you not seeking a referral of H.R. 3178 and your cooperation in moving the bill to the House floor expeditiously. I concur that your decision to forego action on the bill will not prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on H.R. 3178 or on similar or related legislation. Additionally, I recognize your right to request conferees on H.R. 3178 or similar or related legislation for those provisions that fall within the purview of the Committee on Transportation and Infrastructure. I will include a copy of your letter and this response in the Congressional Record when the House considers the legislation.

Once again, thank you for your cooperation in this matter.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

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

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

I want to begin by complimenting the gentleman from New York (Mr. BOEHLERT). He has shown his commitment to our Nation's security and to a bipartisan manner of governing this committee. He has held hearings on a number of issues pertaining to terrorism, and the bill we are considering today, the water security bill. Chairman BOEHLERT has always lead our committee in a bipartisan manner, and I think it is a credit to his leadership that this bill has been so well crafted and brought to the floor in such a timely manner.

In the aftermath of September 11, our citizens have been more cognizant and more diligent than ever in trying to protect themselves and their neighbors against terrorist attack.

□ 1500

I believe it is a fundamental responsibility of our government to make sure we help those citizens in that effort. The bill we will vote on today will provide the means necessary to ensure the water we drink is safe from terrorist threats. It will also benefit the public by providing much-needed research on the various aspects of the water protection, such as endocrine disrupters and arsenic standards.

After September 11, we realized how much more we should have done to bolster airport security. Fortunately, with the legislation we are considering now, we are given a chance to protect our water supply before it is seriously threatened.

I would like to thank the gentleman from New York (Mr. BOEHLERT); the gentleman from Texas (Mr. HALL), the ranking member; the staff of the Committee on Science for their hard work on making this bill a reality, especially Ben Grumbles, who has worked tirelessly in making this a technically sound bill; Mark Harkins for his support and advice; and my own staff member, Brooke Jamison, for her hours of service to the people of my district.

Mr. Speaker, I strongly urge my colleagues to support this important piece of legislation, and I commend the chairman for his leadership.

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

Mr. Speaker, the gentleman from Virginia (Mr. TOM DAVIS) is interested in ensuring that areas of particular vulnerability, such as water systems in the National Capital region, receive appropriate attention when EPA is selecting research-related projects. I appreciate the gentleman's interest, and also the interest expressed by all of the cosponsors of this legislation, but most particularly, once again, the gentleman from Washington (Mr. BAIRD). He has been there from the beginning, and I appreciate that cooperation.

Mrs. WILSON. Mr. Speaker, I rise today in support of H.R. 3178, the Water Infrastructure Security and Research Development Act.

There are approximately 170,000 ''public water systems'' that provide water for more than 250 million people in the United States. There are also approximately 16,000 municipal sewage treatment works, servicing 73 percent of the U.S. population. The Federal, state and local governments have spent tens of billions of dollars to build the nation's drinking water and wastewater treatment infrastructure. In the coming decades, tens of billions more will be required to maintain that infrastructure and meet the needs of a growing population. What has become clear after the September 11, 2001 attacks, is that the nation's water infrastructure system was not built with security from terrorism in mind. Physical threats to drinking water systems include chemical, biological, and radiological contaminants and disruption of flow through explosions or other destructive actions.

The Water Infrastructure Security and Research Development Act directly addresses the need to protect our nation's water supply systems. The legislation authorizes $12 million per year for the Environmental Protection Agency (EPA) from fiscal year 2002 through 2007. The money would be used to provide grants to public and private non-profit entities to conduct research, development and demonstration projects. Projects could include efforts to prevent, detect or respond to physical and cyber threats to water supply or wastewater treatment systems.

Sandia National Labs has been working on the safety and security of water supplies for

several years. Sandia-developed technologies could make it possible to have real-time monitoring of water systems for chemical or biological contaminants within 3 to 5 years. We need to step up the pace and use the work developed in New Mexico to protect the 170,000 ''public water systems'' around the country.

Mr. FORBES. Mr. Speaker, as a member of the House Science Committee and an original cosponsor of this bill, I rise in strong support of H.R. 3178, the Water Infrastructure Security and Research Development Act.

In October, as the Anthrax scare was at its zenith, I held two town hall meetings in my district. The first question at each one revealed the serious concerns of my constituents about the safety of their water. They wanted to know if the water that they use every day to cook, to bathe, and to clean would be protected from being used to deliver chemical or biological weapons.

Each one of us relies upon the cleanliness and purity of our water supplies and upon the appropriate treatment of our sewage. But, since September 11th, we've become acutely aware that the things we take for granted could easily be threatened by terrorists who want to do us harm. Our water supplies, simply because they reach every one of us every day, top that list.

Last month, a Richmond, Virginia newspaper did a security check of its own at three area drinking water plants. What they found gave great reason for concern to Richmond City residents. A reporter and photographer were able to walk right through the front gate of the City's facility, wander around for about an hour each day for a week, and have access to the water supply. Similar surprise inspections at neighboring county facilities, Mr. Speaker, were thankfully less alarming.

The legislation we consider today will help the people of Richmond and elsewhere to ensure the long-term safety of our water. It provides $60 million in grants over the next five years to identify threats and respond to them. Similar legislation is before the Senate, and we should move quickly as a Congress to approve this initiative to give every American peace of mind when turning on the tap.

I encourage my colleagues to support this important bill.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 3178. As an original cosponsor of this legislation, I want to thank Science Committee Chairman BOEHLERT and Ranking Member HALL for bringing this issue forward and I strongly urge my colleagues to pass this important piece of legislation. H.R. 3178 authorizes $12 million per year for research and development programs related to securing the water supply funded through grants from the Environmental Protection Agency. These limited research funds are a reasonable and measured response to a pressing need.

Protection of our nation's water supply is in our vital interest. Since the attacks of September 11th, we have had to question the vulnerability of many of our critical infrastructures to deliberate attack. Fortunately, the water supply community was already at work and had established many collaborative relationships between local, state, and federal agencies as well as various national associations. However, despite the formal structures for cooperation and teamwork that already exist, there are many unanswered questions and a great need for additional resources.

Physical destruction of a water system could deprive a population of its essential water supply, as well as cause secondary effects such as the inability to ensure sanitation or provide fire protections. In addition, loss of water to manufacturers or other business could have serious consequences on local economies. Deliberate contamination is also a threat. While it is generally believed that the large volumes and treatment protocols provide some assurance, this matter still requires thoughtful analysis. Small quantities of toxic chemicals, even if not directly harmful, could cause problems. The contamination does not have to have any short term effects; a water system could be rendered unusable merely by elevating the amounts of lead, cyanide, or arsenic to unacceptable levels. Even introducing taste or odor may be sufficient to incite panic.

To combat these threats, we need to develop new technologies and rethink the way we are managing our water supply. Real time monitoring of a wide number of contaminants is something that should be considered. Changing our delivery system and increasing the interconnectedness of our supply may be in order. Separation of the water we consume from water for general purposes like washing our clothes or our car may be necessary to keep additional safeguards affordable. All these ideas will require significant changes to our infrastructure and need to be carefully considered.

In short, we have a lot of work to do. We do not fully understand all of the threats, nor do we know what the proper policy response should be. But we do know we need to address these shortcomings and answer the hard questions about how to secure our water supply. The bill puts us on the path by providing the research with the necessary support. It is an important first step and I urge my colleagues to support it.

Mr. DUNCAN. Mr. Speaker, I rise in strong support of H.R. 3178, ''the Water Infrastructure Security and Research Development Act.''

As Chairman of the Subcommittee on Water Resources and Environment, I am well aware of the need to improve our water infrastructure security.

I held a subcommittee hearing on this subject a month after the horrific events of September 11th. The subcommittee received testimony from representatives of drinking water and wastewater operators, as well as EPA and a security expert from Sandia National Laboratories. All the witnesses agreed that more information about terrorist threats and how to protect against them was needed.

I appreciate the interest of the Chairman of the Science Committee in promoting research in this area. I also appreciate his interest in developing additional security tools that can be used by drinking water and wastewater operators.

My subcommittee has jurisdiction over the operation of wastewater treatment works, including security measures. But, I was pleased to work with the gentleman from New York on H.R. 3178 to avoid any delay in floor consideration and I look forward to continuing these efforts in a House-Senate conference.

Mr. TOM DAVIS of Virginia. Mr. Speaker, in the wake of the attacks of September 11th, Americans have begun in earnest to critically look at the security of our nation's infrastructure. Indeed, unanticipated failures of electrical power or water supplies could have devastating and long-term effects on a region's economy, safety and security. The security of infrastructure is of particular importance in the National Capital region.

I rise today to applaud your efforts, Mr. Chairman, with regard to this important legislation. In the years to come I believe that this legislation will prove to be a significant first step in the nation's efforts to develop models for critically important water system security technologies and procedures.

However, I also rise today to direct your attention to the importance of ensuring that water systems in highly vulnerable areas, or areas that serve a large number of federal facilities, are given greater funding priority by the Environmental Protection Agency.

In response to the September 11th attacks and the heightened security in the region, the Fairfax County Water Authority in my district has had to begin developing a number of critically important physical security enhancements and practices in order to better protect the region's water supply.

The Authority is particularly sensitive to the threat of electrical power outage by potential terrorist attack. For instance, the failure of commercial power for a period of even three hours would render the public water supply for the 1.2-million users in the Fairfax County Water Authority service region virtually useless. The Fairfax County Water Authority is currently studying the feasibility of constructing an on-site state-of-the-art power generation complex capable of making the Authority self-sustaining, even during periods of reduced power or blackouts.

Staff at the Authority has a long and solid record of responding to a wide variety of operating conditions in the treatment and distribution system. These actions, however, have been in response to slowly evolving external pressures or isolated component failures. To improve staff skills in thinking through its response plan, and identifying communications, command, control and information issues during a period of sudden attack (or perceived attack) on a water system, the Authority is also developing a holistic crisis, rapid response staff training workshop.

Both the study and the workshop could be used as tools for water providers throughout the nation.

It is my fervent hope that when deciding water infrastructure security awards, the Administrator of the Environmental Protection Agency will take into account the region or service area's vulnerability of or potential for forced interruption of service. Indeed, i believe that no one would disagree with the notion that the Administrator should consider a water system's importance to national security and the operation of government.

This is especially true in my district. The Fairfax County Water Authority's service area covers many critical federal facilities. Some of the largest of these facilities include: Ft. Belvoir U.S. Ary Reservation, Ft. Belvoir Proving Grounds; Dulles International Airport; facilities of the Central Intelligence Agency; U.S. Fish and Wildlife Service (Harry Diamond Laboratories); Dulles Mail Distribution Center; U.S. Navy Family Housing; U.S. Coast Guard Information Systems Center, training facilities, and housing; Facilities of the General Services Administration; Facilities of the U.S. Department of State; and, Office space and warehouses for the U.S. Securities Exchange Commission.

It is my fervent hope that this bill will help ensure funding for the Fairfax County Water Authority next year.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 3178, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to authorize the Environmental Protection Agency to provide funding to support research and development projects for the security of water infrastructure.''.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

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

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) ''An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.''.

TRUE AMERICAN HEROES ACT

Mr. KING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3054) to award congressional gold medals on behalf of the officers, emergency workers, and other employees of the Federal Government and any State or local government, including any interstate governmental entity, who responded to the attacks on the World Trade Center in New York City and perished in the tragic events of September 11, 2001, as amended.

The Clerk read as follows:

H.R. 3054

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 ''True American Heroes Act''.

SEC. 2. CONGRESSIONAL GOLD MEDALS FOR GOVERNMENT WORKERS WHO RESPONDED TO THE ATTACKS ON THE WORLD TRADE CENTER AND PERISHED.

(a) PRESENTATION AUTHORIZED.—In recognition of the bravery and self-sacrifice of officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government, who responded to the attacks on the World Trade Center in New York City, and perished in the tragic events of September 11, 2001 (including those who are missing and presumed dead), the President is authorized to present, on behalf of the Congress, a gold medal of appropriate design for each such officer, emergency worker, or employee to the next of kin or other representative of each such officer, emergency worker, or employee.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions to be determined by the Secretary to be emblematic of the valor and heroism of the men and women honored.

(c) DETERMINATION OF RECIPIENTS.—The Secretary of the Treasury shall determine the number of medals to be presented under this section and the appropriate recipients of the medals after consulting with appropriate representatives of Federal, State, and local officers and agencies and the Port Authority of New York and New Jersey.

(d) PRESENTMENT CEREMONY.—The President shall consult with the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the majority leader and the minority leader of the House of Representatives, and the majority leader and the minority leader of the Senate with regard to the ceremony for presenting the gold medals under subsection (a).

(e) DUPLICATIVE GOLD MEDALS FOR DEPARTMENTS AND DUTY STATIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall strike duplicates in gold of the gold medals struck pursuant to subsection (a) for presentation to each of the following:

(A) The Governor of the State of New York.

(B) The Mayor of the City of New York.

(C) The Commissioner of the New York Police Department, the Commissioner of the New York Fire Department, the head of emergency medical services for the City of New York, and the Chairman of the Board of Directors of the Port Authority of New York and New Jersey.

(D) Each precinct house, fire house, emergency response station, or other duty station or place of employment to which each person referred to in subsection (a) was assigned on September 11, 2001, for display in each such place in a manner befitting the memory of such persons.

(f) DETERMINATION OF RECIPIENTS.—The Secretary of the Treasury shall determine the number of medals to be presented under subsection (e) and the appropriate recipients of the medals after consulting with appropriate representatives of Federal, State, and local officers and agencies and the Port Authority of New York and New Jersey.

(g) DUPLICATE BRONZE MEDALS.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (a) under such regulations as the Secretary may prescribe, at a price of $50 per medal.

(h) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under subsection (g) shall be deposited in a fund to be used to erect a memorial for the fallen emergency responders.

(i) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the medals authorized under this section should—

(1) be designed, struck, and presented not more than 90 days after the date of the enactment of this Act; and

(2) be struck at the United States Mint at West Point, New York, to the greatest extent possible.

SEC. 3. CONGRESSIONAL GOLD MEDALS FOR PEOPLE ABOARD UNITED AIRLINES FLIGHT 93 WHO HELPED RESIST THE HIJACKERS AND CAUSED THE PLANE TO CRASH.

(a) CONGRESSIONAL FINDINGS.—The Congress finds as follows:

(1) On September 11, 2001, United Airlines Flight 93, piloted by Captain James Dahl, departed from Newark International Airport at 8:01 a.m. on its scheduled route to San Francisco, California, with 7 crew members and 38 passengers on board.

(2) Shortly after departure, United Airlines Flight 93 was hijacked by terrorists.

(3) At 10:37 a.m. United Airlines Flight 93 crashed near Shanksville, Pennsylvania.

(4) Evidence indicates that people aboard United Airlines Flight 93 learned that other hijacked planes had been used to attack the World Trade Center in New York City and resisted the actions of the hijackers on board.

(5) The effort to resist the hijackers aboard United Airlines Flight 93 appears to have caused the plane to crash prematurely, potentially saving hundreds or thousands of lives and preventing the destruction of the White House, the Capitol, or another important symbol of freedom and democracy.

(6) The leaders of the resistance aboard United Airlines Flight 93 demonstrated exceptional bravery, valor, and patriotism, and are worthy of the appreciation of the people of the United States.

(b) PRESENTATION OF CONGRESSIONAL GOLD MEDALS AUTHORIZED.—The President is authorized to award posthumously, on behalf of Congress and in recognition of heroic service to the Nation, gold medals of appropriate design to any passengers or crew members on board United Airlines Flight 93 who are identified by the Attorney General as having aided in the effort to resist the hijackers on board the plane.

(c) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (b), the Secretary of the Treasury shall strike gold medals of a single design with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medals struck under subsection (b) at a price sufficient to cover the cost of the bronze medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medals.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

GENERAL LEAVE

Mr. KING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3054, and to include extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, today's legislation will award the Congressional Gold Medal to the brave heroes of September 11, 2001. These are the brave men and women who entered the World Trade Center in New York, and also those brave people on United Airlines Flight 93 who brought down the plane and saved countless lives.

Mr. Speaker, let me commend the gentlewoman from New York (Mrs. MALONEY), the ranking member, for the tremendous cooperation the gentlewoman has given me on this bill, and also for the incredible amount of time and effort she has put into it. The gentlewoman must have taken 20 years off her life going around and getting signatures and making phone calls. It is an example of her dedication to the men and women who laid down their lives on September 11. I also thank the gentleman from Colorado (Mr. TANCREDO), who is responsible for the language that is going in as an amendment regarding United Airlines Flight 93; and I thank the gentleman for his efforts.

Mr. Speaker, today's bill commemorates and honors in the most significant way that Congress can those men and women who laid down their lives on September 11. In New York at the World Trade Center, we had more than 300 New York City firefighters, New York City police officers, Port Authority police officers, we had emergency service workers, we had court officers, numerous government employees who went into that building that day and were responsible for the greatest, most significant rescue operation in the history of this country. Estimates are that 25,000 people were saved that day because of the heroic efforts of men and women who above and beyond the call of duty ran into a burning building while others were escaping. It was their duty to escape, and it was the duty of the firefighters and police officers to go into that building and rescue as many people as they did. In going in there, they faced almost certain death.

I think it is important to note, Mr. Speaker, that our country has responded very dramatically to the events of September 11. I firmly believe that one of the reasons why the country has responded the way it has is because of the example that was set on September 11 when the eyes of the Nation and the eyes of the world saw those people running in to save lives, saw them meeting their death. They saw nobody wavered in the face of those fires and those falling buildings. They just did what they were trained to do and what it takes incredible courage to do.

Those of us from New York, we know many who died that day. In my own district, there was the chief of the department, Peter Ganci, who had escaped from the first building and went into the second building, and was killed when that came down.

Father Judge, the chaplain to the fire department, was killed administering last rites on September 11.

Personal friends, Michael Boyle and David Arce, worked on my political campaigns. They were good friends, and they also went into that building. They were friends together, and they died together.

Neighbors of mine, the Haskell brothers, both firefighters, Tim Haskell and Tom Haskell, both of whom died that day.

Another neighbor, John Perry, a New York City police officer, who actually was at headquarters submitting his retirement papers that morning. He was retiring from the New York City Police Department that day. He was at police headquarters. He saw what happened, and he ran from the headquarters to the World Trade Center and died in the rescue operation.

So these are all heroic people, and we can multiply that by hundreds. There is nobody in the New York area who was not impacted by the death of one of those brave people.

I must say on a note of bipartisanship, just as Michael Boyle and David Arce worked for my campaigns, John Perry's mother and father were active members of the Democratic Party; and one of the most encouraging notes I have seen is that John's mother, Pat Perry, who is a Democratic Party leader in my area, is once again calling my office to tell me when she thinks I voted wrong. To me, that is what democracy is all about. I wish Pat and Jim Perry the very best, as I do the families of all who died.

Mr. Speaker, we cannot begin to give the credit to these people that they deserve, but this is one thing we can do. I strongly support this legislation, and I also want to emphasize that while we are singling out the uniformed services for the work they did and for being heroes, for every person that died in the World Trade Center, their families consider them to be heroes, and there are many acts of heroism that have not been recorded.

I think it is important to note that everyone who died in the World Trade Center is a hero. By commemorating the firefighters, police officers, emergency service workers, the court employees, and the brave people who brought down Flight 93, we are honoring the most visible aspects of that heroism. They are all heroes. The entire country is heroic in the great response we have had in carrying out this war against terrorism.

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

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with the gentleman from New York (Mr. KING) and congratulate him on his leadership and hard work in drafting this legislation and working to secure the proper signatures and the support of the leadership of this body.

I rise with strong support for the True American Heroes Act. This legislation honors the over 300 men and women, firefighters, EMTs and rescue workers, dozens of police officers from both the city and Port Authority, and other Federal, State and local emergency workers who charged into the World Trade Center Towers on September 11, and perished as they attempted to save the lives of workers in the building.

From the moment the planes struck the towers from all over the city and surrounding area, rescuers poured out of fire houses and precinct houses and ran into the burning towers without regard for their own personal safety.

They were men and women, cops, firefighters, EMTs, and public servants like FBI Special Agent Lenny Hatton. This legislation lets us honor those who died so others could live.

At Ground Zero on September 12, I heard estimates from people in authority from the State and city, and they estimated that as many as 20,000 people had been killed in the World Trade Center. We know now that thanks to the heroic work of the rescue workers the death toll was closer to 3,000. This rescue effort has been called the largest and most successful in our history, and it resulted in saving roughly 25,000 lives.

Thousands of families are in mourning this holiday season. But perhaps the best reason to pass this bill is that tens of thousands of families are not in mourning. They have traumatic memories of a narrow escape, but they have their whole lives ahead of them. The people died on September 11, but they did not die in vain. As New York and the world watched in horror as the planes struck and the towers were engulfed, these individuals thrust themselves towards danger.

To those with hearts of gold, we award medals of gold. They are true American heroes and heroines. The Congressional Gold Medal honors contributions to America by outstanding individuals and groups. What could anyone do that is more outstanding than saving the lives of innocent people, people who merely showed up for work. The True American Heroes Act will award Congressional Gold Medals to families and next of kin to these brave rescuers who perished in the attack. What better way to pay tribute than to award these families the most distinguished honor bestowed by Congress?

This legislation also designates that the individual station houses and fire houses that lost people in the attack will receive copies of the gold medal. One example in the district that I represent is the Roosevelt Island-based Special-ops unit of the New York Fire Department, which lost 10 people. The loss was so great because at this particular facility there was a duty change in progress. Men who would and could have gone home, grabbed their equipment and headed to the scene. As a result, the loss was twice as high as it might otherwise have been.

As we pass the fire houses and precinct houses where flowers fill the sidewalks in New York City, the emotion of the tragedy is still overpowering. This legislation will ensure that we will forever have public displays around the city to preserve the memory of these rescuers who made the ultimate sacrifice.

The offices of the Mayor and the Governor of New York and the head of the Port Authority will also be awarded copies of medals. As we all know, the head of the Port Authority, my friend, Neil Levin, was lost in the attack. Neil was serving as the executive director of the Port Authority, the agency that ran the World Trade Center for the past 28 years. He was last seen helping people get out of the building. Neil died in the brave tradition of the captain going down with the ship. It is fitting that a copy of the gold medal will be given to the Port Authority.

Mayor Giuliani himself rushed to the scene of the attack so quickly, that for a time his own safety was at risk. The copies of the medals given to the Port Authority, Mayor, and Governor are a highly appropriate honor for leaders who responded so quickly. In addition to the gold medals, the United States Mint will make bronze reproductions of the medals available to the general public. The proceeds from these sales will go toward building a memorial at Ground Zero that will serve as a lasting tribute to the fallen heroes and heroines. All around America, our citizens can purchase these medals and demonstrate their solidarity with the fallen heroes and heroines of New York.

Finally, the bill awards medals to the exceptional brave passengers who battled the hijackers of Flight 93.

□ 1515

They saved an untold number of lives and quite possibly the very building in which we are standing.

I thank my colleague and counterpart on the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, Chairman KING, for working with me on this legislation. I would also like to acknowledge Chairman OXLEY and Ranking Member LAFALCE from the Committee on Financial Services for moving this bill to the floor so quickly. Chairman OXLEY and Ranking Member LAFALCE have shown bipartisan leadership in the immediate wake of the attacks. Working together, they worked to produce a number of important bipartisan initiatives which responded to the new threats to our financial system. New York City is thankful to them and all the Members of this House who have responded to the city in its time of greatest need.

This was an attack on our country, and New York is a symbol of our country. All New Yorkers join me in thanking my colleagues, and especially Chairman KING for his leadership on this bill.

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

Mr. KING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time to me on this important issue and for his leadership in crafting a resolution and as chairman of the committee. I also thank the ranking member, the gentlewoman from New York (Mrs. MALONEY), for her work on this issue. Indeed, as New Yorkers, they grieve deeply, but we all do.

We are all devastated by the scope of the tragedy on September 11, but the courage and valor shown by so many reaffirmed our belief about the character of this great Nation. For this reason, I rise in strong support of H.R. 3054, the True American Heroes Act. The bill authorizes the President to present, on behalf of the Congress, congressional gold medals to officers, emergency workers and other employees of Federal, State and local governments who responded to the attacks on the World Trade Center in New York City and perished in the tragic events of September 11. In addition, medals would be given to the families of those individuals aboard United Flight 93 who resisted the hijackers and foiled their attempts at further destruction. Unfortunately, there is no medal or plaque that can truly convey our appreciation for the heroism demonstrated by so many on September 11, but it is important for Congress to show to the rest of this country and the world how we value their bravery.

George William Curtis, the noted 19th century intellectual, stated, ''Man's country is not a certain area of land, of mountains, rivers and woods, but it is a principle; and patriotism is loyalty to that principle.'' I repeat his words today because it is clear that all those individuals who sacrificed their lives loved this country and what it stood for. The actions of those heroes on Flight 93 was patriotism exactly as Curtis defines it, and their heroism on that flight demonstrated to the world how strongly Americans believe in the principles of this Nation.

I salute their valor and the courage of all who lost their lives, and I urge my colleagues to support this bill.

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

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

I know that the gentleman from Colorado (Mr. TANCREDO) intended to speak today. He cannot make it. He has been detained. I would again like to state for the record the tremendous job that he has done in working with myself and with the gentlewoman from New York.

I want to, again, thank the gentlewoman from New York for really being such a stalwart fighter on this bill and for being there and for making sure that I kept working as hard as I should have. I thank the gentlewoman from New York very much.

Also, Mr. Speaker, I would just like to conclude in following up on what the gentlewoman from New York said about the leadership that has been shown on this issue really throughout the chain of command, from President Bush, to the leadership in the Congress, in New York to Governor Pataki, Mayor Giuliani, Police Commissioner Kerik, Emergency Services Commissioner Richie Sheirer, and also the late Neil Levin, who was the chairman of the Port Authority and was killed on that day.

They provided the leadership, the men and women on the ground provided the courage and the dedication which brought about, again, the rescue of 25,000 people. To think of it is really still mind-boggling to realize the effort that went into that. That is the type of courage and they are the type of people that we are honoring with this legislation today.

I would also like to say to my friend Jimmy Boyle who is watching this and whose son Michael died on September 11, I promised Jimmy I would get the bill through. We are going to get it through.

Mr. HOLT. Mr. Speaker, I rise in strong support of H.R. 3054, legislation that would authorize Congressional Gold Medals be struck for those government workers who perished in the September 11 attacks at the Pentagon and World Trade Center, and also for the brave passengers on United Flight 93. This is an appropriated honor and entirely deserving of our support.

This legislation says that in recognition of the bravery and self-sacrifice of officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government, who responded to the attacks on the World Trade Center in New York City, and perished in the tragic events of September 11, 2001, the President is authorized to present, on behalf of the Congress, a gold medal of appropriate design for each such officer, emergency worker, or employee to the next of kin or other representative of each such officer, emergency worker, or employee. The bill also makes this honor available to the passengers of Flight 93.

Earlier in the year, I joined with Representative TANCREDO and others in introducing a similar bill to authorize a Congressional Gold Medal for the brave passengers of United Flight 93, who perished fighting the terrorists and denying them their mission.

There were so many heroes on September 11. I am particularly pleased to honor Todd Beamer, the New Jerseyan who gave his life on hijacked United Airlines Flight 93 fighting the hijackers. All Americans mourn the loss of Todd Beamer and the others on that flight. Our hearts and prayers go out to Lisa Beamer, their children, and to all the other families of the people on that plane.

So many Americans perished on that day. Many central New Jerseyeans were working in the World Trade Center on September 11th when it was attacked by terrorists. Others were on board the hijacked airplanes. Since then, numerous fire, rescue, EMT and medical personnel from our area have been on the scene in New York, caring for victims and their

families. I have personally toured the sites of the attacks in New York and in Washington, and words cannot adequately capture the horror of those scenes.

This is an appropriate honor for a number of very brave Americans. I urge my colleagues to join with me in supporting this bill.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 3054. At the same time, I rise in great respect for the courage and compassion shown by those who gave their lives attempting to rescue their fellow citizens in the aftermath of the World Trade Center attacks. I also rise in admiration and gratitude to the passengers of Flight 93 who knowingly sacrificed their lives to prevent another terrorist attack. However, I do not believe that an unconstitutional authorization for Congressional Gold Medals is in the true spirit of these American heros. After all, this legislation purports to honor personal sacrifices and acts of heroism by forcing others to pay for these gold medals.

Mr. Speaker, money appropriated for gold medals, or any other unconstitutional purpose, is, in the words of Davy Crockett, ''Not Yours to Give.'' It is my pleasure to attach a copy of Davy Crockett's ''Not Yours to Give'' speech for the record. I hope my colleagues will carefully consider its' message before voting to take money from American workers and families to spend on unconstitutional programs and projects.

Instead of abusing the taxing and spending power, I urge my colleagues to undertake to raise the money for these medals among ourselves. I would gladly donate to a Congressional Gold Medal fund whose proceeds would be used to purchase and award gold medals to those selected by Congress for this honor. Congress should also reduce the federal tax burdened on the families of those who lost their lives helping their fellow citizens on September 11. Mr. Speaker, reducing the tax burden on these Americans would be a real sacrifice for many in Washington since any reduction in taxes represents a loss of real and potential power for the federal government.

H.R. 3054 violates fundamental principles of fiscal responsibility by giving the Secretary of the Treasury almost unquestioned authority to determine who can and cannot receive a gold medal. Official estimates are that implementation of this bill will cost approximately 3.9 million dollars, however the terms of the bill suggest that the costs incurred by the United States taxpayer could be much higher. Furthermore, unlike previous legislation authorizing gold medals, H.R. 3054 does not instruct the Secretary of the Treasury to use profits generated by marketing bronze duplicates of the medal to reimburse the taxpayer for the costs of producing the medal. Unfortunately, because this bill was moved to the suspension calender without hearings or a mark-up there was no opportunity for members of the Financial Services Committee such as myself to examine these questions.

Because of my continuing and uncompromising opposition to appropriations not authorized within the enumerated powers of the Constitution, I must remain consistent in my defense of a limited government whose powers are explicitly delimited under the enumerated powers of the Constitution—a Constitution which each Member of Congress swore to uphold. Therefore, Mr. Speaker, I must oppose this legislation and respectfully suggest that perhaps we should begin a debate among us on more appropriate processes by which we spend other people's money. Honorary medals and commemorative coins, under the current process, come from other people's money. It is, of course, easier to be generous with other people's money, but using our own funds to finance these gold medal is true to the sprit of the heros of September 11.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3054, the True American Heroes Act, authorizing the President, on behalf of the Congress, to present Congressional Gold Medals to police officers, emergency workers, and other employees of federal, state, and local governments, who lost their lives in responding to the attacks on the World Trade Center in New York City on September 11, 2001.

This measure also authorizes the President to award medals to those people on board United Airlines Flight 93 who resisted their hijackers and caused the plane to crash, preventing an additional tragedy in Washington.

On that horrible day in September, our nation witnessed the best and the worst of humanity. The despicable and cowardly terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens.

Accordingly, it is incumbent upon our nation to honor those heroes who selflessly gave their lives in saving others. Bestowing the Congressional Gold Medal on those deserving men and women will be a fitting tribute to their memory and their contribution to our nation's freedom. Accordingly, I urge my fellow colleagues to support this important measure.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 3054, the True American Heroes Act and want to thank the gentleman from New York (Mr. KING), the gentlelady from New York (Mrs. MALONEY), and the gentleman from Colorado (Mr. TANCREDO) for their efforts in bringing this important legislation to the floor today.

Because there was no report filed by the Committee on Financial Services on this bill, I am including for the RECORD the CBO estimate for the legislation.

I urge my colleagues to support this important legislation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 12, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, the Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3054, the True American Heroes Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, *Director*).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3054—True American Heroes Act

H.R. 3054 would authorize the President to present a Congressional gold medal to the families of public safety officers, emergency workers, and other employees of state and local government agencies who perished while responding to the attacks on September 11, 2001, at the World Trade Center. The bill also would authorize duplicate medals to be presented to various officials of New York, as well as each precinct house, fire station, or other duty station that had a member perish in the attacks. H.R. 3054 would authorize the U.S. Mint to sell bronze duplicates of the medal, and allow the proceeds from those sales to be used to erect a memorial for the fallen emergency workers who responded to the attacks.

CBO estimates that enacting H.R. 3054 would cost approximately $3.8 million in 2002, mostly for the cost of gold to produce about 550 medals. CBO estimates that the first gold medal would cost about $35,500 to produce, including around $5,500 for the cost of the gold and around $30,000 for the costs to design, engrave, and manufacture the medal. Funds collected from the sale of bronze duplicate metals would be available for the cost of a memorial to emergency workers killed in the attacks. CBO estimates that $1 million to $2 million would be collected and later spent as a result of such sales. Over a few years the net budget impact would be insignificant.

Because the bill would affect direct spending, pay-as-you-go procedures would apply. H.R. 3054 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director of Budget Analysis.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of the True American Heroes Act. The men and women who died on September 11th serving our country by saving lives deserve not only our immense gratitude, but also the highest of honors.

Out of tragedy, our nation has emerged stronger and prouder than ever. Our spirit is inspired by the stories of brave men and women from that day—true American heroes.

In our darkest hours on September 11, the heroes in our midst shined brighter than ever. We know some heroic endeavors that were undertaken from stories about cell phone calls and from eyewitness accounts.

On United Airlines Flight #93 passengers called loved ones alerting them that their plane had been hijacked. One of my constituents, Jeremy Glick, called his wife Lyzbeth from that flight. Jeremy was part of the fearless effort to stop the terrorists from taking the plane into the heart of Washington, D.C.

From his cell phone conversation, we know that Jeremy along with other passengers and crew chose to fight the terrorists who had commandeered the plane, At 10:37 a.m., United Flight #93 crashed in Pennsylvania, just minutes after the White House and the Capitol Building had been evacuated.

Always a hero to his wife, his family and his friends, Jeremy Glick became a hero to the nation on September 11th, 2001.

Mr. Speaker, days after the September 11 attacks, I introduced H.R. 2921 to authorize the President to award posthumously the Congressional Gold Medal to Jeremy Glick for his bravery, courage and service to his nation. We must *honor all the heroes of the United Flight 93.* Today, this House formally recognizes his contribution and all the heroes of that fateful day.

So, too, do we recognize the bravery of many Americans who died in Lower Manhattan.

Some were our neighbors.

Dana Hannon of Wyckoff, New Jersey was a 29-year old, newly-engaged member of the New York City Engine Company #28, who responded to the reports of a plane crash at the north and south towers of the World Trade Center.

Paul Laszczynski of Paramus was a Port Authority police officer who was honored for his action during the first attack on the World Trade Center. He and a colleague carried a wheelchair-bound victim down 77 floors to safety after the bombing in 1993.

Joe Navas of Paramus was a 44-year old Port Authority police officer. In his hometown of Paramus he volunteered as a Little League Coach for his two boys. His wife and family had to learn about his earlier heroic exploits by reading it in the Bergen Record.

The example set by Joe Navas is not unique. Our fire departments and emergency services are the first on the scene to fires, motor vehicle accidents, natural disasters, hazardous waste spills, and, yes, even terrorist attacks.

And they never draw attention to themselves. In their minds, they are ''just doing their jobs . . .''

That Tuesday, their work and their courage brought them into the building lobbies as people flooded out into the streets. These men and women ran up the stairs while instructing people to immediately get down those same stairs and outside. They ran to help as others ran to safety. Their efforts will never be forgotten, especially by those who were saved.

Someday we may hear the story of the lives these men and women saved or the comfort they provided. But for now, we can be proud: proud of the job they were doing, proud of the heroism they showed that day, and proud of the courage they have always shown. New Jersey lost a tragic number of officers and emergency workers in lower Manhattan that day. As we wait for stories about New Jersey's finest, we will continue to share the memories of their everyday heroism and spirit.

Mr. Speaker, the men and women that we honor today died on their own terms—fighting selflessly against those who hate all that our country stands for. Our tenacious American spirit will prevail. As President Reagan said in his first Inaugural Address, ''we must realize that no arsenal, or no weapon in the arsenals of the world, is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have. It is a weapon that we as Americans do have.''

On behalf of Congress, let us now recognize the men and women who served us in our most horrific hours by awarding these heroes Congressional Gold Medals. I strongly urge my colleagues to support this legislation.

This action today is another way of saying God Bless America. Truly we are ''one Nation under God.''

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 3054, a bill to award the Congressional Gold Medal to the heroes of September 11. I hope that this small token of appreciation will symbolize America's appreciation for the endless bravery that was shown on that day.

There are some, for whom there is no sacrifice too great when the call to duty sounds. There are some, in a world wrapped in a shroud of self-promotion, who see beyond the ''me'', the ''my'', the ''mine'' and the ''I''. There are some that so regard their brothers and sisters that they disregard their own safety, their own well being, and even their own lives, to lend a hand. there are some, which in a split second make a decision to forget themselves and do what it takes to save others; they are heroes.

For heroes, there is no room to think or to rationalize. It is never practical to endanger ones existence in the hope of promoting the survival of others, but they do. It goes beyond what is logical. The hero possesses an innate and instinctive ability to respond to extreme situations with others in mind. By nature, the hero defies the basic human impulse for self-preservation. The hero is selfless.

On September 11, many Americans heeded the call to action. On a beautiful morning, ordinary people awakened to start the day, to go about their normal routines with smiles, frowns, traffic, and cups of coffee. The Pentagon was still an impenetrable fortress and the skyline of New York was still intact; the morning proceeded as usual. In the moments to follow, shocked and horrified, firefighters, police officers, servicemen and women, and everyday people sprang into situations that were simply incomprehensible; they fought to save lives. They saved lives and returned to save more, and in an instant, the courageous fire that burned in their hearts was extinguished.

Above the mayhem, Flight 93 swam the skies to reach the West Coast. Aboard this flight the passengers eagerly awaited landing, waiting to meet their loved ones miles away. Nonetheless, with angry shouts the silence was broken and the passengers realized that terror's arm had reached yet another flight. The terrorists made their move and fought to carry out this horrible act. They were headed to Washington, DC to destroy the very symbols that shine as beacons for freedom throughout the world. The terrorists were trained and prepared to destroy lives and break the spirit of America. However, they were never trained to defeat the spirit of heroism.

The passengers of Flight 93, after talking to their courageous and heroic family members and learning of the attacks, decided that there would be no more death and destruction. They decided that America had suffered enough for one morning. They decided that they would trade their lives to save hundreds, maybe thousands more, quite possibly my own. For them, heroism was not the goal. They did not seek a grand prize or recognition. They sought only to prevent the destruction that was sure to come absent their intervention.

For heroes, there is no reward other than the satisfaction of knowing that their sacrifice may allow the life of others to continue. Since September 11, America has received so many lessons in heroism. We have been schooled in selflessness and courage. We have learned what it means to sacrifice. We can only honor and thank them for these lessons and for the lives that they saved, and the lives they gave.

The Congressional Gold Meal is the nation's highest civilian award. The medal recognizes outstanding achievements and unusual acts of valor and courage. Be it over a lifetime or in one instance, it recognizes that its recipients have—in their own way—changed the world for the better. The heroes of 9–11 have shown a courage that is rare to modern times. They fought the hatred and the malice of that terrible day with love, compassion, courage and selflessness. And they changed the world.

It is difficult to find good in such a tragic event. However, we can look to the many men and women who worked tirelessly and who died courageously to save life, and know that even in the face of death and terror, the good in humanity prevails. The Congressional Gold Medal is but a small token, but I hope it will symbolize the immeasurable thanks that we pay to these heroes. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 3054, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ENERGY POLICY ACT OF 1992 AMENDMENTS

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3343) to amend title X of the Energy Policy Act of 1992, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF THORIUM REIMBURSEMENT.

(a) PAYMENTS TO LICENSEES.—Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a(b)(2)(C)) is amended—

(1) by striking ''$140,000,000'' and inserting ''$365,000,000''; and

(2) by adding at the end the following: ''Such payments shall not exceed the following amounts:

''(i) $90,000,000 in fiscal year 2002.

''(ii) $55,000,000 in fiscal year 2003.

''(iii) $20,000,000 in fiscal year 2004.

''(iv) $20,000,000 in fiscal year 2005.

''(v) $20,000,000 in fiscal year 2006.

''(vi) $20,000,000 in fiscal year 2007.

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.''.

(b) AUTHORIZATION.—Section 1003(a) of such Act (42 U.S.C. 2296a–2(a)) is amended by striking ''$490,000,000'' and inserting ''$715,000,000''.

(c) DEPOSITS.—Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g–1(a)) is amended by striking ''$488,333,333'' and inserting ''$518,233,333'' and by inserting after ''inflation'' the phrase ''beginning on the date of the enactment of the Energy Policy Act of 1992''.

(d) PORTSMOUTH.—(1) Chapter 19 of the Atomic Energy Act of 1954 (42 U.S.C. 2015 and following) is amended by inserting the following after section 241:

"SEC. 242. COLD STANDBY.

''The Secretary is authorized to expend such funds as may be necessary for the purposes of maintaining enrichment capability at the Portsmouth, Ohio, facility.''.

(2) The table of contents for such chapter is amended by inserting the following new item after the item relating to section 241:

''Sec. 242. Cold standby.''.

SEC. 2. COMPTROLLER GENERAL AUDIT.

The Comptroller General shall conduct an audit on the Uranium Enrichment Decontamination and Decommissioning Fund established under section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g). Not later than March 1, 2003, the Comptroller General shall transmit to the Congress a report on the results of the audit. Such report shall assess whether the Fund as currently authorized will be of sufficient size and duration for carrying out decontamination and decommissioning and remedial action activities anticipated to be paid for from the fund, and shall include recommendations for minimizing increases in such activities. In conducting the audit, the Comptroller General shall specifically address whether the deposits collected under sections 1802(c) and 1802(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-1(c) and 2297g-1(d)) are sufficient to—

(1) pay for decontamination and decommissioning activities pursuant to section 1803(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-2(b));

(2) pay for the remedial action costs pursuant to section 1803(c) of such Act (42 U.S.C. 2297g-2(c)); and

(3) pay for the remedial action costs pursuant to section 1001(b)(2)(C) and (D) of the Energy Policy Act of 1992 (42 U.S.C. 2296a(b)(2)(C) and (D)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, first let me pay tribute to our former colleague on the Committee on Energy and Commerce, Speaker HASTERT, who has put much time into this legislation. His support and help is greatly appreciated.

Mr. Speaker, this legislation will authorize the Federal Government, pursuant to title X of the Energy Policy Act of 1992, to continue to pay its share of decommissioning and remediation costs for a thorium site in West Chicago, Illinois. The thorium facility was utilized extensively by the government during the development of our country's nuclear defense program, including the Manhattan Project.

Under title X of EPACT, the Department of Energy determined that the government was responsible for 55.2 percent of West Chicago cleanup costs, reflecting the portion of tailings attributable to government contracts. Remediation activities in West Chicago involve the decommissioning of the original factory site as well as remediation of certain vicinity properties. Cleanup of the original factory site is expected to conclude in 2004.

Congress has been fiscally responsible in adjusting the thorium payment limitation to match actual remediation activities. EPACT initially set this authorization ceiling at $40 million in 1992, which was a reasonable approximation of known estimated costs at that time. In 1996, as additional costs were incurred, this cap was raised to $65 million. Again in 1998 as cleanup activities proceeded, the cap was raised to its current level of $140 million. We have taken great care in the past to adjust this level only in conjunction with demonstrated needs.

The $225 million adjustment in this bill will further increase the thorium cap consistent with identified costs at the West Chicago site. It is also important to note that this increased authorization will continue to be subject to the annual appropriations process. What we are seeking to do is provide authority for the Federal Government to meet its obligations.

Today, there is already a shortfall in authorized funding for the Federal share of West Chicago cleanup cost of more than $60 million. The $225 million reauthorization requested by this bill will allow the government to begin meeting its obligation to reimburse those costs, which will be after verification and auditing by the government. Equally important, this legislation will provide the authorization necessary to fund the government's share of all West Chicago decommissioning and remediation costs.

During the committee markup, an amendment was agreed to that attempted to address issues that were raised by both Democratic and Republican members. The amendment included language directing a Comptroller General audit of the D&D fund to see if the fund is capable of meeting the expected cleanup costs of all the facilities that receive, or will receive, funding from this program. All Members of this body are supportive of cleaning up contaminated facilities. This audit will give us a better idea of just exactly what we are up against.

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

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

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

Mr. BOUCHER. Mr. Speaker, I rise in support of H.R. 3343, legislation amending title X of the Energy Policy Act of 1992, and chapter 28 of the Atomic Energy Act to increase the authorization ceiling on the Federal share of cleanup costs at a thorium site in West Chicago, Illinois.

Section 1001 of the Energy Policy Act establishes the responsibility of licensees for bearing the costs of decontamination, decommissioning, reclamation and other remedial action at active uranium and thorium sites where by-product material has been produced. However, the section also requires the Secretary of Energy to reimburse annually a licensee for that portion of the remedial cost that the Secretary has determined is attributable to by-product material generated as the result of sales to the Federal Government. In the case of the West Chicago site, DOE has determined that 55.2 percent of the remedial cost is attributable to government contracts.

The money for the Federal Government's share of the cleanup comes from the Uranium Enrichment Decontamination and Decommissioning Fund established in Chapter 28 of the Atomic Energy Act from revenues collected from the utility industry and deposited in the fund by the Secretary of Energy. This fund also is used to pay the cleanup costs at 13 uranium mining sites and three uranium enrichment facilities. Therein lies the potential problem associated with raising the ceiling on the thorium cleanup: Competition between 17 cleanup sites for the finite, and probably insufficient, amount of money that will be deposited in the decontamination and decommissioning fund.

Fortunately, as reported by the Committee on Energy and Commerce, this legislation avoids that competition and hopefully leaves everyone at least a bit better off than they otherwise would be under current law. This compromise is the result of the dedication and hard work of a number of Members and staff on both sides of the aisle. In particular, I want to express commendation to our full committee ranking member the gentleman from Michigan (Mr. DINGELL) and to the chairman of the full Committee on Energy and Commerce the gentleman from Louisiana (Mr. TAUZIN) for crafting this compromise language in a truly bipartisan manner. I also want to commend the outstanding efforts of the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Kentucky (Mr. WHITFIELD) and the bill's sponsor the gentleman from Illinois (Mr. SHIMKUS) for their fine work in arriving at the product that we are considering today. As always, I want to thank the chairman of the Subcommittee on Energy and Air Quality, the gentleman from Texas (Mr. BARTON) for his outstanding assistance in processing this measure.

I will take just a moment, Mr. Speaker, to point out the five main provisions of the compromise embodied in the bill now before the House.

First, it accomplishes the original objective of the bill, to increase the total thorium reimbursement authorization from $140 million to $365 million and increase the total authorization for appropriations for title X programs from $490 million to $715 million.

Secondly, it stipulates annual amounts to be authorized for thorium activities in each of the fiscal years 2002 through 2007. The amounts for each year are sufficient to cover the likely receipts from thorium cleanup and structured in such a way that aims to prevent competition within the cleanups at the Ohio, Kentucky and Tennessee facilities.

Third, the compromise language increases by $37.5 million the total amount currently required by law to be deposited in the uranium enrichment decontamination and decommissioning fund each year. This provision increases the size of the fund by at least the additional amount of money that will be authorized for thorium cleanup in order to hold harmless the cleanups at the Ohio, Kentucky and Tennessee facilities and at the 13 uranium mine sites.

Fourth, the substitute authorizes the Secretary of Energy to expend funds to keep the Portsmouth, Ohio uranium enrichment facility in cold standby mode. Maintaining the Portsmouth facility in this mode is wise because it allows the facility to be used again if needed to protect the continuity of domestic supply or to meet DOE's contract demands.

□ 1530

I want to be sure to note that this authorization neither expands nor contracts the current universe of activities that can be paid for with monies from the Uranium Enrichment Decontamination and Decommissioning Fund. In fact, the cold-standby authorization was drafted to amend chapter 19 of the Atomic Energy Act, rather than chapter 28, in order to help make clear that Congress expects the Department to use money other than that deposited in the Decontamination Fund for the very worthwhile purpose of keeping the Portsmouth facility in cold-standby mode.

Finally, Mr. Speaker, H.R. 3343 requires the General Accounting Office to audit the Uranium Enrichment Decontamination and Decommissioning Fund and the cleanups authorized to receive appropriations from the fund and report to us by March 1, 2003. The audit has two general purposes: first, to ensure that the fund is and will be sufficient to cover the costs of all the activities authorized, and, if not, to make legislative recommendations to maintain the adequacy of the fund; secondly, to look at the current and likely costs of cleanup activities at each site in order to project the total needs of the fund, identify the factors resulting in increased cleanup costs, and to identify potential sources of savings.

Mr. Speaker, I support this legislation. I encourage the Members to approve it.

I want to commend all of the Members who worked to craft this compromise language, which is meritorious and deserves the support of the House.

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

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

Mr. Speaker, I already mentioned the gentleman from Illinois (Speaker HASTERT) and his work, but I would also be remiss if I did not mention the staff on both our side and the minority side for their great work in working out the difficulties and differences. Because of their efforts, we are able to be here on the suspension calendar and pass this bill.

I also want to mention my colleagues who were personally engaged in this. One is going to speak on the floor in a minute, the gentleman from Ohio (Mr. STRICKLAND), who is a fervent supporter of many issues, and this is one of them. I appreciate his help and friendship.

I also want to recognize the gentleman from Kentucky (Mr. WHITFIELD), who also had some vested interests involved in this, the gentlewoman from New Mexico (Mrs. WILSON), who was very engaged, and the gentleman from Oklahoma (Mr. LARGENT), who all took an active role in working with us to craft legislation that would be acceptable to the whole body.

This is a good product, and I urge its passage.

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

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Ohio (Mr. STRICKLAND), a valuable member of the Committee on Energy and Commerce.

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

Mr. STRICKLAND. Mr. Speaker, first I would like to thank the chairman and the ranking member of the Committee on Energy and Commerce and especially my friend, the gentleman from Illinois (Mr. SHIMKUS), the sponsor of this bill. I would like to thank the gentleman from Illinois (Speaker HASTERT) and his staff for their work on the bill.

I am pleased that the substitute offered in committee helps to ensure that cleanup activities at the three uranium enrichment sites in our country do not suffer a setback as we increase funding available for the thorium processing site under title X of the Energy Policy Act of 1992. There is no doubt that all of these sites need to be cleaned up and these activities do not come cheaply.

It is important that we clean up the thorium processing site in West Chicago, Illinois; and I completely understand the Speaker's desire to ensure Federal funds are available to do so. However, because the funds to clean up the thorium site come from the Uranium Decommissioning and Decontamination Fund, it is important to me and my friends from Kentucky and Tennessee that the reimbursement for cleanup of the Illinois site does not shift funds from the cleanup activities at the three uranium enrichment sites. It is also important that the burden for cleaning up the thorium site does not fall on nuclear-powered ratepayers.

I know the intent of this bill is to address both of those issues by holding harmless the uranium enrichment sites' cleanup schedule and protecting our nuclear ratepayers from shouldering the additional costs of cleaning up the site in West Chicago, Illinois.

I would like to say a special thanks to the Speaker, to the gentleman from Louisiana (Chairman TAUZIN), to the ranking member, the gentleman from Michigan (Mr. DINGELL) and to the gentleman from Illinois (Mr. SHIMKUS) for their help to include a provision in the bill that authorizes the Department of Energy to carry out necessary activities at the Portsmouth, Ohio, enrichment plant so that we can maintain our country's uranium enrichment capability.

I have talked about our domestic uranium enrichment industry on numerous occasions before this Chamber, and I am pleased to see this bill includes a cold-standby provision for the Portsmouth site.

I would also like to make clear that this cold-standby authority for the Department is not intended to compete for funds from the Department's cleanup Uranium Enrichment D&D Fund. Instead, this important energy security objective should be met by expending funds from the USEC Privatization Fund or from other discretionary funds.

Mr. Speaker, I support this bill; and I urge my colleagues to support it as well.

Mr. SHIMKUS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to follow up on my colleagues' thank-you's to thank the chairman, the gentleman from Louisiana (Chairman TAUZIN); the ranking member, the gentleman from Michigan (Mr. DINGELL); the subcommittee chairman, the gentleman from Texas (Mr. BARTON); and, of course, managing on the minority side, the gentleman from Virginia (Mr. BOUCHER), for their great work in helping us move this bill expeditiously.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 3343.

H.R. 3343 would amend Title X of the Energy Policy Act of 1992 (EPACT) and Chapter 28 of the Atomic Energy Act to increase the authorization ceiling on the Federal share of cleanup costs at a thorium site in West Chicago, Illinois.

The Committee on Energy and Commerce reported this bill unanimously last week. The reason for that was the development of compromise language that avoids competition for money between cleanup sites and leaves everyone at least a little bit better off than they would otherwise be under current law.

As reported, the bill not only increases the total thorium reimbursement authorization so that Federal contribution to the cleanup effort can continue, but it accomplishes that goal without robbing Peter to pay Paul. By establishing annual amounts to be authorized for thorium activities in each of the fiscal years 2002–2007, it ensures there will be adequate

funds remaining for cleanups at the Ohio, Kentucky, and Tennessee facilities. The bill also increase the sizes of the Uranium Enrichment Decontamination and Decommissioning Fund in order to hold harmless the cleanups at the other facilities and mine sites, without raising the fees currently assessed on utility ratepayers. In addition the bill requires the General Accounting Office to audit the Fund to ensure it is, and will be, sufficient to cover the costs of all the activities authorized and to look at the current and likely costs of the cleanup activity at the various sites.

Last but not least, the bill contains language authored by the gentleman from Ohio, Representative STRICKLAND, that provides specific authorization for the Secretary of Energy to expend funds to keep the Portsmouth, Ohio, uranium enrichment facility in ''cold-standby'' mode. I believe this to be wise, for it allows the Secretary to use the facility again if needed to protect the continuity of domestic supply or to meet the contract demands of the Department.

I want to again thank my good friend, Chairman TAUZIN, and commend all the Members who worked with us to craft this compromise language, including Representatives STRICKLAND and WHITFIELD, Chairman BARTON and Ranking Member BOUCHER, of course the sponsor of the bill, representative SHIMKUS. I also want to thank Speaker HASTERT, with whom I have worked many times on legislation to ensure the cleanup of thorium wastes, for his assistance in moving this bill forward with bipartisan support.

H.R. 3343 is good legislation and deserves the support of all Members.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time. I urge support for this measure, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 3343, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1789) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

The Clerk read as follows:

S. 1789

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 ''Best Pharmaceuticals for Children Act''.

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and

(2) in subsection (c)—

(A) by inserting after ''the Secretary'' the following: ''determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and''; and

(B) by striking ''concerning a drug identified in the list described in subsection (b)''.

SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C, relating to clinical research (42 U.S.C. 284k), as section 409G;

(2) by redesignating the second section 409D, relating to enhancement awards (42 U.S.C. 284l), as section 409H; and

(3) by adding at the end the following:

''SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

''(a) LIST OF DRUGS FOR WHICH PEDIATRIC STUDIES ARE NEEDED.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

''(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j));

''(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j));

''(iii) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(iv) there is a referral for inclusion on the list under section 505A(d)(4)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)(4)(C)); and

''(B) in the case of a drug referred to in clause (i), (ii), or (iii) of subparagraph (A), additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

''(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

''(B) whether additional information is needed;

''(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and

''(D) whether reformulation of the drug is necessary.

''(b) CONTRACTS FOR PEDIATRIC STUDIES.—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

''(c) PROCESS FOR CONTRACTS AND LABELING CHANGES.—

''(1) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a)(1)(A) (except clause (iv)) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (a) or (b) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request.

''(2) REQUESTS FOR CONTRACT PROPOSALS.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under paragraph (1) within 30 days of the date on which a request was issued, or if a referral described in subsection (a)(1)(A)(iv) is made, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

''(3) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under paragraph (2).

''(4) GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Commissioner of Food and Drugs shall promulgate guidance to establish the process for the submission of responses to written requests under paragraph (1).

''(5) CONTRACTS.—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(6) REPORTING OF STUDIES.—

''(A) IN GENERAL.—On completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of the National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

''(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505A(d)(4)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)(4)(D)) and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

''(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (7).

''(7) REQUESTS FOR LABELING CHANGE.—During the 180-day period after the date on which a report is submitted under paragraph (6)(A), the Commissioner of Food and Drugs shall—

''(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied;

''(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

''(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

''(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

''(8) DISPUTE RESOLUTION.—

''(A) REFERRAL TO PEDIATRIC ADVISORY SUBCOMMITTEE OF THE ANTI-INFECTIVE DRUGS ADVISORY COMMITTEE.—If, not later than the end of the 180-day period specified in paragraph (7), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph, the Commissioner of Food and Drugs shall refer the request to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee.

''(B) ACTION BY THE PEDIATRIC ADVISORY SUBCOMMITTEE OF THE ANTI-INFECTIVE DRUGS ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A), the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

''(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

''(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

''(9) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee under paragraph (8)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

''(10) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (9), does not agree to make a requested labeling change, the Commissioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

''(11) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under the Federal Food, Drug, and Cosmetic Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

''(12) RECOMMENDATION FOR FORMULATION CHANGES.—If a pediatric study completed under public contract indicates that a formulation change is necessary and the Secretary agrees, the Secretary shall send a nonbinding letter of recommendation regarding that change to each holder of an approved application.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $200,000,000 for fiscal year 2002; and

''(B) such sums as are necessary for each of the 5 succeeding fiscal years.

''(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.''.

SEC. 4. WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.

Section 505A(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)) is amended by adding at the end the following:

''(4) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.—

''(A) REQUEST AND RESPONSE.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (c) to the holder of an application approved under section 505(b)(1), the holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the holder to act on the request by—

''(i) indicating when the pediatric studies will be initiated, if the holder agrees to the request; or

''(ii) indicating that the holder does not agree to the request.

''(B) NO AGREEMENT TO REQUEST.—

''(i) REFERRAL.—If the holder does not agree to a written request within the time period specified in subparagraph (A), and if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall refer the drug to the Foundation for the National Institutes of Health established under section 499 of the Public Health Service Act (42 U.S.C. 290b) (referred to in this paragraph as the 'Foundation') for the conduct of the pediatric studies described in the written request.

''(ii) PUBLIC NOTICE.—The Secretary shall give public notice of the name of the drug, the name of the manufacturer, and the indications to be studied made in a referral under clause (i).

''(C) LACK OF FUNDS.—On referral of a drug under subparagraph (B)(i), the Foundation shall issue a proposal to award a grant to conduct the requested studies unless the Foundation certifies to the Secretary, within a timeframe that the Secretary determines is appropriate through guidance, that the Foundation does not have funds available under section 499(j)(9)(B)(i) to conduct the requested studies. If the Foundation so certifies, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of the studies.

''(D) EFFECT OF SUBSECTION.—Nothing in this subsection (including with respect to referrals from the Secretary to the Foundation) alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

''(E) NO REQUIREMENT TO REFER.—Nothing in this subsection shall be construed to require that every declined written request shall be referred to the Foundation.

''(F) WRITTEN REQUESTS UNDER SUBSECTION (b).—For drugs under subsection (b) for which written requests have not been accepted, if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall issue a written request under subsection (c) after the date of approval of the drug.''.

SEC. 5. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—

(1) DEFINITION OF PRIORITY SUPPLEMENT.—Section 201 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) PRIORITY SUPPLEMENT.—The term 'priority supplement' means a drug application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997 (111 Stat. 2298).''.

(2) TREATMENT AS PRIORITY SUPPLEMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by adding at the end the following:

''(l) LABELING SUPPLEMENTS.—

''(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to an application under section 505 proposing a labeling change pursuant to a report on a pediatric study under this section—

''(A) shall be considered to be a priority supplement; and

''(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

''(2) DISPUTE RESOLUTION.—

''(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If the Commissioner determines that an application with respect to which a pediatric study is conducted under this section is approvable and that the only open issue for final action on the application is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application, not later than 180 days after the date of submission of the application—

''(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

''(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee.

''(B) ACTION BY THE PEDIATRIC ADVISORY SUBCOMMITTEE OF THE ANTI-INFECTIVE DRUGS ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

''(i) review the pediatric study reports; and

''(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

''(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate.

''(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

''(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.''.

SEC. 6. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Food and Drug Administration.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for coordination and facilitation of all activities of the Food

and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall coordinate with employees of the Department of Health and Human Services who exercise responsibilities relating to pediatric therapeutics and shall include—

(1) 1 or more additional individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(2) 1 or more additional individuals with expertise in pediatrics as may be necessary to perform the activities described in subsection (b).

SEC. 7. NEONATES.

Section 505A(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)) is amended by inserting ''(including neonates in appropriate cases)'' after ''pediatric age groups''.

SEC. 8. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (j) and inserting the following:

''(j) SUNSET.—A drug may not receive any 6-month period under subsection (a) or (c) unless—

''(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

''(2) on or before October 1, 2007, an application for the drug is accepted for filing under section 505(b); and

''(3) all requirements of this section are met.''.

SEC. 9. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by section 5(b)(2)) is amended by adding at the end the following:

''(m) DISSEMINATION OF PEDIATRIC INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

''(2) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.''.

SEC. 10. CLARIFICATION OF INTERACTION OF PEDIATRIC EXCLUSIVITY UNDER SECTION 505A OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND 180-DAY EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j) OF THAT ACT.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by section 9) is amended by adding at the end the following:

''(n) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month exclusivity period under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended from—

''(1) the date on which the 180-day period would have expired by the number of days of the overlap, if the 180-day period would, but for the application of this subsection, expire after the 6-month exclusivity period; or

''(2) the date on which the 6-month exclusivity period expires, by the number of days of the overlap if the 180-day period would, but for the application of this subsection, expire during the 6 month exclusivity period.''.

SEC. 11. PROMPT APPROVAL OF DRUGS UNDER SECTION 505(j) WHEN PEDIATRIC INFORMATION IS ADDED TO LABELING.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 355a) (as amended by section 10) is amended by adding at the end the following:

''(o) PROMPT APPROVAL OF DRUGS UNDER SECTION 505(j) WHEN PEDIATRIC INFORMATION IS ADDED TO LABELING.—

''(1) GENERAL RULE.—A drug for which an application has been submitted or approved under section 505(j) shall not be considered ineligible for approval under that section or misbranded under section 502 on the basis that the labeling of the drug omits a pediatric indication or any other aspect of labeling pertaining to pediatric use when the omitted indication or other aspect is protected by patent or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(D).

''(2) LABELING.—Notwithstanding clauses (iii) and (iv) of section 505(j)(5)(D), the Secretary may require that the labeling of a drug approved under section 505(j) that omits a pediatric indication or other aspect of labeling as described in paragraph (1) include—

''(A) a statement that, because of marketing exclusivity for a manufacturer—

''(i) the drug is not labeled for pediatric use; or

''(ii) in the case of a drug for which there is an additional pediatric use not referred to in paragraph (1), the drug is not labeled for the pediatric use under paragraph (1); and

''(B) a statement of any appropriate pediatric contraindications, warnings, or precautions that the Secretary considers necessary.

''(3) PRESERVATION OF PEDIATRIC EXCLUSIVITY AND OTHER PROVISIONS.—This subsection does not affect—

''(A) the availability or scope of exclusivity under this section;

''(B) the availability or scope of exclusivity under section 505 for pediatric formulations;

''(C) the question of the eligibility for approval of any application under section 505(j) that omits any other conditions of approval entitled to exclusivity under clause (iii) or (iv) of section 505(j)(5)(D); or

''(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act, including with respect to applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that are approved or pending on that date.

SEC. 12. STUDY CONCERNING RESEARCH INVOLVING CHILDREN.

(a) CONTRACT WITH INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for—

(1) the conduct, in accordance with subsection (b), of a review of—

(A) Federal regulations in effect on the date of the enactment of this Act relating to research involving children;

(B) federally prepared or supported reports relating to research involving children; and

(C) federally supported evidence-based research involving children; and

(2) the submission to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, not later than 2 years after the date of enactment of this Act, of a report concerning the review conducted under paragraph (1) that includes recommendations on best practices relating to research involving children.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a)(1), the Institute of Medicine shall consider the following:

(1) The written and oral process of obtaining and defining ''assent'', ''permission'' and ''informed consent'' with respect to child clinical research participants and the parents, guardians, and the individuals who may serve as the legally authorized representatives of such children (as defined in subpart A of part 46 of title 45, Code of Federal Regulations).

(2) The expectations and comprehension of child research participants and the parents, guardians, or legally authorized representatives of such children, for the direct benefits and risks of the child's research involvement, particularly in terms of research versus therapeutic treatment.

(3) The definition of ''minimal risk'' with respect to a healthy child or a child with an illness.

(4) The appropriateness of the regulations applicable to children of differing ages and maturity levels, including regulations relating to legal status.

(5) Whether payment (financial or otherwise) may be provided to a child or his or her parent, guardian, or legally authorized representative for the participation of the child in research, and if so, the amount and type of payment that may be made.

(6) Compliance with the regulations referred to in subsection (a)(1)(A), the monitoring of such compliance (including the role of institutional review boards), and the enforcement actions taken for violations of such regulations.

(7) The unique roles and responsibilities of institutional review boards in reviewing research involving children, including composition of membership on institutional review boards.

(c) REQUIREMENTS OF EXPERTISE.—The Institute of Medicine shall conduct the review under subsection (a)(1) and make recommendations under subsection (a)(2) in conjunction with experts in pediatric medicine, pediatric research, and the ethical conduct of research involving children.

SEC. 13. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (b), by inserting ''(including collection of funds for pediatric pharmacologic research)'' after ''mission'';

(2) in subsection (c)(1)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following:

''(C) A program to collect funds for pediatric pharmacologic research and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of this Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)(4)(C)).'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (ii), by striking ''and'' at the end;

(II) in clause (iii), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(iv) the Commissioner of Food and Drugs.''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Board individuals from among a list of candidates to be provided by the National Academy of Science. Such appointed members shall include—

''(i) representatives of the general biomedical field;

''(ii) representatives of experts in pediatric medicine and research;

''(iii) representatives of the general biobehavioral field, which may include experts in biomedical ethics; and

''(iv) representatives of the general public, which may include representatives of affected industries.''; and

(B) in paragraph (2), by realigning the margin of subparagraph (B) to align with subparagraph (A);

(4) in subsection (k)(9)—

(A) by striking ''The Foundation'' and inserting the following:

''(A) IN GENERAL.—The Foundation''; and

(B) by adding at the end the following:

''(B) GIFTS, GRANTS, AND OTHER DONATIONS.—

''(i) IN GENERAL.—Gifts, grants, and other donations to the Foundation may be designated for pediatric research and studies on drugs, and funds so designated shall be used solely for grants for research and studies under subsection (c)(1)(C).

''(ii) OTHER GIFTS.—Other gifts, grants, or donations received by the Foundation and not described in clause (i) may also be used to support such pediatric research and studies.

''(iii) REPORT.—The recipient of a grant for research and studies shall agree to provide the Director of the National Institutes of Health and the Commissioner of Food and Drugs, at the conclusion of the research and studies—

''(I) a report describing the results of the research and studies; and

''(II) all data generated in connection with the research and studies.

''(iv) ACTION BY THE COMMISSIONER OF FOOD AND DRUGS.—The Commissioner of Food and Drugs shall take appropriate action in response to a report received under clause (iii) in accordance with paragraphs (7) through (12) of section 409I(c), including negotiating with the holders of approved applications for the drugs studied for any labeling changes that the Commissioner determines to be appropriate and requests the holders to make.

''(C) APPLICABILITY.—Subparagraph (A) does not apply to the program described in subsection (c)(1)(C).'';

(5) by redesignating subsections (f) through (m) as subsections (e) through (l), respectively;

(6) in subsection (h)(11) (as so redesignated), by striking ''solicit'' and inserting ''solicit,''; and

(7) in paragraphs (1) and (2) of subsection (j) (as so redesignated), by striking ''(including those developed under subsection (d)(2)(B)(i)(II))'' each place it appears.

SEC. 14. PEDIATRIC PHARMACOLOGY ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall, under section 222 of the Public Health Service Act (42 U.S.C. 217a), convene and consult an advisory committee on pediatric pharmacology (referred to in this section as the ''advisory committee'').

(b) PURPOSE.—

(1) IN GENERAL.—The advisory committee shall advise and make recommendations to the Secretary, through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, on matters relating to pediatric pharmacology.

(2) MATTERS INCLUDED.—The matters referred to in paragraph (1) include—

(A) pediatric research conducted under sections 351, 409I, and 499 of the Public Health Service Act and sections 501, 502, 505, and 505A of the Federal Food, Drug, and Cosmetic Act;

(B) identification of research priorities related to pediatric pharmacology and the need for additional treatments of specific pediatric diseases or conditions; and

(C) the ethics, design, and analysis of clinical trials related to pediatric pharmacology.

(c) COMPOSITION.—The advisory committee shall include representatives of pediatric health organizations, pediatric researchers, relevant patient and patient-family organizations, and other experts selected by the Secretary.

SEC. 15. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

(a) CLARIFICATION OF AUTHORITIES.—

(1) IN GENERAL.—The Pediatric Subcommittee of the Oncologic Drugs Advisory Committee (referred to in this section as the ''Subcommittee''), in carrying out the mission of reviewing and evaluating the data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of pediatric cancers, shall—

(A) evaluate and, to the extent practicable, prioritize new and emerging therapeutic alternatives available to treat pediatric cancer;

(B) provide recommendations and guidance to help ensure that children with cancer have timely access to the most promising new cancer therapies; and

(C) advise on ways to improve consistency in the availability of new therapeutic agents.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall appoint not more than 11 voting members to the Pediatric Subcommittee from the membership of the Pediatric Pharmacology Advisory Committee and the Oncologic Drugs Advisory Committee.

(B) REQUEST FOR PARTICIPATION.—The Subcommittee shall request participation of the following members in the scientific and ethical consideration of topics of pediatric cancer, as necessary:

(i) At least 2 pediatric oncology specialists from the National Cancer Institute.

(ii) At least 4 pediatric oncology specialists from—

(I) the Children's Oncology Group;

(II) other pediatric experts with an established history of conducting clinical trials in children; or

(III) consortia sponsored by the National Cancer Institute, such as the Pediatric Brain Tumor Consortium, the New Approaches to Neuroblastoma Therapy or other pediatric oncology consortia.

(iii) At least 2 representatives of the pediatric cancer patient and patient-family community.

(iv) 1 representative of the nursing community.

(v) At least 1 statistician.

(vi) At least 1 representative of the pharmaceutical industry.

(b) PRE-CLINICAL MODELS TO EVALUATE PROMISING PEDIATRIC CANCER THERAPIES.—Section 413 of the Public Health Service Act (42 U.S.C. 285a–2) is amended by adding at the end the following:

''(c) PRE-CLINICAL MODELS TO EVALUATE PROMISING PEDIATRIC CANCER THERAPIES.—

''(1) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the National Cancer Institute shall expand, intensify, and coordinate the activities of the Institute with respect to research on the development of preclinical models to evaluate which therapies are likely to be effective for treating pediatric cancer.

''(2) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities under paragraph (1) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that those Institutes and agencies have responsibilities that are related to pediatric cancer.''.

(c) CLARIFICATION OF AVAILABILITY OF INVESTIGATIONAL NEW DRUGS FOR PEDIATRIC STUDY AND USE.—

(1) AMENDMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 505(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) the submission to the Secretary by the manufacturer or the sponsor of the investigation of a new drug of a statement of intent regarding whether the manufacturer or sponsor has plans for assessing pediatric safety and efficacy.''.

(2) AMENDMENT OF THE PUBLIC HEALTH SERVICE ACT.—Section 402(j)(3)(A) of the Public Health Service Act (42 U.S.C. 282(j)(3)(A)) is amended in the first sentence—

(A) by striking ''trial sites, and'' and inserting ''trial sites,''; and

(B) by striking ''in the trial,'' and inserting ''in the trial, and a description of whether, and through what procedure, the manufacturer or sponsor of the investigation of a new drug will respond to requests for protocol exception, with appropriate safeguards, for single-patient and expanded protocol use of the new drug, particularly in children,''.

(d) REPORT.—Not later than January 31, 2003, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on patient access to new therapeutic agents for pediatric cancer, including access to single patient use of new therapeutic agents.

SEC. 16. REPORT ON PEDIATRIC EXCLUSIVITY PROGRAM.

Not later than October 1, 2006, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the following issues, using publicly available data or data otherwise available to the Government that may be used and disclosed under applicable law:

(1) The effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act and section 409I of the Public Health Service Act (as added by this Act) in ensuring that medicines used by children are tested and properly labeled, including—

(A) the number and importance of drugs for children that are being tested as a result of this legislation and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(B) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this legislation, and possible reasons for the lack of testing; and

(C) the number of drugs for which testing is being done, exclusivity granted, and labeling changes required, including the date pediatric exclusivity is granted and the date

labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this Act, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee.

(2) The economic impact of section 505A of the Federal Food, Drug, and Cosmetic Act and section 409I of the Public Health Service Act (as added by this Act), including an estimate of—

(A) the costs to taxpayers in the form of higher expenditures by medicaid and other Government programs;

(B) sales for each drug during the 6-month period for which exclusivity is granted, as attributable to such exclusivity;

(C) costs to consumers and private insurers as a result of any delay in the availability of lower cost generic equivalents of drugs tested and granted exclusivity under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and loss of revenue by the generic drug industry and retail pharmacies as a result of any such delay; and

(D) the benefits to the government, to private insurers, and to consumers resulting from decreased health care costs, including—

(i) decreased hospitalizations and fewer medical errors, due to more appropriate and more effective use of medications in children as a result of testing and re-labeling because of the amendments made by this Act;

(ii) direct and indirect benefits associated with fewer physician visits not related to hospitalization;

(iii) benefits to children from missing less time at school and being less affected by chronic illnesses, thereby allowing a better quality of life;

(iv) benefits to consumers from lower health insurance premiums due to lower treatment costs and hospitalization rates; and

(v) benefits to employers from reduced need for employees to care for family members.

(3) The nature and type of studies in children for each drug granted exclusivity under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including—

(A) a description of the complexity of the studies;

(B) the number of study sites necessary to obtain appropriate data;

(C) the numbers of children involved in any clinical studies; and

(D) the estimated cost of each of the studies.

(4) Any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (as added by section 3) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation.

(5) The increased private and Government-funded pediatric research capability associated with this Act and the amendments made by this Act.

(6) The number of written requests and additional letters of recommendation that the Secretary issues.

(7) The prioritized list of off-patent drugs for which the Secretary issues written requests.

(8)(A) The efforts made by Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of studies ethical and safe.

SEC. 17. ADVERSE-EVENT REPORTING.

(a) TOLL-FREE NUMBER IN LABELING.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate a final rule requiring that the labeling of each drug for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (regardless of the date on which approved) include the toll-free number maintained by the Secretary for the purpose of receiving reports of adverse events regarding drugs and a statement that such number is to be used for reporting purposes only, not to receive medical advice. With respect to the final rule:

(1) The rule shall provide for the implementation of such labeling requirement in a manner that the Secretary considers to be most likely to reach the broadest consumer audience.

(2) In promulgating the rule, the Secretary shall seek to minimize the cost of the rule on the pharmacy profession.

(3) The rule shall take effect not later than 60 days after the date on which the rule is promulgated.

(b) DRUGS WITH PEDIATRIC MARKET EXCLUSIVITY.—

(1) IN GENERAL.—During the one-year beginning on the date on which a drug receives a period of market exclusivity under 505A of the Federal Food, Drug, and Cosmetic Act, any report of an adverse event regarding the drug that the Secretary of Health and Human Services receives shall be referred to the Office of Pediatric Therapeutics established under section 6 of this Act. In considering the report, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee, including obtaining any recommendations of such Subcommittee regarding whether the Secretary should take action under the Federal Food, Drug, and Cosmetic Act in response to the report.

(2) RULE OF CONSTRUCTION.—Paragraph (1) may not be construed as restricting the authority of the Secretary of Health and Human Services to continue carrying out the activities described in such paragraph regarding a drug after the one-year period described in such paragraph regarding the drug has expired.

SEC. 18. MINORITY CHILDREN AND PEDIATRIC-EXCLUSIVITY PROGRAM.

(a) PROTOCOLS FOR PEDIATRIC STUDIES.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (d)(2) by inserting after the first sentence the following: ''In reaching an agreement regarding written protocols, the Secretary shall take into account adequate representation of children of ethnic and racial minorities.''.

(b) STUDY BY GENERAL ACCOUNTING OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study for the purpose of determining the following:

(A) The extent to which children of ethnic and racial minorities are adequately represented in studies under section 505A of the Federal Food, Drug, and Cosmetic Act; and to the extent ethnic and racial minorities are not adequately represented, the reasons for such under representation and recommendations to increase such representation.

(B) Whether the Food and Drug Administration has appropriate management systems to monitor the representation of the children of ethnic and racial minorities in such studies.

(C) Whether drugs used to address diseases that disproportionately affect racial and ethnic minorities are being studied for their safety and effectiveness under section 505A of the Federal Food, Drug, and Cosmetic Act.

(2) DATE CERTAIN FOR COMPLETING STUDY.—Not later than January 10, 2003, the Comptroller General shall complete the study required in paragraph (1) and submit to the Congress a report describing the findings of the study.

SEC. 19. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by sections 2(1), 5(b)(2), 9, 10, 11, and 17) is amended—

(1)(A) by striking ''(j)(4)(D)(ii)'' each place it appears and inserting ''(j)(5)(D)(ii)'';

(B) by striking ''(j)(4)(D)'' each place it appears and inserting ''(j)(5)(D)''; and

(C) by striking ''505(j)(4)(D)'' each place it appears and inserting ''505(j)(5)(D)'';

(2) by redesignating subsections (a), (g), (h), (i), (j), (k), (l), (m), (n), and (o) as subsections (b), (a), (g), (h), (n), (m), (i), (j), (k), and (l) respectively;

(3) by moving the subsections so as to appear in alphabetical order;

(4) in paragraphs (1), (2), and (3) of subsection (d), subsection (e), and subsection (m) (as redesignated by paragraph (2)), by striking ''subsection (a) or (c)'' and inserting ''subsection (b) or (c)''; and

(5) in subsection (g) (as redesignated by paragraph (2)), by striking ''subsection (a) or (b)'' and inserting ''subsection (b) or (c)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1789.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of S. 1789, the Best Pharmaceuticals for Children Act. I wish to commend the hard work of the House sponsors of this legislation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO), two extraordinarily valuable members of the Committee on Energy and Commerce, and urge swift passage of this bipartisan bill.

The bill before us today represents a product of bipartisan and bicameral negotiation. This is strikingly similar to the legislation that already passed this House on November 15 by a vote of 338 to 86. Because the bill passed by the other body differed slightly from the House-passed bills, the bills had to be reconciled. S. 1789 is a product of those negotiations. The Senate recently approved the bill without a single dissenting vote.

For years, drugs used in children were not tested for children. To address

this situation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from California (Mr. WAXMAN) worked together in 1997 to provide manufacturers with an incentive to test these drugs specifically for children. The incentive adopted then was an additional 6 months of exclusivity under the patents added to the existing exclusivity of patent protection for testing these drugs at the request of the FDA.

The incentive has worked extraordinarily well. According to the FDA: ''The pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population than any other regulatory or legislative process to date.'' According to the American Academy of Pediatrics, the incentive ''has advanced therapeutics for infants, children and adolescents, in a way that has not been possible in several decades prior to the passage of this law.''

Every children's group in America supports this reauthorization. This is why the Committee on Energy and Commerce reported the bill by a strong bipartisan vote of 41 to 6. The differences between the bill that passed the Committee on Energy and Commerce and the bill before us today are minimal. The main difference is that the Greenwood-Eshoo regulation created a new Foundation for Pediatric Research, while S. 1789 subsumes that foundation within the existing NIH Foundation.

A few Members may oppose the reauthorization by saying that pediatric exclusivity has provided a windfall to industry and increased costs to consumers. Well, truth be told, while some companies have indeed benefited financially for testing their drugs in children, the GAO notes that ''while there has been some concern that exclusivity may be sought and granted primarily for drugs that generate substantial revenue, most of the drugs studied are not top sellers.'' In fact, 20 of the 37 drugs which have been granted exclusivity fall outside the top 200 in terms of drug-sale revenues. Further, the FDA estimates that the cost of this provision adds about one-half of one percent to the Nation's pharmaceutical bill.

Importantly, because the FDA has failed to act, this legislation contains a provision which will result in generic drugs being approved when their labeling omits the pediatric indication or other aspect of labeling which is protected by the patent exclusivity.

While one drug has been prominently mentioned in this debate, the FDA has informed the committee that a number of drugs have received 3 years of additional exclusivity for pediatric use under Hatch-Waxman. It is my strong belief that in implementing this provision, the Secretary will apply it comprehensively and uniformly to all affected drugs; and to ensure that all interested parties have their voices heard, the Secretary should provide for public notice and comment in implementing this important provision.

Pediatric exclusivity has resulted in drugs which are used in children being tested on children and for children; and due to this law, drug labels are being changed to contain pediatric labeling. Now, because of the work of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO), the law will also ensure that generic drugs used in children will also have their labels changed.

The American Academy of Pediatrics, the Coalition for Children's Health, the National Association of Children's Hospitals, and the Elizabeth Glaser Pediatric AIDS Foundation are all telling us to pass the Greenwood-Eshoo legislation now. If this program is not reauthorized this year, it expires. Do not be in a position of having to explain to your children's hospitals or to the Academy of Pediatrics and the Pediatric AIDS Foundation why you killed their top priority.

My recommendation to this House is to vote yes on this worthy bill.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, unfortunately, the legislation we are considering today, named the Best Pharmaceuticals for Children Act, is not about children; it is about money. It is about the most influential industry on Capitol Hill co-opting an emotional issue to lock in another 5 years of unjustifiable, unearned revenues.

It is about reauthorizing a program that pays drug companies literally tens of billions of dollars, straight out of the pockets of consumers who will pay higher prices, for tests that cost relatively only a few million dollars to conduct. Again, it is about reauthorizing a program that pays drug companies tens of billions of dollars in higher prices for consumers for tests that cost a few million dollars to conduct.

No one disputes the need for pediatric drug testing. In a health care system as advanced as ours, it is unfathomable that our children are still being prescribed medicines on a hit-or-miss basis. But this bill does not ensure that medicines are first tested for use in children before they are sold for that purpose. It does not ensure that prescription drugs already on the market, already being used in children, are tested.

If we pass this legislation, we are guaranteeing one thing and one thing only: we are guaranteeing consumers an additional 6 months of grossly inflated prices for some of the most widely used prescription drugs on the market.

Five years ago, Mr. Speaker, Congress passed legislation offering 6 months of market exclusivity to drug companies if they conduct pediatric tests. Five years later, we know that the cost to consumers of this 6-month provision is astronomical, while the cost of testing is minimal. We could pay drug companies twice the cost of testing, three times the cost of testing, even four times the cost of testing. We would still save a fortune on behalf of consumers.

□ 1545

For drugs like Prilosec and Prozac and Zocor and Neurontin, the exclusivity provisions add $50 to $70 for every prescription that every American gets. Again, it is maybe 2 percent industry-wide, as the gentleman from Louisiana mentions, but these provisions, for those drugs, Prilosec, Prozac, Zocor, Neurontin, add $50 to $70 for each prescription. For those of us who have constituents that take Prilosec and Prozac and Zocor and Neurontin, a ''yes'' vote will mean they will pay, every time, $50 to $70 more for each prescription.

The manufacturer of these drugs will take home an additional $500 million to $1.6 billion for conducting tests that cost about $4 million each. Quite a return on their investment, Mr. Speaker.

I hoped committee deliberations on this legislation would have produced some legitimate arguments and reasonable justification for extending this 6-month exclusivity provision, but it did not happen. Proponents argue that we should sustain this program because, they say, 6 months exclusivity works. Giving the drug industry the keys to the Federal Treasury would also work. Does that mean it is a good idea? They say pediatric exclusivity is the most successful program ever when it comes to increasing the number of pediatric tests. It is also the only incentive program that Congress has ever tried. Previous attempts relied on subtle persuasion, not rewards, not mandates, not any kinds of big money incentives as this gets.

Proponents say pediatric exclusivity uses marketplace incentives. It is a ''free market'' solution, they tell us. Pediatric exclusivity is not a free market solution, and it does not use marketplace incentives. In free markets, competition and demand drive behavior. When it comes to pediatric exclusivity, the prospect that the Federal Government will step in and block generic competition is what drives behavior. Monopolies are anathema to free markets.

Proponents say that when we factor in lower children's health care costs, pediatric exclusivity actually saves money. I wonder if the authors of this research factored in the health care costs that accrue when seniors who cannot afford this $50 or $70 increase, as this bill allows, who cannot afford these prescriptions, I wonder what happens when they remain ill, when children whose parents cannot afford inflated drug prices remain ill.

Why do I oppose this legislation? Simply because Congress did not give serious consideration to less costly alternatives. Because this bill, frankly,

Mr. Speaker, uses children as bait to capture another windfall for the drug industry. It uses children as bait to capture another windfall for the drug industry. I oppose this bill because it promotes bad policy and consumers throughout the country will pay for it.

Before closing, Mr. Speaker, I want to speak for a moment about a provision in this legislation that is in the public's best interests. It is the clarification amendments set forth in section 10, which is intended to make absolutely sure that an important incentive for generic competition is, in fact, preserved. This section clarifies that the grant of pediatric exclusivity does not diminish the generic exclusivity period awarded to the first genetic firm to file a paragraph IV certification. Obviously, this clarifying amendment applies to pediatric exclusivity periods that have already been granted as well as those that will be granted in the future. That good language in section 10 of the bill notwithstanding, Mr. Speaker, this is bad legislation. We should vote ''no.''

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3½ minutes to the distinguished gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

I think this is probably a very good bill and I support it. However, there are a few things I would like to say to the members of the Committee on Energy and Commerce, because I think it is very important, and I have not had an opportunity to do it before.

One of the things that is not widely known is many of the children's vaccinations contain a substance called thimerosal, and thimerosal is a substance that is put in there as a preservative when they put many vaccinations in one vial. Thimerosal contains Mercury. Mercury is a toxic substance that should not be put in anybody's body, let alone children. Children get as many as 25 to 30 vaccinations by the time they go to school. Children get sometimes as much as 45 to 50 times the amount of Mercury in their systems that is tolerable in an adult and, as a result, many children suffer mental disorders because of this, according to some leading scientists.

The number of children in America that are autistic has gone from 1 in 10,000 to 1 in 500. We have an absolute epidemic of autism in this country. Many scientists around the world believe one of the major contributing factors is these toxic substances that are being used as preservatives in these vaccinations; in particular, mercury.

Now, we have taken mercury out of all topical dressings. One cannot get a topical dressing now that has mercury in it, and yet there are a lot of substances such as eye drops, vaccinations and a whole host of things that contain mercury. I have talked to the FDA. We have had them before my committee many times. Two years ago we talked to them about the DPT shot. We asked them about mercury and we asked them about the other shots that have mercury in them, and they said they were going to try to get that substance out. They have not done so. I think it is, in large part, because many of the pharmaceutical companies want to use this because it does help enhance profits. But mercury should not be injected into any child.

I would like to say to my colleagues who are maybe here in the Chamber or back in their offices, and I hope the chairman will listen to this, because we have been told that we should all get a flu shot because of the anthrax scare. Do Members know that the flu shots that we are getting at the doctor's office here in the Capitol contain mercury? Many scientists believe that mercury is a contributing factor to Alzheimer's as well as other children's diseases like autism.

So I would just like to say to the chairman, I hope he will consider holding hearings as we have in our committee, because his committee is the committee of jurisdiction, to force the FDA to get toxic substances like mercury out of those vaccinations for children and adults, because it is not necessary. If they go to single shot vials, they do not need that in there. But they put 10 shots in one vial, and because they put the needle continually in there, they say they need to have mercury in there as a preservative.

For the sake of our children, 1 in 500, in some parts of the country it is 1 in 180 are autistic now, it is an absolute epidemic, I suggest that anything that might be a contributing factor ought to be extricated from these vaccinations, and I hope the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Pennsylvania (Mr. GREENWOOD) will take a look at this problem.

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

Mr. BURTON of Indiana. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I certainly want to thank the chairman and ensure him that our committee is anxious to work with his Committee on Government Reform. If he will be kind enough to share the documentation and the results of his hearings with our committee, we will be more than happy to work with him.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman, and we will have it to him right away.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume to comment on the comments of the gentleman from Indiana (Mr. BURTON) about mercury and to thank him for raising the call about mercury. It is a substance banned in almost every country in the world and I appreciate the work that he has done in raising the public knowledge of that toxic substance.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. HARMAN), a member of the Committee on Commerce.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and also say that though I support this legislation, I very much respect his views and his leadership on competition issues.

Mr. Speaker, I want to alert this body that one of the principal sponsors of this legislation, the gentlewoman from California (Ms. ESHOO), is on her way in from the airport. Sadly, she may miss this debate. I stand here to salute her leadership on this issue, along with the gentleman from Pennsylvania (Mr. GREENWOOD), and to say that even if she does miss this debate, she will not miss the fact that through her contribution, we today will overwhelmingly, I predict, pass this legislation.

Notwithstanding the importance of competition, Mr. Speaker, this legislation is about harnessing the promise of the most advanced pharmaceuticals for the most vulnerable members of our society, our children. Dr. Jay Lieberman, a pediatric disease specialist from my district, has told me that literally every day he sees children with serious, sometimes life-threatening infections on whom he must use the antibiotics and other drugs that have not been tested to determine how safe they are for kids.

We must do all we can to end this lack of knowledge, and the extension of patent exclusivity for companies that test their pharmaceuticals for children is the proven way to help kids. Over the past 4 years, pharmaceutical companies have dramatically increased the number of pediatric trials for new prescription drugs. More products are being labeled with proper dosage for children and potentially harmful interactions, and more companies are conducting research into special drug formulations for children.

What we are doing today, Mr. Speaker, is not enacting a new law; we are renewing good law that has brought about better treatments for children. We also clarify that drug companies cannot draw more than 6 months exclusivity for conducting pediatric trials. We must do all we can to improve the safety of pharmaceuticals for kids. This bill is the narrowest way to do this, consistent with protecting competition and consistent with assuring that drug companies already doing this work will continue to do it.

I want to salute the bipartisan sponsorship of the bill, our chairman, the gentleman from Louisiana (Mr. TAUZIN) who is standing here and the gentleman from Pennsylvania (Mr. GREENWOOD), and to say that the gentlewoman from California (Ms. ESHOO), were she here, would be saying the same things. I thank the chairman for his leadership. I urge passage of this bill.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds, first of all, to thank

the gentlewoman from California (Ms. HARMAN) and particularly the gentlewoman from California (Ms. ESHOO) who could not be here today for her handling of the bill and for her excellent work with the gentleman from Pennsylvania (Mr. GREENWOOD) on this legislation.

Finally, I would mention that while there are some costs to this exclusivity, Tufts University has estimated that while it costs Americans about $700 million for this 6 months of extra exclusivity, that we gain $7 billion of savings each year in medical costs for children. It is a 10 to 1 savings. That is worth doing.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce and the author of the legislation.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee for yielding me this time and I also thank him for his support throughout this progress on this important piece of legislation.

Mr. Speaker, this bill, as has been mentioned by the chairman, passed just about a month ago by the overwhelming margin of 338 to 86 in this House and, in fact, it passed in the Senate unanimously. So today we pass the Senate version of this bill so we can get it to the President so we can continue to provide these health benefits for children. It passed by that overwhelming majority because there is wide agreement on just about every facet of this issue. There is universal agreement, no one debates the question, that for decades; in fact, for all of the health history of this country, we have had a serious problem in trying to get pharmaceutical companies to test their products on children so that pediatricians and other doctors and specialists can prescribe these medications in ways that benefit children particularly and take into consideration of the different physiology and the different size and weight of children. Everyone agrees to that.

Everyone agrees that since 1997 when we enacted this Better Pharmaceuticals for Children bill, there has been a dramatic and unanticipated flurry of these studies, about 400 of them, which the pediatric community and all of these organizations, the American Academy of Pediatrics, the National Association of Children's Hospitals, the Elizabeth Glazier Pediatric AIDS Foundation, the March of Dimes, the American Academy of Child and Adolescent Psychiatry, and on and on, all of these groups universally acknowledge and agree that this has been a saviour in providing good medical information to physicians.

There has been one area of dispute, and that area of dispute is what is the proper incentive to give the pharmaceutical companies in order to get them to provide these studies. What we say in the bill is if the Food and Drug Administration, the FDA, asks a pharmaceutical company, please provide clinical trials for children for your product, and the company does that study, and we have that information available, we have a clean, simple, neat incentive, and that is, you will gain 6 months of additional exclusivity; when the 6 months is over, in comes generic competition and the prices go down.

Now the opponents of this bill have suggested a series of rather Rube Goldberg complicated, unworkable and unfair alternatives to this plan.

□ 1600

We have looked at them; and overwhelmingly, the Food and Drug Administration has said to us, we do not want to get involved in those kinds of complicated schemes that are unworkable and unmanageable for us.

What we have is working; it is working well. Let us not fix something that is not broken. Let us not quarrel with success. Let us provide another overwhelming vote in support of this legislation for children.

Today, Mr. Speaker, I am happy that the House is considering S. 1789, the Best Pharmaceuticals for Children Act.

This bill is the essence of bipartisan policy. It originally passed the House by a vote of 338–86 on November 15, and the Senate passed it by unanimous consent yesterday.

Chairman TAUZIN, and Chairman BILIRAKIS, thank you for your leadership and hard work in moving this bill from committee to the floor and for achieving a unified bill with the Senate.

Mr. Speaker, I am also pleased to have worked with Ms. ESHOO and the 16 other members of the minority who have cosponsored this legislation.

Mr. Speaker, this is public policy at its best. Over 400 studies are currently underway to fulfill 200 study requests from FDA. Contrast this with the change that from the prior 6 years, when only 11 studies had been done.

As the Food and Drug Administration itself said in its report to Congress, the Better Pharmaceuticals for Children Act has had ''unprecedented success,'' and ''the pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information than any other regulatory or legislative process to date.''

This Act has helped get drugs to kids who need them, let us better understand how drugs work in kids, and also know when we should and should not be giving kids certain drugs. Or as Linda Suydam, the FDA representative who testified in front of the Health subcommittee earlier this year pointed out, ''The results speak for themselves.''

Let me give you an example of how this has worked.

Take Lodine, which treats Juvenile rheumatoid arthritis. This drug did not have safety and effectiveness in children prior to this program. With the studies, we have determined a new indication for children 6–16 years in age and recommended a higher dosage in younger children.

Contrast this with the traditional mindset of just ''taking the pill and breaking it in half'' to determine the dosage for children.

This has been a fantastic law. And we can do better.

Six of the 10 most used drugs by children have not been studies because they are off-patent. This bill provide the funds for the studies to be completed on those off-patent drugs that are used so often to treat our children. Furthermore, we have developed a foundation to provide resources for the completion of these studies that will have so much value.

Some will argue that this is a Republican bill, helping drug companies. Nothing could be further from the truth. This bill, which I am proud to work on with Ms. ESHOO, is the very essence of bipartisanship. It passed out of the Energy and Commerce Committee by a vote of 41–6. And this bill has had more Democrat cosponsors than Republican, including several members of the committee.

Some of my colleagues on the opposite side of the aisle will try to suggest that this bill is both costly and helps blockbuster drugs stay-off competition. This provision is not about blockbuster drugs. Over half of the 38 drugs that have been granted exclusivity do not even make the list of top 200 selling drugs.

Simply put, this bill is good policy. It is sound, it is tested. It is tried. It works.

We need to reauthorize pediatric exclusivity. We need to send the bill to the President for his signature. America's kid's are counting on it.

I urge my colleagues to vote ''yes'' on S. 1789

I would like to clarify a point regarding a provision in this legislation. It is my understanding regarding section 15 that the eleven voting members of the pediatric subcommittee of the Oncologic Drugs Advisory Committee, cited in section 15(2)(A) shall be drawn from the pediatric oncology specialists listed in (2)(B) of the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I hear the gentleman from Pennsylvania (Mr. GREENWOOD), who does outstanding work on the Subcommittee on Health on a variety of issues, say that opponents to this bill offered a Rube Goldberg collection of responses or fixes, if you will, to this problem that we believe exists, this problem of paying the drug companies in many cases tens, sometimes hundreds of millions, of dollars, and in one case over $1 billion to do a study that costs simply $4 million.

Our proposals to fix this are not at all Rube Goldberg. One was to reduce the 6-month exclusivity to 3 months so a drug company, by investing $4 million, would then only make tens of millions of dollars, or $100 million instead of $200 million. That was a very simple, straightforward solution.

Another was simply to reimburse the drug company for the study they did. If they paid $4 million for the study, then reimburse them $4 million; or we were generous enough to say reimburse them $8 million or $12 million. We said, give them 100 percent or 200 percent return on investment, but do not raise the price, as this legislation does, do not raise the price of Prilosec, Prozac, Zocor, and Neurontin $50 to $70 per prescription.

Remember, Mr. Speaker, everyone that votes for this legislation is saying

to her constituents or his constituents, yes, I am signing off on increasing for at least 6 months the price of Prilosec and Prozac and Zocor and Neurontin $50 to $70 per prescription. It is not the 2 percent that the gentleman from Louisiana (Mr. TAUZIN) talks about industry-wide. That may be true; I do not dispute his numbers. But for those four drugs and for some others, the cost of Prilosec will go up $50 to $70 for that 6-months for consumers, for our constituents. So will the cost of Prozac, Zocor, and Neurontin.

In times of recession, when people are losing their jobs, when the economy seems to be going downward, is that what we want to do is say to our constituents it is okay, pay $50 or $60 or $70 per prescription, it is for the good of some other cause?

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the chairman of the Committee on Commerce for yielding time to me, and for his leadership in bringing this bill, which I think is an important one, to the floor.

Mr. Speaker, I am in strong support of S. 1789, the Best Pharmaceuticals for Children Act; and I want to congratulate the sponsor of the bill, the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentlewoman from California (Ms. ESHOO) for working on crafting this legislation, which is important. It is a much-needed piece of legislation. It creates an incentive for pharmaceutical companies to conduct pediatric studies to increase pediatric information.

Children are subject to many of the same diseases as adults and, by necessity, are often treated with the same drugs. According to the American Academy of Pediatrics, only a small fraction of all drugs marketed in the United States has been studied in pediatric patients; and a majority of marketed drugs are not labeled or are insufficiently labeled for use in pediatric patients.

Safety and effectiveness information for the youngest pediatric age groups is particularly difficult to find in product labeling. The absence of pediatric testing and labeling may also expose pediatric patients to ineffective treatment through underdosing, or may deny pediatric patients the ability to benefit from therapeutic advances because physicians choose to prescribe existing, less-effective medications in the face of insufficient pediatric information about a new medication.

In addition, pharmaceutical companies have little incentive to perform pediatric studies on drugs marketed primarily for adults; and FDA efforts to increase pediatric testing and labeling of certain drugs have failed. As a result, the FDA issued a report in January of this year, 2001, that the pediatric exclusivity provision was ''highly effective in generating pediatric studies on many drugs, and in providing useful new information in product labeling.''

I urge my colleagues to support this bill, as there is no greater job that Congress can undertake than to improve and enhance the health of children.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, a study from the Department of Health and Human Services in a January, 2001, ''Status Report to Congress,'' the Food and Drug Administration, within Health and Human Services, wrote that ''the impact of the lack of lower-cost generic drugs on some patients, especially those without health insurance and the elderly, may be significant.''

This government report from the Food and Drug Administration concluded that ''the greatest burden of this increase will fall on consumers with no private or public insurance support, which may disproportionately affect lower-income purchasers, and the pediatric exclusivity provision imposes substantial costs on consumers and on taxpayers.''

Mr. Speaker, I sit here amazed that this Congress today is about to pass legislation to increase the cost of drugs, of prescription drugs, to America's elderly and to consumers of these prescription drugs, when this Congress has done nothing for unemployed workers, has done nothing for health insurance for people that are unemployed, has done nothing in terms of an economic stimulus package.

We will not pass a stimulus package, we will not do anything for 125,000 laid-off airline workers, we will not do anything for the millions of newly laid-off workers in this country, we will not do anything about 45 million uninsured Americans, one-fourth of whom are children. Yet in the name of a children's bill, which is very misnamed, in the name of that legislation, of that group, we are going to raise prescription drug prices.

I repeat, Mr. Speaker, that for certain drugs, like Prilosec and Prozac and Zocor and Neurontin, a vote for this bill is saying yes to the drug companies adding $50 to $70 per cost of prescriptions.

So people watching this should understand, as we all go home and talk to our constituents, we just might get asked, Why did you vote for this pediatric exclusivity provision, which adds to the cost of my Prozac, Zocor, Neurontin, or Prilosec?

Mr. Speaker, in the midst of a recession, this makes no sense to add to the cost of prescription drugs for America's elderly and for the consumers of these drugs.

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

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

Mr. Speaker, this bill is not about the stimulus package, it is not about the airlines, it is not about drilling in ANWR. It is about children. It is about whether or not we are going to continue a law that is working; not pass a new law, but simply continue a law that is working, and that everyone who has looked at it says it is working not just well, but exceptionally well.

Let me point out a couple of things:

One, the bill does not raise drug costs to anybody. It simply extends pediatric exclusivity, exclusivity of patents, for 6 months. It does not do it because the drug company wants that. It does it because the FDA decides that a certain drug that is being given to adults may have serious consequences if given to children without a special study done on the effects of the drug on the young mind and body of a young child to make sure in fact that a drug that is very potent and helpful for adults may not have the same effect on children.

The FDA decides to ask the drug company to do special testing for children, and then if they find out that this drug has special effects on children, to make sure that the label on the drug indicates that to the doctor before he prescribes it to a child.

Now, I ask Members, does this extra 6 months of patent protection help the drug company? Of course it does. They get 6 more months of protection under their patent if they agree to do this testing that the FDA requests, and if in fact they do it and the tests are run and children, we find out, should not be getting a half-dose or quarter-dose but maybe an eighth of a dose, and under special kinds of treatments and circumstances, then we end up protecting children in a very special way.

How much so? We are told that this extra 6 months of exclusivity may add about one-half of 1 percent to the drug costs in America during that 6 months of extra exclusivity under the patent. What do we get back for it? According to the study, we save $7 billion a year in health care costs for our children, and so we are not crippling them and hurting them with drugs that could hurt and cripple them instead of helping them.

Seven billion dollars, ten-to-one benefits for the most vulnerable, the most sacred of all the charges that God has ever presented us with on this Earth, the protection of our own children and their health. That is what we are talking about.

It is not about the stimulus plan or drilling in Alaska or airline workers. It is about whether or not we are going to continue a law that is about to expire; that protects children in this country; that works exceptionally well; that was designed by a Democrat, the gentleman from California (Mr. WAXMAN), together with the gentleman from Pennsylvania (Mr. GREENWOOD) in 1997 and has proven itself out.

So today we cast a vote along with the Senate, which did not cast a dissenting vote against this bill. We cast a vote today to continue this good law in effect. Is that worth doing? Yes. And

I hope this House joins me in passing this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand in support of the Best Pharmaceuticals for Children Act (S. 1789). Until 1997, American children were at substantial risk due to the lack of instructions in most prescription drug labels on how to use those drugs in children. Since the pediatric exclusivity incentive was enacted in 1997, there have been numerous studies of drugs in children, and drug labels are finally starting to carry this critical pediatric dosing information. It would be shameful for Congress to shut down the investment in pediatric studies by failing to reauthorize the pediatric exclusivity incentive. The Congress should pass the Best Pharmaceuticals for Children Act so that all drugs, present and future, contain the dosing information so critical to proper pediatric care.

The only flaw in the bill is Section 11, which would actually permit the FDA to approve drugs that omit critical pediatric dosing information. Such omissions could cripple the very purpose—complete, accurate pediatric labeling—of the Best Pharmaceuticals for Children Act. Consequently, FDA cannot implement Section 11 without engaging in notice-and-comment rulemaking under the Administrative Procedure Act. This will ensure that if FDA does assert the discretion it is granted under Section 11, it will not do so in a way that would allow approval of any drug without complete, accurate and up-to-date pediatric labeling.

MEMORANDUM TO THE UNTIED STATES CONGRESS RE: PROPOSED AMENDMENT TO THE HATCH-WAXMAN ACT (H.R. 2887)

Section 11 of H.R. 2887 has the effect of amending the Hatch-Waxman Act to abolish retroactively an existing exclusive marketing period for Glucophage, a pioneer drug manufactured and marketed by Bristol-Myers Squibb (''BMS'') for treatment of Type 2 diabetes. An exclusive marketing period, whether derived from a government grant of a patent or other similar governmental action, is a valuable property. Any legislative effort to terminate such an existing right without compensation raises obvious constitutional problems.

In the case of Glucophage, the proposed legislative action is particularly egregious since the marketing exclusivity came as a result of extensive studies welcomed by the government and successfully performed by BMS with respect to pediatric use of Glucophage. The FDA authorized and agreed to the studies pursuant to legislation and regulations designed to encourage pediatric testing to maximize health benefits to children. BMS agreed to do the extensive—and expensive—testing of this pioneer drug. The results were positive, and accordingly, BMS in the spring of 2000 submitted a supplemental new drug application (''sNDA'') to add pediatric use information to its Glucophage label.

The FDA approved such labeling and granted BMS three years of pediatric labeling exclusivity as provided under the law. Under existing law and regulations, the grant of labeling exclusivity amounted to a grant of marketing exclusivity for Glucophage for all users, not simply children, because all prescription drugs (including generics) were required by FDA regulations promulgated in 1994 to include pediatric information in their labels. That this broader exclusivity would result from the pediatric labeling was relied upon by BMS when it undertook to conduct the testing. It is this broader exclusivity that Section II of the proposed legislation seeks to eliminate retroactively.

There is, of course, no question of Congress' constitutional power to change legislative standards for the exercise of regulations prospectively; to do so may raise questions of legislative policy but no legal or constitutional questions. The constitutional problem arises only when the power is exercised to make such changes retroactively—to take away an existing valuable right already vested with respect to an existing product. The Congressional power is broad; the constitutional limitation on that power, narrow. In legislative encouragement of the arts and sciences, Congress is free to expand or contract the period of marketing exclusivity with respect to future creations and inventions. But it is not free to take away grants of existing exclusivity without compensation.

The fact that the marketing exclusivity is achieved indirectly through labeling exclusivity rather than through a direct marketing grant is of no moment from either a policy or a constitutional perspective. There is no question that the FDA had the authority to do what it did both in granting labeling exclusivity and in regulating the requirements with respect to labeling. That since 1994 labeling exclusivity amounted to marketing exclusivity was well known and served as a means to promote research and testing for pediatric use as well as promoting safety and efficiency.

Section 355a (Pediatric studies of drugs) was enacted in 1997, three years after the FDA regulation requiring pediatric use information be included in all labeling. It provides for a six month extension of marketing exclusivity for a drug where its manufacturer agrees to a request by the FDA for pediatric research and testing and performs the required tests in a timely fashion. This extension is granted whether or not the drug is approved for pediatric use. But if an application for pediatric use is made and a sNDA granted, the use becomes subject to the FDA's labeling requirements.

Without some period of exclusivity there would be little or not incentive to apply for the sNDA. If labeling exclusivity did not include marketing exclusivity it would have little value. Generic manufacturers producing bio-equivalent drug could not include pediatric use on the labels, but the medical profession (especially HMO's) would be aware of the use and would prescribe the generic rather than the labeled drug.

As a policy matter one can agree or disagree with the FDA's 1994 regulation that pediatric information must, for reasons of safety and effective use, be included in every prescription drug. The proposed legislation disagrees with any such requirement. Whatever the impact of this change on future pediatric research and testing, Congress is obviously free to make such a policy choice. But with respect to products already marketed under an exclusive pediatric label, the effect of such a change is to destroy a valuable property right. The government should not engage in such an act, and the constitution requires that such a taking be compensated.

The attached memo discusses the constitutional question. As a policy matter, there is little to be gained by engaging in almost certain litigation where there is no important principle to be established. Glucophage may be the only drug involved (or at least one of a small number), and it is easy to make the legislation prospective only. Even in the unlikely event that the government would prevail, that victory would almost certainly be hedged with a variety of technical requirements which would create future legislative problems. A loss could be costly in monetary terms. And either a victory or a loss almost certainly would involve language problematic in terms of governmental fairness.

CONSTITUTIONALITY OF PROPOSED AMENDMENT TO THE HATCH-WAXMAN ACT (H.R. 2887)

This memorandum respectfully addresses the constitutional infirmity of H.R. 2887 sec. 11.

The underlying statute regarding new drug approvals, the Hatch-Waxman Act, provides an initial period of marketing exclusivity for a pioneer drug manufacturer that holds an approved new drug application (''NDA''). See 21 U.S.C. §355(j)(5)(D)(ii). It also provides an additional period of labeling exclusivity for a pioneer that holds an approved supplemental new drug application (''sNDA'') based on a new use indication developed after the basic drug had been approved. See id, at §355(j)(5)(D)(iv).

Once the initial exclusivity expires, a generic drug maker is entitled to seek approval for an abbreviated new drug application (''ANDA'') based on a demonstration of bioequivalence with the pioneer drug. See id at §355(j)(2)(A)(iv). The FDA may not approve an ANDA unless the labeling is the ''same as the labeling approved for the listed drug''. See 21 U.S.C. §355(j)(2)(A)(v). although pursuant to 1992 FDA regulations, a generic drug label may differ from the label of the pioneer drug by ''omission of an indication or other aspect of labeling protected by patent or accorded exclusivity under [Hatch-Waxman]'' (see 21 C.F.R. §314.94(a)(8)(iv)), omissions may be approved only if they ''do not render the proposed drug product less safe or effective than the listed drug for all remaining, nonprotected conditions of use''. 21 C.F.R. §314.127(a)(7)(emphasis added).

In 1994, the FDA created an exception to the above regulation, concerning acceptable label omissions, affording pioneer drug manufacturers extended total marketing exclusivity based on the development of new pediatric use indications. In particular, the FDA adopted regulations requiring that pediatric information be included in the labeling of every prescription drug. See 21 C.F.R. §201.57(f)(9)(ii). The FDA based the new regulations on its finding that ''[t]his action promotes safer and more effective use of prescription drugs in the pediatric population''. 59 Fed. Reg. 64,240 (Dec. 13, 1994). With this regulation, the FDA noted that ''a drug product that is not in compliance with revised §201.57(f)(9) would be considered to be misbranded and an unapproved new drug under the act''. 57 Fed. Reg 47,423, 47,425 (Oct. 16, 1992).

Further, in 1997, Congress enacted legislation providing pioneer drug manufactures a six-month period of marketing exclusivity in return for performing pediatric studies on already approved drugs, even if the studies do not yield results permitting pediatric labeling. See 21 U.S.C. §355a.

These statutes and regulations collectively were designed to encourage drug manufacturers to invest in pediatric testing in an effort to maximize the health benefits to children. A review of the record plainly reveals this intent as well as the benefits achieved. For example:

The FDA described its 1992 proposed pediatric labeling regulation as an initiative to ''stimulate development of sufficient information for labeling to allow the safe and effective use of drugs in children''. 57 Fed. Reg. 47,423, 47,424 (Oct. 16, 1992).

In its 1994 Unified Agenda, the FDA explained that its then forthcoming final regulation was created in response to a concern that prescription labeling did not contain adequate information about pediatric drug use. 59 Fed. Reg. 57,572 57,577 (Nov. 14, 1994).

In its mandated 2001 status report to Congress, the FDA reported that pediatric exclusivity has ''done more to generate clinical studies and useful prescribing information for the pediatric population that any other regulatory or legislative process to date'' S. Rep. No. 107–79 (2001).

Linda Suydam, Senior Associate FDA Commissioner, testified at a House hearing that the ''purpose of encouraging pediatric studies is to provide needed pediatric efficacy, safety and dosing information to physicians in product labeling''. Food and Drug Administration Modernization: Hearing Before the House Comm. on Energy and Commerce, 107th Cong. (May 3, 2001) (statement of Linda A. Suydam).

At a May 2001 Senate hearing, Senator Chris Dodd wanted that the absence of pediatric labeling poses significant risks to children describing it as ''playing Russian roulette with their health''. Pediatric Drug Testing: Hearing Before the Senate Comm. on Health, Educ., Labor and Pensions, 107th Cong. (May 8, 2001) (statement of Senator Dodd).

In the context, the FDA, in 1998 and 1999, issued ''Written Requests'' to Briston-Myers Squibb (''BMS'') for the performance of extensive pediatric studes on Glucophage, a pioneer drug initially approved in 1995 for the treatment of type 2 diabetes. At that time, no oral type 2 diabetes treatment had been approved for pediatric use. BMS completed the studies as agreed. IN the spring of 2000, BMS submitted an sNDA seeking approval to add pediatric use informaiton to the Glucophage label based on the findings of its studies. As expected, the FDA approved the sNDA, authorized BMS to add pediatric use informaiton to the Glucophage label, and granted three years of Hatch-Waxman labeling exclusivity pursuant to 21 U.S.C. §355(j)(5)(D)(iv). Under existing law, that grant resulted in total marketing exclusivity with respect to Glucophage for the applicable period because BMS has acquired exclusive rights to the only pediatric use indication that applied under the pediatric labeling requirements. See 21 C.F.R. §201.57(f)(9)(iv).

H.R. 2887 sec. 11, which is apparently widely referred to as the ''Anti-Glucophage Bill'', proposes to revise the Hatch-Waxman Act to override the current requirement that generic versions of pioneer drugs bear labeling for pediatric indications. Accordingly, the proposed legislation would eliminate the marketing exclusivity that BMS currently enjoys as a result of its exclusive right to the pediatric use labeling for Glucophage.

The retroactive impact of such a government action offends notions of basic fairness and has long been frowned upon by our courts. ''[R]etro-spective laws are, indeed, generally unjust; and as has been forcibly said, neither accord with sound legislation nor with the fundamental principles of the social compact''. Eastern Enters v. Apfel, 524 U.S. 498, 533 (1998) (quoting 2 J. Story, Commentaries on the Constitution §1398 (5th ed. 1891)). If H.R. 2887 is signed into law, it would effect an unconstitutional taking. See U.S. Const. amend. V (''private property [shall not] be taken for public use without just compensation'').

BMS, pursuant to Written Requests from the FDA, went to great lengths to perform pediatric studies on Glucophage. The fruits of BMS's research and development effort—including data relating to, among other things, the drug's indication and use, clinical pharmacology, adverse reactions, and dosage and administration—constitute intellectual property and qualify as trade secrets under state law. See Restatement (First) of Torts §757 cmt. b (1939) (trade secret may consist of ''any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.'') (cited with approval in Ashland Mgmt. Inc. v. Janien, 624 N.E.2d 1007, 1012–13 (N.Y. 1993)). Such intangible property is subject to the protections of the Takings Clause of the Constitution. See e.g., Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1003–04 (1984) (trade secrets in pesticide testing data); Patlex Corp. v. Mossinghoff, 758 F.2d 594, 599–600 (Fed. Cir. 1985), modified on reh'g on other grounds, 771 F.2d 480 (Fed. Cir. 1985) (laster technology patents); Tri-Bio Labs., Inc. v. United States, 836 F.2d 135, 142 (3d Cir. 1987) (trade secrets in animal drug testing data).

Moreover, similar to a patent, the marketing exclusivity that BMS was granted in exchange for the dedication of its intellectual property constitutes a valid property interest. See Patlex Corp., 758 F.2d at 599 (''The encouragement of investment-based risk is the fundamental purpose of the patent grant, and is based directly on the right to exclude.''). Our legal system makes plain that the right to exclude is ''essential'' to the concept of private property. See Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979).

In determining whether a taking of property has occurred, courts will consider the following factors: (1) the government action's interference with reasonable investment backed expectations; (2) the character of the action; and (3) the economic impact of the action. See Ruckelshaus, 467 U.S. at 1005.

With respect to Glucophage, there can be little question that H.R. 2887 sec. 11 would turn BMS's reasonable investment-backed expectation on its head. The Supreme Court's opinion in Ruckelshaus is instructive. Monsanto, a pioneer manufacturer of pesticides, successfully challenged legislation that would have permitted the Environmental Protection Agency to disclose and/or use trade secret data from Monsanto's pesticide approval applications filed after a 1972 amendment guaranteeing that no such use or disclosure would occur and prior to a 1978 amendment repealing that protection. The Court found the interference with reasonable investment backed expectations ''so overwhelming . . . that it dispose[d] of the taking question''. Ruckelshaus, 467 U.S. at 1005 (emphasis added).

Similarly, BMS has developed intellectual property necessary to support its Glucophage sNDA for pediatric use. BMS submitted that intellectual property to the FDA in exchange for what BMS understood to be a promise of marketing exclusivity. Although the proposed legislation here nominally would preserve BMS's use of pediatric data by making that portion of the label exclusive, the taking would be effected through off-label sales, i.e., the lack of any given indication in a generic's label will not prevent a generic drug from being prescribed or substituted for the branded drug for that indication. In 1994, well before the Written Requests issued for pediatric testing of Glucophage, the FDA adopted regulations precluding such off-label sales from undermining the exclusivity granted with regard to pediatric use indications. BMS invested accordingly. Now that Congress has secured the desired benefits from BMS, it is refusing to follow through on its promise. Such action plainly interferes with reasonable investment-backed expectations.

Although the character of the government action here is not the same as that of the traditional physical invasion of property, the effect is the same. The proposed legislation would nullify, not just diminish the value of BMS's property interest. See Ruckelshaus, 467 U.S. at 1012 (change in regulation ''destroy[ed]'' value of trade secrets). The ''Anti-Glucophage Bill'', as designed, completely would deprive BMS of its intellectual property and its corresponding entitlement to market the drug on an exclusive basis for the remainder of the applicable period.

With respect to the economic impact of the proposed legislation, there is little question that it would be severe. See Eastern Enters., 524 U.S. at 534 (plurality) (finding a taking based on retroactive liability that was ''substantial and particularly far reaching''); United States Fid. & Guar. Co. v. McKeithen, 226 F.3d 412, 416 (5th Cir. 2000) (finding a taking based on ''considerable, novel financial burden''). Indeed, the action would deprive BMS of Glucophage's market value to the extent of billions of dollars. If the proposed legislation were enacted, and assuming the courts did not block its implementation, the appropriate measure of BMS's injury would be extremely high. See United States v. W.G. Reynolds, 397 U.S. 14, 16 (1970) (''just compensation' means the full monetary equivalent of the property taken . . . the owner is entitled to the fair market value of the property''). BMS would have to be put in ''as good position pecuniarily as [it] would have occupied if [its] property had not been taken''. See United States v. Miller, 317 U.S. 369, 373 (1943).

For these reasons, the enactment of H.R. 2887 sec. 11 would constitute an unconstitutional taking of BMS's property for which it would be entitled to just compensation. I respectfully urge Congress to reconsider the constitutional implications of this provision of the proposed legislation.

Ms. ESHOO. Mr. Speaker, I rise in support of the Best Pharmaceuticals for Children Act, which I'm proud to sponsor with Mr. GREENWOOD of Pennsylvania.

This bill is the conferenced version of legislation that passed the House a month ago on the suspension calendar 338–86.

Importantly the bill we will vote on today and send to the President closes the ''Glucophage loophole'' which allowed one company to get an additional 3 years of marketing exclusivity. This bill ensures that no company will be able to take advantage of the exclusivity granted by this very important legislation.

This legislation extends the pediatric exclusivity provision, one of the most successful programs created by Congress to inspire medical therapeutic advances for children.

Prior to its enactment, 80 percent of all medications had never been tested for use by children, even though most are widely used by pediatricians to treat them.

Many of these drugs carried disclaimers stating that they were not approved for children. Pediatricians cut pills in half or even in fourths for children.

Throughout this period, we were basically experimenting on children, forcing doctors to rely on anecdotal information or guesswork. This was not acceptable for our nation's children.

In 1997 the Congress passed the pediatric exclusivity provision as part of the FDA Modernization Act, which Congressman BARTON and I sponsored.

This provision has made a dramatic change in the way pediatricians are practicing and administering medicine to children. Now, pediatricians have the necessary dosage guidance on drug labels to administer drugs safely to children.

But there are many more drugs that can and should be used in the pediatric population. This bill ensures that those drugs will

also be studied and information on safe use will be provided to pediatricians.

Because previous attempts to address drug studies for children had failed, this provision was given a four-year lifespan. It expires January 1, 2002, which is why we're here today.

The pediatric exclusivity provision provides pharmaceutical companies with an incentive to study drugs for children . . . six months of additional market exclusivity.

This incentive has made a dramatic difference.

Since the law has been in place, the FDA has received close to 250 proposed pediatric study requests from pharmaceutical companies and has issued nearly 200 requests to conduct over 400 pediatric studies.

By comparison, in the seven years prior to enactment of this provision, only 11 studies were completed.

The FDA has granted market exclusivity extensions for 33 products. 20 products include new labeling information for pediatricians and parents.

What this means is that doctors are now making better-informed decisions when administering medicine to children.

During our Committee deliberations a number of proposals by my colleagues Representatives PALLONE and DEGETTE were adopted and are part of the underlying bill we will vote on today.

The bill before us also makes some significant improvements to the original pediatric exclusivity provisions by creating an off-patent drug fund within NIH and setting up a public-private foundation to support the research necessary for these important drugs.

The bill also addresses some concerns that were raised by both the FDA and GAO with regard to labeling. Our bill enhances the labeling process and provides the FDA Commissioner the authority to misbrand a drug if companies drag their heels.

28 National Children's health advocacy groups support this bill's passage . . . among them are the American Academy of Pediatrics, the March of Dimes, and the National Association of Children's Hospitals. They're requesting that Congress not delay in passing this legislation.

Our colleagues in the Senate have acted . . . last week, the Senate unanimously passed the same bill sponsored by Senators DODD and DEWINE.

As I said during the initial House consideration of this bill, many of my colleagues have concerns, valid concerns with the cost of drugs.

I continue to share these concerns, and I shall continue to work for a legislative solution to provide prescription drug coverage for our seniors.

This bill should not have to bear the burden of what Congress has failed to address. The FDA, the GAO, and one of the largest groups of children's health advocacy groups say this is the best way to provide safe and effective drugs for children.

The benefits of this program are clear and bear repeating—in the seven years prior to enactment of this provision only 11 studies on drugs for children were completed; since its enactment four years ago the FDA has received close to 250 proposed pediatric studies.

Since September 11th the entire Congress has legitimately been addressing national security concerns. Today, we can ensure the health security of our children by passing this bill overwhelming and sending it to the President for his signature.

Mr. TOWNS. Mr. Speaker, I am very pleased that the Congress will act today to preserve the gains that we have made in the development of pediatric drugs. I want to congratulate my colleagues, the gentleman from Pennsylvania, Mr. GREENWOOD, and the gentlelady from California, Ms. ESHOO, on their hard work in promoting the reauthorization of pediatric exclusivity. Before the passage of ''The Better Pharmaceuticals for Children's Act in 1997'', many children were denied access to medicines because drugs were not produced in dosable forms that could be used by pediatric patients. It was not very encouraging to be a pediatrician prescribing medicine to children. It was mostly guesswork.

This legislation provided an incentive for research-based pharmaceutical companies to conduct studies on pediatric indications for medicines. The Act included additional market exclusivity for pediatric studies on new and existing pharmaceuticals. The January 2001 Status Report to Congress from the Food and Drug Administration stated that, ''the pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population than any other regulatory or legislative process to date.''

We should not return to pediatric medicine as it was practiced before 1997. By renewing this law, which will now include a fund to conduct studies on off-patent drugs and reduce the time by which the labeling information reaches consumers, we will ensure that we can continue innovations in the practice of pediatrics and the development of new drug therapies for our children. I know our doctors and their young patients and their parents are pleased that we are moving forward rather than backward in terms of pediatric medications. The March of Dimes, The National Association of Children's Hospitals and the American Academy of Pediatrics all support this legislation and I would urge my colleagues to join them by voting for S. 1789.

Mr. BURTON of Indiana. Mr. Speaker, today we are voting on the passage of the Best Pharmaceuticals for Children Act. Everyone in Congress wants to see better and safer pharmaceuticals for children.

As Chairman of the Committee on Government Reform, I have made oversight of health care issues a priority. In particular, I have been greatly concerned with the safety and efficacy of children's vaccines and drugs given to children with cancer. I am greatly concerned that we continue to inject babies and young children with vaccines that contain mercury—a known neurotoxin. I hope that through the passage of this bill that the Food and Drug Administration (FDA) takes seriously the concerns of the public and Congress that all products given to children need to be adequately and appropriately tested in children to take the guess work out of safety and efficacy issues as well as dosing.

I hope that the Department will make a priority of reviewing products that contain hazardous ingredients such as mercury. All products, including vaccines need to be safe and effective. Ingredients that have been banned in other forms of medication the way that thimerosal has, should certainly be high on the list for review and consideration of removal from the marketplace. Thimerosal, which has been used since the 1930's, is not routinely tested for safety and efficacy in new products. It was grandfathered in and the FDA and manufacturers presume it to be safe. We know a lot more about the neurotoxic affects of mercury today than we did in 1930. This mercury derivative may be a contributing factor in the dramatic rise in rates of autism, pervasive developmental disorders, and speech and language delays. While the FDA continues to state there is no proof of harm, they are making that presumption in the absence of scientific evidence. I continue to feel that these products pose an unacceptable risk to our nation's children and should be recalled. Every time the Institute of Medicine conducts a review of vaccine research, they have recommended research to look at the long-term effects of vaccines. To date the research funding in this area has been woefully inadequate. There is a paucity of data in the safety of children's vaccines. I hope that the Director of the National Institutes of Health will review the numerous research recommendations offered in several Institute of Medicine reports published in the last ten years and quickly move to develop a Request Agenda, including funding, and a Request for Proposal to be issued and funded next year. I will remain vigilant on this issue.

I am also concerned that many of the drugs used in pediatric oncology are being used ''off-label''. While I support the option of using a drug off-label, I have been concerned that chemotherapy agents that are routinely given to children have not been evaluated by the Food and Drug Administration and found to be safe and effective for children and their specific type of cancer. We need to do a better job in pediatric cancers. We need safer, less toxic cancer treatments that do cure cancer and do not adversely affect a child's IQ, their hearing, speech, sight, their gait, and that do not generate secondary cancers.

In this Bill there are provisions, which call for referral to the Advisory Committees disputes on labeling changes. As part of a Committee on Government Reform oversight investigation, we learned that many individuals who sit on FDA advisory committees have been granted waivers for their conflict of interests—financial ties to the companies or organizations affected by Committee on which they are serving. Stock ownership in affected or competing companies, research grants from affected or competing companies, or research grants or personal/financial interests in affected and competing products needs to be very carefully scrutinized. The FDA needs to be more cautious in the granting of waivers to financial conflicts of interest to its advisory committee members, especially those reviewing products that affect children. We must not have even the appearance of a conflict of interest in the review of safety and efficacy of products that will be given to our nation's children.

I remain committed to improving our health care system. We as a government need to embrace the role of nutrition, lifestyle and behavior, traditional healing systems from other cultures, complementary and alternative medicine and work to gather the existing science in these and conventional medicines. We need to identify areas were there is a gap in the scientific evidence, and work aggressively to fill this research gap. We also need to provide

accurate and balanced information to the public and allow Americans to make their own medical decisions. Additionally, we need to work to extend assess to therapies that are both safe and effective in government-funded programs where feasible.

Mr. FORBES. Mr. Speaker, I rise in support of the Best Pharmaceuticals for Children Act, to ensure that our children get the medicines that are best suited to their growing bodies.

Four years ago, Congress authorized incentives for pharmaceutical manufacturers to do pediatric research for their products and to provide pediatric labeling information. That legislation has been an extraordinary success for our children. In the six years prior to enactment of that change in law, only 11 pediatric studies were conducted by the pharmaceutical industry. But, in the four years since its enactment, the industry has agreed to more than 400 such studies.

Mr. Speaker, children are not simply small adults. They have special needs for nutrition and medical care, and the pharmaceutical products we develop should reflect these needs. The pediatric exclusivity provision Congress passed in 1997 ensures that they do. Today's legislation simply reauthorizes that expiring provision through Fiscal Year 2007.

I appreciate the bipartisan effort of the Energy and Commerce Committee to move this bill so swiftly through the legislative process, and I encourage my colleagues to support it.

Mr. DINGELL. Mr. Speaker, I rise to oppose passage of S. 1789, a bill that would continue a program that grants drug companies an additional six month period of market exclusivity, if they conduct tests on the use of their drugs for children. This bill is a slight improvement on H.R. 2887 that passed this House last month. We all agree that improved testing and labeling of prescription drugs for use in children is a good thing. The only question for debate is how to accomplish that important public health objective.

The bill does close a potential loophole by instructing the FDA to approve generic drugs without proprietary pediatric labeling awarded to product sponsors under the Hatch-Waxman Act. But I continue to oppose the bill because its central feature, exclusivity, is about further increasing the profits of an already bloated industry—an industry that does not seem to be able to moderate its pricing practices even as it increasingly burdens its customers, American consumers, and taxpayers.

The impact of pediatric exclusivity falls directly on those who consume the drugs that get the exclusivity. Who are these people? They include seniors, many that cannot afford the prescription drugs they need. And, ironically, pediatric exclusivity can hurt the very people it is intended to help because many unemployed, uninsured, and working poor cannot afford the expensive drugs needed by their children.

What benefit have consumers and taxpayers received for this multi-billion dollar extension of monopoly prices? Of the 38 drugs that have been granted pediatric exclusivity, less than 20 of them now have pediatric labeling. The Committee and the Senate rejected, unwisely in my view, an amendment by Representative STUPAK that would have closed this dangerous loophole in the law by conditioning the grant of exclusivity to actual pediatric labeling.

This bill forces our citizens to overpay drug companies for pediatric testing that should simply be required by law. I oppose it.

Mr. BILIRAKIS. Mr. Speaker I rise today in support of S. 1789, The Best Pharmaceuticals for Children Act. If it's not broken—don't fix it. By all accounts Mr. Speaker, this program is a resounding success. According to the Food and Drug Administration, ''the pediatric exclusivity provision has been highly effective in generating pediatric studies on many drugs and in providing useful new information in product labeling.'' The American Academy of Pediatrics states that they ''can not overstate how important this legislation has been in advancing children's therapeutics.''

The legislation before us today is virtually identical to H.R. 2887, which passed the House on November 15, 2001 by a 338–86 vote. Moreover, this legislation has recently passed the Senate unanimously.

The legislation reauthorizes the pediatric exclusivity program for an additional six years. It keeps the present incentive in place, and makes important improvements. The legislation ensures that off-patent generic drugs are studied, and tightens the timeline for making labeling changes.

The bill retains the improvements that were in both the Senate and House versions to ensure timely labeling changes occur. First, we make pediatric supplements ''priority supplements,'' which will dramatically speed up the process for getting new labels. Second, by giving the Secretary authority to deem drugs misbranded we guarantee that label changes will be made. We believe, and children's groups agree, that the changes we make are the right compromises to maintain the incentives and get labels changed.

I would also like to acknowledge the hard work of my colleagues Representatives JIM GREENWOOD and ANNA ESHOO. These two Members have worked tirelessly to bring this process to a conclusion, and it has been a pleasure working with them. I again would also like to thank the staff that worked so long and hard on this legislation, including John Ford, David Nelson, Eric Olson, Brent Del Monte, Alan Eisenberg, and Steve Tilton. And, yet again a special thanks to Pete Goodloe our legislative counsel. We are so thankful for all of this help.

Mr. Speaker, this is great legislation that the Subcommittee and Full Committee put a lot of thought and effort into. It does wonders for children's health and is widely supported. I urge all Members to support its swift passage.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the Senate bill, S. 1789.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 o'clock and 37 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3379, by the yeas and nays;

H.R. 3054, de novo.

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

RAYMOND M. DOWNEY POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3379.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3379, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 40, as follows:

[Roll No. 499]

YEAS—393

Abercrombie	Borski	Costello
Ackerman	Boswell	Coyne
Aderholt	Boucher	Cramer
Akin	Boyd	Crane
Allen	Brady (PA)	Crenshaw
Andrews	Brady (TX)	Crowley
Armey	Brown (FL)	Culberson
Baca	Brown (OH)	Cunningham
Bachus	Brown (SC)	Davis (CA)
Baird	Bryant	Davis (FL)
Baldacci	Burr	Davis (IL)
Baldwin	Burton	Davis, Jo Ann
Ballenger	Buyer	Davis, Tom
Barcia	Calvert	Deal
Barrett	Camp	DeFazio
Bartlett	Cannon	DeGette
Barton	Capito	DeLauro
Bass	Capps	DeLay
Bentsen	Capuano	DeMint
Bereuter	Cardin	Deutsch
Berkley	Carson (IN)	Diaz-Balart
Berman	Carson (OK)	Dicks
Berry	Castle	Dingell
Biggert	Chabot	Doggett
Bilirakis	Chambliss	Dooley
Bishop	Clayton	Doolittle
Blagojevich	Clement	Doyle
Blumenauer	Clyburn	Dreier
Boehlert	Coble	Duncan
Boehner	Collins	Dunn
Bonilla	Combest	Edwards
Bonior	Condit	Ehlers
Bono	Conyers	Emerson

Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—40

Baker
Barr
Becerra
Blunt
Boozman
Callahan
Cantor
Clay
Cooksey
Cox
Cubin
Cummings
Delahunt
Ehrlich
Ferguson
Gibbons
Hall (OH)
Hill
Kaptur
Largent
Lipinski
Luther
McInnis
McIntyre
Meek (FL)
Murtha
Ortiz
Payne
Pombo
Radanovich
Riley
Schakowsky
Souder
Stark
Sweeney
Terry
Wamp
Wexler
Wynn
Young (AK)

□ 1901

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the remaining motion to suspend the rules on which the Chair has postponed proceedings.

TRUE AMERICAN HEROES ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3054, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 3054, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ETHERIDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 392, nays 2, not voting 39, as follows:

[Roll No. 500]

YEAS—392

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

Thompson (CA)	Udall (NM)	Weiner
Thompson (MS)	Upton	Weldon (FL)
Thornberry	Velazquez	Weldon (PA)
Thune	Visclosky	Weller
Thurman	Vitter	Whitfield
Tiahrt	Walden	Wicker
Tiberi	Walsh	Wilson
Tierney	Waters	Wolf
Toomey	Watkins (OK)	Woolsey
Towns	Watson (CA)	Wu
Traficant	Watt (NC)	Young (FL)
Turner	Watts (OK)	
Udall (CO)	Waxman	

NAYS—2

Houghton	Paul

NOT VOTING—39

Baker	Ehrlich	Ortiz
Barr	Ferguson	Payne
Becerra	Gibbons	Pombo
Blunt	Hall (OH)	Radanovich
Boozman	Hill	Riley
Callahan	LaFalce	Souder
Cantor	Largent	Stark
Clay	Lipinski	Sweeney
Cooksey	Luther	Terry
Cox	McInnis	Wamp
Cubin	McIntyre	Wexler
Cummings	Meek (FL)	Wynn
Delahunt	Murtha	Young (AK)

□ 1912

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to award congressional gold medals on behalf of government workers who responded to the attacks on the World Trade Center and perished and on behalf of people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash.''.

A motion to reconsider was laid on the table.

PERMISSION TO HAVE UNTIL 6 A.M. DECEMBER 19, 2001, TO FILE CONFERENCE REPORT ON H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until 6 a.m., December 19, 2001, to file a conference report on the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

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

There was no objection.

MAKING IN ORDER AFTER 1 P.M. ON WEDNESDAY, DECEMBER 19, 2001, CONSIDERATION OF CONFERENCE REPORT ON H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time after 1 p.m. on Wednesday, December 19, 2001, to consider the conference report to accompany the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; that all points of order against the conference report and against its consideration are waived; and the conference report shall be considered as read.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3427

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 3427.

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

There was no objection.

□ 1915

HOMESTAKE MINE CONVEYANCE ACT OF 2001

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1389) to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government, and for other purposes, as amended.

The Clerk read as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONVEYANCE OF HOMESTAKE MINE

SEC. 101. SHORT TITLE.

This title may be cited as the ''Homestake Mine Conveyance Act of 2001''.

SEC. 102. FINDINGS.

Congress finds the following:

(1) The United States is among the leading nations in the world in conducting basic scientific research.

(2) That leadership position strengthens the economy and national defense of the United States and provides other important benefits.

(3) The Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research.

(4) The Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory.

(5) Such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States.

(6) The establishment of the laboratory is in the national interest and would substantially improve the capability of the United States to conduct important scientific research.

(7) For economic reasons, Homestake intends to cease operations at the Mine in 2001.

(8) On cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine.

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory.

(10) Use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government.

(11) If the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine.

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property.

(13) To secure the use of the Mine as the location for the laboratory and to realize the benefits of the proposed laboratory it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 103. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE.—

(A) IN GENERAL.—The term ''affiliate'' means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS.—The term ''affiliate'' includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE.—The term ''conveyance'' means the conveyance of the Mine to the State under section 104(a).

(4) FUND.—The term ''Fund'' means the Environment and Project Trust Fund established under section 108.

(5) HOMESTAKE.—

(A) IN GENERAL.—The term ''Homestake'' means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION.—The term ''Homestake'' includes—

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) INDEPENDENT ENTITY.—The term ''independent entity'' means an independent entity selected jointly by Homestake, the South

Dakota Department of Environment and Natural Resources, and the Administrator—

(A) to conduct a due diligence inspection under section 104(b)(2)(A); and

(B) to determine the fair value of the Mine under section 105(a).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LABORATORY.—

(A) IN GENERAL.—The term ''laboratory'' means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION.—The term ''laboratory'' includes operating and support facilities of the laboratory.

(9) MINE.—

(A) IN GENERAL.—The term ''Mine'' means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS.—The term ''Mine'' includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill, broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS.—The term ''Mine'' does not include—

(i) the feature known as the ''Open Cut'';

(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) PERSON.—The term ''person'' means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) PROJECT SPONSOR.—The term ''project sponsor'' means an entity that manages or pays the costs of 1 or more projects that are carried out or proposed to be carried out at the laboratory.

(12) SCIENTIFIC ADVISORY BOARD.—The term ''Scientific Advisory Board'' means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of South Dakota.

(B) INCLUSIONS.—The term ''State'' includes an institution, agency, officer, or employee of the State.

SEC. 104. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL.—

(1) DELIVERY OF DOCUMENTS.—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of 1 or more quitclaim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) REQUIREMENTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Administrator's acceptance of the final report or certification of the independent entity under paragraph (4) is a condition precedent of the conveyance and of the assumption of liability by the United States in accordance with this title.

(2) DUE DILIGENCE INSPECTION.—

(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this title, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may present an imminent and substantial endangerment to public health or the environment.

(B) CONSULTATION.—As a condition precedent of the conduct of a due diligence inspection, the Administrator, in consultation with Homestake, the South Dakota Department of Environment and Natural Resources, and the independent entity, shall define the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(C) PARTICIPATION BY HOMESTAKE.—Nothing in this paragraph requires Homestake to participate in the conduct of the due diligence inspection.

(3) REPORT TO THE ADMINISTRATOR.—

(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may present an imminent and substantial endangerment to public health or the environment.

(B) PROCEDURE.—

(i) DRAFT REPORT.—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least 1 public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT.—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION.—The Administrator may reject the final report if the report discloses 1 or more conditions that—

(i) as determined by the Administrator, may present an imminent and substantial endangerment to the public health or the environment and require a response action; or

(ii) otherwise make the conveyance in section 104, or the assumption of liability, the release of liability, or the indemnification in section 106 contrary to the public interest.

(C) RESPONSE ACTIONS AND CERTIFICATION.—

(i) RESPONSE ACTIONS.—

(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may present an imminent and substantial endangerment to public health or the environment.

(II) LONG-TERM RESPONSE ACTIONS.—

(aa) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on that basis to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) LIMITATION ON USE OF FUNDS.—None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) CONTRIBUTION BY HOMESTAKE.—The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed—

(I) $75,000,000; less

(II) the fair value of the Mine as determined under section 105(a).

(iii) CERTIFICATION.—

(I) IN GENERAL.—After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) REVIEW OF CONVEYANCE.—For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. ASSESSMENT OF PROPERTY.

(a) VALUATION OF PROPERTY.—The independent entity shall assess the fair value of the Mine.

(b) FAIR VALUE.—For the purposes of this section, the fair value of the Mine shall be the fair market value as determined by an appraisal in conformance with the Uniform Appraisal Standards for Federal Land Acquisition. To the extent appraised items only have value to the Federal Government for the purpose of constructing the laboratory, the appraiser shall also add to the assessment of fair value the estimated cost of replacing the shafts, winzes, hoists, tunnels, ventilation system and other equipment and improvements at the Mine that are expected to be used at, or that will be useful to, the laboratory.

(c) REPORT.—Not later than the date on which each report developed in accordance with section 104(b)(3) is submitted to the Administrator, the independent entity described in subsection (a) shall submit to the

State a report that identifies the fair value assessed under subsection (a).

SEC. 106. LIABILITY.

(a) ASSUMPTION OF LIABILITY.—

(1) ASSUMPTION.—Subject to paragraph (2), notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(A) damages;

(B) reclamation;

(C) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(D) closure of the Mine and laboratory.

(2) CLAIMS AGAINST UNITED STATES.—In the case of any claim brought against the United States, the United States shall be liable for—

(A) damages under paragraph (1)(A), only to the extent that an award of damages is made in a civil action brought under chapter 171 of title 28, United States Code, notwithstanding that the act or omission giving rise to the claim was not committed by an employee of the United States; and

(B) response costs under paragraph (1)(C), only to the extent that an award of response costs is made in a civil action brought under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(iv) any other applicable Federal environmental law, as determined by the Administrator.

(b) LIABILITY PROTECTION.—On completion of the conveyance, neither Homestake nor the State shall be liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered.

(c) INDEMNIFICATION.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against—

(1) any and all liabilities and claims described in subsection (a), without regard to any limitation under subsection (a)(2); and

(2) any and all liabilities and claims described in subsection (b).

(d) WAIVER OF SOVEREIGN IMMUNITY.—For purposes of this title, the United States waives any claim to sovereign immunity with respect to any claim of Homestake or the State under this title.

(e) TIMING FOR ASSUMPTION OF LIABILITY.—If the conveyance is effectuated by more than 1 legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is completed and with respect to such portion of the Mine as is conveyed under that transaction.

(f) EXCEPTIONS FOR CERTAIN CLAIMS.—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim or cause of action of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action that arose before the date of conveyance, other than claims relating to environmental response costs or natural resource damages; or

(3) any violation of any provision of criminal law.

(g) EXCEPTION FOR OFF-SITE ENVIRONMENTAL CLAIMS.—Nothing in this title constitutes an assumption of liability by the United States, relief of liability for Homestake, or obligation to indemnify Homestake, for any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this title, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation is based on activities or events at the Mine subsequent to the date of conveyance.

SEC. 107. INSURANCE COVERAGE.

(a) PROPERTY AND LIABILITY INSURANCE.—

(1) IN GENERAL.—To the extent property and liability insurance is available and subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section 106.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are the following:

(A) TERMS OF INSURANCE.—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Scientific Advisory Board; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability and cost of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) ADDITIONAL TERMS.—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) FINANCING OF INSURANCE PURCHASE.—

(A) IN GENERAL.—Subject to section 108, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) NO REQUIREMENT TO USE STATE FUNDS.—Nothing in this title requires the State to use State funds to purchase insurance required under this subsection.

(4) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) PROJECT INSURANCE.—

(1) IN GENERAL.—The State, in consultation with the Administrator and the Scientific Advisory Board, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 106.

(2) ADDITIONAL INSURED.—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) STATE INSURANCE.—

(1) IN GENERAL.—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) PROHIBITION ON USE OF FUNDS FROM FUND.—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. 108. ENVIRONMENT AND PROJECT TRUST FUND.

(a) ESTABLISHMENT.—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, the Environment and Project Trust Fund.

(b) AMOUNTS.—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Administrator and the Scientific Advisory Board; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Administrator and the Scientific Advisory Board, and to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) EXPENDITURES FROM FUND.—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section 107;

(5) payments for and other costs relating to liability described in section 106; and

(6) closure of the Mine and laboratory.

(d) FEDERAL PAYMENTS FROM FUND.—The United States—

(1) to the extent the United States assumes liability under section 106—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 106.

SEC. 109. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this title; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

SEC. 110. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this title exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. 111. CONTINGENCY.

This title shall be effective contingent on the making of an award by the National Science Foundation for the establishment of the laboratory at the Mine.

SEC. 112. OBLIGATION IN THE EVENT OF NONCONVEYANCE.

If the conveyance under this title does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this title.

SEC. 113. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 108(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this title; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this title.

SEC. 114. CONSENT DECREES.

Nothing in this title affects any obligation of a party under—

(1) the 1990 Remedial Action Consent Decree (Civ. No. 90–5101 D. S.D.); or

(2) the 1999 Natural Resource Damage Consent Decree (Civ. Nos. 97–5078 and 97–5100, D. S.D.).

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1389 was passed by the other body on November 16 of this year. This bill will facilitate the conveyance of the Homestake Mine in South Dakota for eventual use as a National Underground Science Laboratory. The gentleman from South Dakota (Mr. THUNE) has introduced a companion bill, H.R. 3299, and the amendment proposed for S. 1389 reflects his improvements to the original legislation.

Mr. Speaker, I would like to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. THOMAS) for their cooperation in scheduling this bill so expeditiously.

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

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

Mr. Speaker, S. 1389 was passed by the Senate on November 15. I would also note that virtually identical language is contained in the Senate-passed version of the fiscal year 2002 defense appropriations bill. In both cases, the measures were adopted by the other body without opposition.

With that noted, I would like to take this opportunity to commend the bill sponsors, Senators DASCHLE and JOHNSON, for their persistence in seeking the enactment of this legislation. It is at their request that those of us on this side of the aisle have agreed to expedite the consideration of S. 1389 this evening. With that noted, we do not object to the passage of this bill by the House.

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

Mr. CANNON. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE), the author of the House companion bill.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the legislation before us this evening would help address an issue of enormous importance to my State of South Dakota and to the entire country. We have the opportunity to take something that would be considered a liability and convert it into an asset. It all centers around something that up until a year ago I knew very little about, and that is neutrino research.

For the past 125 years, the Black Hills of South Dakota have been home to one of America's finest gold mining operations, Homestake Gold Mine. It is no longer profitable to mine gold at Homestake, so as of December 31 of this year, the mine will close. Its remaining workforce, which once numbered 800 employees, will be out of work and the community of Lead and the surrounding area will experience a devastating economic impact. That is, of course, unless another solution can be found.

Mr. Speaker, that solution has appeared in the form of the neutrino. It just so happens that Homestake Gold Mine offers the ideal setting for the physical study of subatomic particles known as neutrinos. A group of scientists from around the Nation is working with the State of South Dakota to create a National Underground Science Laboratory to conduct neutrino research.

Mr. Speaker, the Nation does not currently have a domestic facility with the capabilities needed for significant developments in this important scientific field. A formal proposal was made to the National Science Foundation on June 5 on behalf of Homestake Mine to be the host site for this research laboratory. About a dozen scientists within the National Science Foundation will review it and make a decision as to whether to proceed with the National Underground Science Laboratory. A committee of scientists already has identified Homestake as the preferred location, and final approval from NSF is expected soon.

In order for this project to move forward, Mr. Speaker, Homestake Mine must transfer ownership of its mine and related surface facilities to the State of South Dakota. Such a transfer can only occur if Homestake receives release from the Federal reclamation continuous ownership responsibilities through special indemnification legislation.

This legislation before us this evening, and now with the amendments that will be adopted by the House, set out the conditions under which such a transfer may occur.

Mr. Speaker, I want to thank the Committee on Resources, the Committee on Energy and Commerce, the Committee on Science, the Committee on the Judiciary, the and Committee on Transportation and Infrastructure for their assistance in bringing this legislation to the floor. Making this project a reality will help secure a better future for the people of Leads, South Dakota and for all of South Dakota and in creating national treasures of science and research for all of America.

Mr. Speaker, I thank the gentleman, and I urge my colleagues to adopt this legislation.

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

Mr. CANNON. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to the bill. I think it is seriously flawed and I have some real concerns about it.

However, one thing I am not concerned about is the professional manner in which the gentleman from South Dakota (Mr. THUNE) has engaged in a serious discussion of my concerns and I wish to compliment him for that. I have to confess that the most damage in this bill was done in the other body, but we are used to that here.

Mr. Speaker, I'm afraid I must rise in opposition to this bill, despite the strenuous efforts made to improve it by both Mr. THUNE and the House leadership. As a Member of Congress, I'm afraid that this bill could still unnecessarily saddle taxpayers with costly and unprecedented environmental responsibilities. And as Chairman of the House Science Committee, I'm concerned that this bill may distort the priorities of the National Science Foundation for years to come.

This bill sets up a dangerous and unprecedented situation in which the federal government will be financially responsible for activities it did not undertake at a piece of property it does not control. That flies in the face of common sense and fiduciary responsibility.

Under this bill, the federal government will be responsible for any environmental liability connected with the portions of the Homestake mine that are conveyed to South Dakota—even if they originated while the mine was privately operated. And while the mine will be owned by South Dakota, the state will have no financial responsibility for it; that will rest solely with the federal taxpayer. It's lucky that South Dakota doesn't have any bridges to sell us.

In the bill as originally introduced, the federal government did not even have any real ability to have problems at the mine cleaned up before it was transferred. Thanks to the efforts of Mr. THUNE, that situation has been improved.

I would urge the Environmental Protection Agency (EPA), which will hire a contractor to review the mine, not to accept any contractor with which it is not completely satisfied. The unfortunate fact that the contractor must be selected "jointly" by Homestake, South Dakota and EPA should not be allowed to pressure EPA into hiring a contractor that will not fully protect the federal taxpayer. And the requirement that EPA consult with Homestake and the State over the nature of the contract with the "independent entity" must not be interpreted to give Homestake or the State any veto over the content of the contract.

But EPA should consult with the National Science Foundation (NSF) throughout the environmental review process, as NSF is the federal agency that will have continuing responsibility if a laboratory is established at the mine.

Importantly, the bill now allows the EPA Administrator to reject the final report of the contractor if it identifies conditions that would make the federal assumption of liability "contrary to the public interest." I believe this allows the federal government to reject the transfer of the mine if it would cost too much to remedy existing environmental problems. This is vital since Homestake's contribution to pre-transfer remediation could well turn out to be nothing, given the language in this bill.

The bill says nothing about which federal agency would be responsible for overseeing or financing any pre-transfer remediation. This is a major, conspicuous, and I assume, purposeful gap in the legislation.

I certainly would hope that these costs—which should not have been federalized in the first place—are not borne by the National Science Foundation, a small agency wit important tasks that do not include environmental remediation.

But this bill raises many other concerns related to the National Science Foundation. All the activities under this bill are contingent on NSF approval of an underground laboratory at the Homestake mine.

While such a laboratory certainly has scientific merit, it may not be a high priority compared to other NSF programs and projects, especially given that construction of other neutrino detectors is either under consideration or underway.

This bill must not be used to pressure NSF to change or circumvent its traditional, careful selection procedures. Normally, a project of this magnitude would require several years of review. NSF would have to determine its relative priority among other Major Research Equipment proposals. And NSF would have to ensure that proper management is in place. Those procedures must be followed in this case. Indeed, this is even more important in the case of Homestake because any mismanagement could result in both environmental harm and substantial liability for the Federal Government.

I would also urge the National Science Foundation (NSF) not to make a decision on whether to award a grant to the underground laboratory until the report to EPA has been prepared. This is essential even though NSF will have to have an Environmental Impact Statement prepared about the conversion of the mine into a laboratory.

NSF should not be committing federal resources to a project until it knows how much the project will cost the federal taxpayer and which agencies will be responsible for shouldering that burden.

The federal assumption of liability will already pose unfortunate costs for NSF. The laboratory is to pay into an Environment and Project Trust Fund, and some if not all of that money will come from NSF.

NSF must be an active participant in determining how much needs to be contributed to the trust fund, especially since it may end up being the only contributor to that fund. And NSF must have a role in determining the final disposition of the fund. The bill is silent on what is to become of the fund if a laboratory is started and then closed. All that is clear is that the Federal Government gets saddled with the costs of closing the mine. But which agency is responsible for that undertaking? And what will happen to any leftover funds? NSF should have an active role in deciding that.

This bill poses enormous, unnecessary and unprecedented risks for the federal taxpayer. It is, in a phrase, a sweetheart deal for the Canadian company that owns Homestake and for the State of South Dakota. It could threaten the stability of the National Science Foundation, a premier science agency whose processes have been viewed as a model of objectivity and careful review.

I should point out that the Federal Government is already paying Homestake $10 million in this fiscal year to keep the mine open because it might become a laboratory. If that continues through the period of NSF decision-making the Federal Government could easily sink as much as $50 million in to a mine that it may never use.

I will work to ensure that NSF itself is not saddled with those unnecessary costs, which could be spent on worthy grants to researchers.

The Science Committee will be following this matter extremely closely to ensure that the environmental review is rigorous and protects the public interest. We will watch closely to ensure that the laboratory is being reviewed in the same manner as every other NSF project and does not distort the agency's processes or priorities or weigh it down with unsustainable costs. The risks of proceeding with this bill are clear; we will work to see that they are never realized.

Mr. Speaker, I am attaching an exchange of letters with the National Science Foundation that will further highlight the risks inherent in proceeding in this unorthodox manner.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington DC.

Dr. RITA COLWELL,
Director, National Science Foundation, Arlington, VA.

DEAR DR. COLWELL: As you know, the Senate recently passed S. 1389, the "Homestake Conveyance Act of 2001." This bill has serious implications for the National Science Foundation (NSF).

With that in mind, we want to be sure that NSF is considering the likely consequences should S. 1389 be enacted. Therefore, I am writing to request that you submit to the House Science Committee the following items by no later than December 15:

(1) A plan for how NSF would absorb the expected costs of an underground laboratory at Homestake beginning in Fiscal Year 2003, with special attention to the impact on other projects in the Major Research Equipment account.

(2) A plan for how NSF would ensure that the laboratory was properly managed, even if a project were awarded in calendar 2002.

(3) A plan for how NSF would interact with the Environmental Protection Agency and the State of South Dakota to ensure that the

mine is in proper condition for the establishment of a laboratory and to determine amounts NSF grantees would have to pay into the Environment and Project Trust Fund established under the bill.

The enactment of S. 1389 could complicate NSF's situation for years to come, both directly and through the precedents the bill may set. We want to work together with you, starting immediately, to limit any problems this measure may cause.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

NATIONAL SCIENCE FOUNDATION,
Arlington, Virginia, December 14, 2001.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding S. 1389, the ''Homestake Conveyance Act of 2001'' and its possible implications for the National Science Foundation (NSF).

The following responds to your requests:

(1) A plan for how NSF would absorb the expected costs of an underground laboratory at Homestake beginning in Fiscal Year 2003, with special attention to the impact on other projects in the Major Research Equipment account.

NSF has not identified funds to support the conversion of the Homestake mine into an underground research laboratory. Unless the President requests and Congress appropriates additional monies for the lab, its establishment would force us to reconsider the priorities within the Research and Related Activities appropriation or reevaluate the funding profiles and timelines of existing MRE projects.

(2) A plan for how NSF would ensure that the laboratory was properly managed, even if a project were awarded in calendar 2002.

An applicant for a grant of this magnitude must submit a management plan for NSF's review prior to any funding decision by the Foundation. That plan must cover all phases of the project including the planning process, construction or acquisition, integration and test, commissioning, and maintenance and operations. The management plan sets forth the management structure and designates the key personnel who are to be responsible for implementing the award. This proposed management plan then becomes the basis for NSF's review of the adequacy of management for the project.

The technical and managerial complexity of the proposed lab suggests that NSF would utilize a Cooperative Agreement as the funding instrument. The particular terms of a Cooperative Agreement covering the lab would be established prior to NSF's funding of the proposal. That Cooperative Agreement would specify the extent to which NSF would advise, review, approve or otherwise be involved with project activities. To the extent NSF does not reserve or share responsibility for certain aspects of the project, all such responsibilities remain with the recipient.

(3) A plan for how NSF would interact with the Environmental Protection Agency (EPA) and the State of South Dakota to ensure that the mine is in proper condition for the establishment of a laboratory and to determine amounts NSF grantees would have to pay into the Environment and Project Trust Fund established under the bill.

NSF would interact in good faith with the EPA and the State of South Dakota to ensure that the mine is in satisfactory condition for the establishment of a laboratory. Additionally, assessment of the proposal before us will presumably require an Environmental Impact Statement (EIS). The findings of that EIS would very much inform our evaluation of the proposal.

We share your concern about the mandatory contribution to the Fund required of each project conducted in the lab. Our review of each proposal for science in the lab would include a careful analysis of (1) the projected costs of removing from the mine or laboratory equipment or other materials related to a proposed project, and (2) the projected cost of claims that could arise out of or in connection with a proposed project. Meaningful analysis of both factors would require close cooperation with the lab's Scientific Advisory Board, the State of South Dakota, and the EPA. These costs will factor into our evaluation of each proposal.

I appreciate the opportunity to work with you in assessing the possible impact of this legislation on the National Science Foundation.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

RITA R. COLWELL,
Director.

Mr. GILLMOR. Mr. Speaker, I rise to congratulate my colleague, JOHN THUNE, for his determination and tenacity in bringing this bill before the House today. It is because of him that the people of South Dakota have a high tech future that is environmentally friendly.

Earlier this year, the Homestake Mine in Lead, South Dakota announced that it was closing its gold mining operations after 125 years of work. Homestake planned to abandon its mine and allow it to fill up with water. Ordinarily, this would have been devastating news to the community, but the gentleman from South Dakota insisted that something could be done with the mine to create jobs and help prevent future environmental damage.

On November 15 of this year, the Senate passed legislation to transfer the Homestake Mine to the State of South Dakota for the purposes of constructing a National Underground Laboratory. While well intentioned, that bill, S. 1389, had potentially far-reaching implications for the environment.

I am pleased to say that Mr. THUNE and our committee staff worked diligently to change the course of the Senate bill and put the power to make polluters take legal and financial responsibility for their actions back in the hands of the appropriate Federal agencies.

I want to point out a few places that are of great importance to me. The Senate bill set up a few requirements in order for the Mine to be transferred, and the Mine and State to be relieved of all liability, in addition to receiving indemnification against future actions. Originally, the Senate bill also prevented the EPA Administrator from rejecting conveyance of the mine unless and only if an independent entity found an egregious environmental problem. The bill on the floor today, however, not only makes the assessment of the mine responsibility of EPA, but also opens up the criteria for rejection of conveyance to include anything that would present an imminent and substantial endangerment to public health and the environment. Most importantly, though, the legislation states that the EPA Administrator has an absolute right to reject the conveyance if the transfer is in any way contrary to the public interest.

Mr. Speaker, this is not a perfect bill, but it is worthy of consideration by this House. I believe the product before us is significantly better than the one sent to us one month ago. It still treats this mining company differently than we treat any other company. Instead of passing this legislation to benefit one company, we should be looking at liability reform for all companies under Superfund.

But, I again want to congratulate Mr. THUNE for this holiday present to his State and his concern for new economic development and sustained environmental and public health protections.

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 1389, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

REAFFIRMING THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF THE PHILIPPINES

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 273) reaffirming the special relationship between the United States and the Republic of the Philippines.

The Clerk read as follows:

H. CON. RES. 273

Whereas the United States and the Republic of the Philippines have shared a special relationship of mutual benefit for more than 100 years;

Whereas 2001 marks the 50th anniversary of the United States-Philippines Mutual Defense Treaty, signed at Washington on August 30, 1951 (3 UST 3947);

Whereas since the September 11, 2001, terrorist attacks on the United States, the Philippines has been among the most steadfast friends of the United States during a time of grief and turmoil, offering heartfelt sympathy and support;

Whereas after the United States launched its war of self-defense in Afghanistan on October 7, 2001, Philippine President Gloria Macapagal-Arroyo immediately announced her Government's unwavering support for the operation, calling it ''the start of a just offensive'';

Whereas during United States operations in Afghanistan, the Government of the Philippines has made all of its military installations available to the United States Armed Forces for transit, refueling, resupply, and staging operations;

Whereas this assistance provided by the Philippines has proved highly valuable in the prosecution of the war in Afghanistan, as acknowledged by the Commander-in-Chief of United States Forces in the Pacific;

Whereas the Philippines also faces grave terrorist threats from the Communist Party of the Philippines, the New People's Army, the National Democratic Front, and the radical Abu Sayaff group, as well as an armed secessionist movement, the Moro Islamic Liberation Front;

Whereas the Abu Sayaff group has historical ties to Osama bin Laden and the al-Qaeda network, and has engaged in hundreds of act of terrorism in the Philippines, including bombings, arson, and kidnappings;

Whereas in May 2001, Abu Sayaff kidnapped United States citizens Martin Burnham, Gracia Burnham, and Guillermo Sobero, along with several Filipinos;

Whereas Abu Sayaff killed Mr. Sobero and continues to detain Martin Burnham and Gracia Burnham; and

Whereas the United States and the Philippines are committed to each other's security pursuant to the Mutual Defense Treaty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses its deepest gratitude to the Government and people of the Philippines for their sympathy and support since the September 11, 2001, terrorist attacks on the United States;

(2) expresses its sympathy to the current and recent Filipino victims of terrorism and their families;

(3) affirms the commitment of the United States to the Republic of the Philippines pursuant to the 1951 Mutual Defense Treaty;

(4) supports the Government of the Philippines in its efforts to prevent and suppress terrorism; and

(5) acknowledges the economic and military needs of the Philippines and pledges to continue to assist in addressing those needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

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

Mr. Speaker, there is an ongoing, joint operation in the Philippines to rescue American citizens. Martin and Gracie Burnham, who have been held hostage by the brutal terrorists who have been trained and supported by Osama bin Laden, are still being held hostage there in the Philippines. Although the operation to rescue them has received little publicity in the American media, this resolution supports that operation.

After the terrorist attack on September 11, Philippine President Arroyo was the first international leader to offer facilities and troops to assist the United States in the campaign against Osama bin Laden and his terrorist network. President Arroyo described the campaign as ''the start of a just offensive.''

In addition, President Arroyo demonstrated political courage, and it took political courage for her to do this, to invite U.S. soldiers to help Filipino forces conduct a joint operation to free the American hostages that are being held in the Philippines by the Abu Sayyaf terrorists, those Abu Sayyaf terrorists, of course, trained by bin Laden.

This year marks the 50th anniversary of the United States-Philippines Mutual Defense Treaty. This treaty takes on significance in light of the enhanced partnership between America and the Philippines, our democratic partner in Southeast Asia, and in the international war against terrorism. President Arroyo, whose father was President of the Philippines at the time of the signing of the 1951 Mutual Defense Treaty, understands this new global war because terrorist groups inside the Philippines, trained and supported by bin Laden and other terrorists, have committed hundreds of acts of violence and kidnapping against the Filipinos over these last few years.

This legislation has nothing to do with partisan politics. It does express bipartisan support for the efforts to rescue American citizens being held by the bin Laden-backed Abu Sayyaf terrorist group.

Mr. Speaker, H. Con. Res. 273, cosponsored by 32 bipartisan Members of the Congress, expresses, number 1, gratitude to President Arroyo and the people of the Philippines for their sympathy and support since the September 11 terrorist attack. Number 2, it affirms the commitment of the United States to the 1951 Mutual Defense Treaty. Number 3, it supports the efforts of the Philippine government to prevent and suppress terrorism; and finally, it supports the promise recently made by President Bush to address the economic and military needs of the Philippines in order to defeat the internal terrorism that threatens that country.

Mr. Speaker, we should stand together, yes, tonight, to say that we are going to rescue those Americans held hostage in the Philippines and, number 2, that we stand in solidarity with the people of the Philippines in their struggle of having democratic government threatened from the outside and the inside.

The people of the Philippines now deserve our help. They are stepping forward again to be America's best friends, and we should extend our hand in friendship as well. It is what is right for America and right for the Philippines and right for the cause of freedom and justice.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

Mr. Speaker, let me first congratulate the gentleman from California (Mr. ROHRABACHER), my friend and colleague, for introducing this resolution. I wholeheartedly support closer ties between the United States and the Philippines, and this resolution will make a positive contribution in this regard.

I wish, Mr. Speaker, that I could spend the balance of my time outlining the virtues of this resolution, but circumstances prevent me from doing so.

Mr. Speaker, the House Committee on International Relations has prided itself since the first day of this session on its singularly bipartisan approach to all issues. This did not begin with September 11; it began with the first day we met and continues to this day and will continue in the future. I want to thank the gentleman from Illinois (Mr. HYDE), my friend and colleague, for his enormous contributions for making the work of our committee bipartisan.

I cannot say the same thing for the Republican leadership which schedules suspension bills, Mr. Speaker. Under the jurisdiction of the Committee on International Relations, 46 bills have been considered, 34 of them under Republican sponsorship, 12 of them under democratic sponsorship. One of these is a bill I would like to say a few words about.

Six weeks ago, the House Committee on International Relations unanimously passed H.R. 3169, the Land Mine Victims Assistance Act. There is no more bipartisan, noble, humanitarian bill to come before this body this year, Mr. Speaker. The gentleman from Illinois (Mr. HYDE) is in full support of this legislation. The vice chairman of our committee, the gentleman from New Jersey (Mr. SMITH) is in full support.

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The chairman emeritus on the Republican side, the gentleman from New York (Mr. GILMAN), is in full support. The gentleman from California (Mr. ROHRABACHER), my friend and colleague, is in strong support of this legislation.

Mr. Speaker, this bill came through the Committee on International Relations with a unanimous vote 6 weeks ago. The fine piece of legislation by the gentleman from California (Mr. ROHRABACHER) was passed just last week, but it was scheduled by the leadership for today.

For 6 weeks, day after day, we have been pleading with the leadership to put this measure on our suspension calendar. The President of the United States and the administration have no objections to it; far from it, Secretary of State Colin Powell in the State Department dining room had a major event honoring organizations that help land mine victims.

This is one of the most tragic human problems on the face of this planet. From Afghanistan to Cambodia, hundreds of thousands of children and adults lost a leg or two or an arm or both because of land mine tragedies.

Today's New York Times has a major story with horrifying pictures of the Afghan ramifications of this nightmare. One of our own Marines was severely injured just a couple of days ago in Afghanistan as a result of a land mine explosion.

Mr. Speaker, there is a controversial issue with respect to the treaty as they relate to land mines. My legislation specifically excludes that issue. The only thing this legislation deals with is to help victims of land mines: little boys and little girls and men and women whose lives have been destroyed by the millions of land mines across this globe.

There is no justification, moral, legal, or otherwise, to keep this legislation off this floor. When it comes to

the floor, it will pass with an overwhelming vote.

Mr. Speaker, I have been here long enough to realize that partisan legislation is often bottled up. This is a nonpartisan piece of legislation. Republicans and Democrats on the Committee on International Relations unanimously supported it, as will the full membership of this body.

I am calling on the Republican leadership, after waiting patiently for 6 long weeks, after the most sickening discriminatory treatment of having legislation come before us which was passed by the Committee on International Relations just this past week, to put, without any further delay, the Land Mine Victims Assistance Act forward so that our Republican and Democratic colleagues can vote on it.

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

Mr. ROHRABACHER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a man who has spent more time championing the cause of human rights than anyone else I have worked with here in the Congress. He is just a man of good heart who I deeply respect, and I am proud to have him as a cosponsor of this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me. I thank him for his leadership on issues relating to human rights, especially in the Philippines and Afghanistan and so many other places where he has made a difference.

This resolution, House Concurrent Resolution 273, underscores a very important aspect of our relationship to another country, the Philippines. The Philippines and the U.S. have had a long-standing, deep, and very strong relationship; so it was not surprising to me that President Arroyo was first out of the blocks to support the United States in our campaign to defeat al Qaeda. That is what we expect from an ally. We do not always get that from allies, but we got it in a very real way from our good friends in the Philippines.

As Members know, and this was pointed out by the gentleman from California (Mr. ROHRABACHER) a moment ago, this year marks the 50th anniversary of the Philippines-U.S. Mutual Defense Pact, which has helped to preserve and protect the peace after the Philippines went through a horrific ordeal, an ordeal that was endured by many of our own U.S. soldiers, the Bataan Death March, for example, during World War II; and the large numbers of threats that followed: the Communist threat, the corruption threats that followed World War II.

I would note parenthetically, Mr. Speaker, that my father, after fighting very terrible battles in New Guinea and many other battles against the Japanese, was part of the force that liberated the Philippines from the Japanese. He always spoke to my brothers and I of the good people of the Philippines. He always spoke of them in glowing and affectionate terms, a feeling that was shared by so many of our GIs when they spent time there fighting alongside the Filipino scouts, who were tenacious fighters in their own right.

As chairman of the Committee on Veterans' Affairs, we continue to provide significant health and other benefits to the Filipino veterans, and that again underscores the relationship of our Nation with the Philippine nation.

Finally, just let me note that the Philippines have been somewhat unique in protecting and helping refugees themselves. When other nations were in the process of closing what was known as the Comprehensive Plan of Action, the rescue that was provided internationally to the boat people, there were about 2,000 boat people in the Philippines. Other nations were forcibly repatriating these good people.

President Ramos, when he saw what was happening, what did he do? He said, Not our Nation. We are going to maintain a welcome mat to these people, about 2,000 strong. I think that spoke very well of the goodheartedness of those people in the Philippines.

Finally, the Philippine Government and the nation is also a major platform for the Voice of America and the broadcasting that emanates from that. We are hoping very soon that Radio Free Asia will also have a platform there, as well.

This is a great resolution. Again, I want to thank the gentleman from California (Mr. ROHRABACHER) for his leadership. As usual, he is in the forefront of a very good cause.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my friend and distinguished colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me. I also would like to state my support for our strong relationship with the Philippines.

However, Mr. Speaker, my statement here today is to signal to the leadership that we need to provide additional assistance to land mine victims. I am here today as a cosponsor of the International Disability and Victims Land Mine Act of 2001. I thank the distinguished gentleman from California for his efforts on behalf of this legislation.

Land mine victims can no longer wait for assistance to regain their lives. Every year, thousands of people are killed or maimed as a result of land mine explosions. Those who survive these disastrous experiences will forever suffer devastating injuries: a farmer who was plowing his field loses his legs and will no longer be able to provide food for his community; a mother who has lost her arms will no longer be able to carry water to her children and her family, and the carefree days of playing with friends are stolen from the child who is a victim of a land mine explosion.

People in Afghanistan, Kosovo, Thailand, Angola, and numerous other countries throughout the world have had their lives destroyed as a result of land mines. Afghanistan is one of the most heavily land-mined countries in the world, and the displaced Afghan people are traveling through unfamiliar lands. The number of land mine injuries are expected to rise, just as our servicemen are experiencing tragedies from land mines.

Mr. Speaker, H.R. 3169 illustrates to the people of Afghanistan that we will not abandon them following the war. During this holiday season, we must not pass up an opportunity to bestow a priceless gift to land mine victims throughout the world. This bill would show compassion to the innocent people who will suffer long after the war has passed. We must bring this bill to the floor for a vote. We must give a voice to the victims of land mines.

Mr. ROHRABACHER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York (Mr. GILMAN), a man who has provided such leadership to this House since I have been here, the former chairman of the Committee on International Relations, and a man of such strong principle and ethical guidance that he has really meant a lot in my life.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank our good sponsor of the measure for his kind words.

I want to thank the gentleman from Illinois (Chairman HYDE) for expediting consideration of this measure. I commend our colleague, the gentleman from California (Mr. ROHRABACHER), for crafting this important resolution. He has certainly been a staunch advocate for the Pacific Rim communities and especially for the Philippines and Afghanistan.

I want to commend, too, our ranking minority member, the gentleman from California (Mr. LANTOS), for his support of this measure. This measure reaffirms our special relationship between our Nation and the Republic of the Philippines.

This resolution notes that special relationship of mutual benefit which goes back for more than 100 years, this year marking the 50th anniversary of the 1951 U.S.-Philippine Mutual Defense Treaty. Throughout the years and many wars, this treaty has beneficially served both of our nations.

Once again, the relationship showed its great value soon after the terrorists' brutal attack on our Nation on September 11, when our Philippine friends were steadfast in their support, making all of their military installations available to the United States Armed Forces for transit, for refueling, for resupply, and for staging operations.

Moreover, in World War II, Philippine soldiers and scouts served courageously side by side with our Nation's

Armed Forces; and regrettably, we have yet to take note of that service.

Currently, the Philippine Government is facing a serious challenge from the radical Abu Sayef group, as well as an armed secessionist movement, the Moro Islamic Liberation Front. The Abu Sayef group has historical ties to Osama bin Laden and the al Qaeda network and is engaged in hundreds of acts of terrorism in the Philippines, including bombings, arson, and kidnapping.

Just this past May, Abu Sayef kidnapped U.S. citizens Martin Burnham, Gracie Burnham, and Guillermo Sobero, who was later killed. This terrorist group continues to detain Martin Burnham and Gracie Burnham.

Mr. Speaker, the Philippines faces a serious challenge today from the Communist Party of the Philippines and a challenge to its territorial integrity from the People's Republic of China, which has been claiming the Spratley Islands and other Philippine coastal areas.

Accordingly, I urge my colleagues to fully support House Concurrent Resolution 273 so we can send a strong signal to those who are threatening our democratic friends in the Philippines through their terrorism and regional hegemony.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to our distinguished colleague, the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the ranking member for yielding time to me; and I thank him for his always eloquent support for human rights around the world, and in this case tonight, for the victims of land mines. I thank him again for calling on this legislation. This legislation must reach the floor. We support the gentleman in that.

Mr. Speaker, when bipartisanship reigns in this body, we do good things. We can bring the bill of the gentleman from California (Mr. LANTOS) to the floor. We have brought the motion of the gentleman from California (Mr. ROHRABACHER) to the floor reaffirming our friendship with the Philippines. I thank the gentleman for doing that. He and I were the first Congresspeople, in fact, to go to the Philippines to greet the new President when she took over last February, and we gave the greetings of this whole Congress and our support for her. We reaffirm that support in this resolution today.

Mr. Speaker, I would like to ask this body, however, to take one concrete move towards reaffirming that relationship that goes beyond this resolution. This resolution is wonderful, and we will get support for it. But the gentleman from California (Mr. GILMAN) and I, supported by the gentleman from California (Mr. ROHRABACHER) and others in this room, have tried to get to the floor of this House the Filipino Veterans Equity Act, a bill which would truly reaffirm our friendship with the Philippines.

More than 50 years ago, which this resolution talks about, 55 years ago Filipino soldiers were drafted into the United States Army by the President, President Roosevelt. They served well. In fact, we were able to hold up the Japanese advance through the efforts of the Philippine Army, under the direction of Douglas MacArthur.

□ 1945

We were able to hold up the Japanese advance, throw off their time table and that helped us win the war in the Pacific. But how does this Congress react to thank the Filipino soldiers? We passed a law in 1946 to withdraw all the benefits that they were entitled to as veterans of the United States Army.

Mr. Speaker, they were drafted into the Army. They fought honorably. They died in great numbers. They were with us through the whole war, the Bataan Death March, the Battle of Corregidor, and yet what did we do? We withdrew their benefits.

It is 55 years later. Many of these brave soldiers are in their late 70's and early 80's. They are not going to be with us much longer. The best way we can reaffirm our ties to the Filipinos is to pass the equity act that has been sponsored by the gentleman from New York (Mr. GILMAN). This would say to the Filipino veterans, you were veterans, you have the honor and dignity that comes with that, so let us truly reaffirm our friendship and pass the Filipino Veterans Equity Act.

I do thank the gentleman for his motion. The Burnhams are being held. We have to get them released. We have to help President Arroyo in her efforts to stamp out terrorism in her nation.

Salamat, my colleague. And I say to our friendship, mabuhay.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), who has worked tirelessly on behalf of two of his constituents who are being held hostage by the terrorists in the Philippines.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER) for yielding me time, and I rise in strong support of H. Con. Res. 273, which reaffirms the special relationship between the United States and the Republic of the Philippines.

Our two nations share a rich history and a bright future based on the combined commitment to democratic principals and the rule of law. This relationship is cemented by the fact that an estimated 2 million Americans of Philippine ancestry live in the United States, and more than 120,000 American citizens reside in the Philippines. It is as President Bush and President Arroyo said last month, a relationship between two peoples. Not just a relationship between two governments, but a relationship between two peoples.

As we fight the global war on terrorism, the United States is bolstered by the unwaiving commitment of the Republic of the Philippines. They have pledged their support while facing an internal threat from the terrorist group Abu Sayaff, who continue their lawless acts of violence, including the kidnapping of two of my constituents, Martin and Gracia Burnham of Wichita, Kansas, and the murder of a Californian from Corona, Guillermo Sobero.

But no tribute to our relationship would be complete without a word of thanks to those in the Philippine military who continue today to risk their lives in an effort to gain the safe release of Martin and Gracia. This ongoing conflict has cost the lives of many brave Filipino soldiers. I would especially like to express my thanks and my deepest sympathy to their families.

Mr. Speaker, I urge my colleagues to support this resolution which reaffirms our special relationship with our friends from the Philippines.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Guam (Mr. UNDERWOOD), my good friend and distinguished colleague.

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me the time, and I want to stand in support of his effort to get H.R. 3169 legislation to the floor on land mine victims' legislation, which I fully support.

Today I stand in strong support of H. Con. Res. 273 introduced by our colleague, the gentleman from California (Mr. ROHRABACHER), which reaffirms the special relationship between the United States and the Republic of the Philippines. For more than a century we have had a very strong and stable relationship with the Philippines. Along with my home island of Guam, Puerto Rico and the Philippines were ceded to the United States following the Spanish American War in 1898. We all share a common history of Spanish and U.S. control. Guam and the Philippines had have an even closer bond, as we are only 1,600 miles apart, making Guam the nearest U.S. destination to the Philippines.

Thousands of Filipinos have made Guam their home, and we have a long historical relationship which even predates colonial control.

As a former territory, the Filipinos fought under the U.S. flag in World War II and participated in their own liberation from the Japanese imperial forces during World War II under both the U.S. flag and the Philippine commonwealth banner and we need to resolve the issues that still bother us in terms of giving full credit and recognition to the Philippine veterans. But even following their independence from the United States in 1946, Filipinos have fought alongside U.S. soldiers in both the Korean and Vietnam conflicts. They have been shoulder to shoulder with our forces and have long been a strategic ally in the Southeast Asia region.

Last month, Philippine President Gloria Macapagal-Arroyo made a trip to Washington to reaffirm the Philippines' strong alliance with President

Bush. Following the September 11 attack on our Nation, the Philippines has proven again to be amongst our most steadfast allies in the war against terrorism. Along with our nation, Filipinos mourn victims of the terrorist attacks which claimed the lives of many Filipino citizens who worked in the World Trade Center.

Even before President Arroyo announced her 14 pillars of policy in action against terrorism on September 26, 2001, the Philippine Government has granted overflights of U.S. aircraft, refueling tankers, combat and cargo planes in the Philippines. President Arroyo has made the strong and unwaivering loyalty of her country very clear, and likewise the Philippine Government has made all of its military installations available for transit, refueling, and restocking and staging operations to our U.S. forces.

Also as a host nation of the former U.S. bases, the Philippines remains one of our most valuable allies in Asia and the Pacific. During my trip earlier to the Philippines in May, I had the opportunity to visit some of these bases and to meet with President Arroyo to discuss strengthening of U.S. and Philippine relations including environmental cleanup issues. I am pleased to note that my provision was put in the House foreign relations authorization, which encourages a bilateral frame work for an independent nongovernmental study on the effects of contamination on those bases.

This proposal for the bilateral cleanup was also included by Senator DANIEL INOUYE in the other body in their own defense appropriations bill. I believe that both the U.S. and the Philippines stand to gain by working collaboratively on this important issue.

This year marks the 50th anniversary of the U.S. Philippines Mutual Defense Treaty. President Bush has affirmed the administration's commitment to U.S.-Philippine relations with a significant military and economic aid package. This includes support for Filipino troops battling against Islamic uprisings in the southern region of the country by the Abu Sayaff group which has ties to the al Qaeda organization.

The President's decision affirms our commitment and acknowledges our obligations under the mutual defense treaty to assist the economic and military needs of the Philippines. As Americans and as Members of Congress, we owe a debt of service to the Republic of the Philippines. I think we have to take stock of the very special relationship we have with the Philippines, and I believe it is truly fitting that we stand here today shoulder to shoulder to affirm U.S. support for the Philippines by passing H.Con.Res 273.

As cosponsor of this legislation, I thank the gentleman from California (Mr. ROHRABACHER) again. I join in the support of my colleagues and urge final passage.

Mr. ROHRABACHER. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. ROHRABACHER) has 8 minutes remaining, and the gentleman from California (Mr. LANTOS) has 4 minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE), my good friend and colleague, who has been very active in California with the Philippine community and very active in the Committee on International Relations as a force for freedom in the world.

Mr. ROYCE. Mr. Speaker, I would like to commend my good friend, the gentleman from California (Mr. ROHRABACHER), for introducing this very important piece of legislation of which I am a cosponsor. And I would like to make the observation that this relationship that the United States has with the Philippines is based on a shared history and a shared commitment to democratic principals.

The political and economic importance of the Philippines to this Nation cannot be overstated, and I think it is true that the United States, the people here, owe a great debt to the people of the Philippines for their assistance during the Second World War. And I think as this resolution points out, this year marks the 50th anniversary of the mutual defense treaty which outlined a military alliance between these two countries; and this alliance has proved to be for us instrumental in deterring aggression in Asia.

Security in Asia is as key to us today as it was 50 years ago when this treaty was signed. And I am particularly concerned, as I know are the other Members of this bodies, with the actions of Abu Sayaff, with the terrorist group now operating in the Philippines. This group has been linked to Osama bin Laden and his al Qaeda networks. The group has trained in the terrorist training camps in Afghanistan, those same camps that we recently flushed out. And the group has been engaged in bombing, in arson, in kidnapping, including the kidnapping of American citizens.

Once again, I would like to applaud the gentleman from California (Mr. ROHRABACHER). He represents, as do I, a significant Filipino American community in California; and he is very committed to strengthening the U.S.-Philippine ties. And this resolution sends a strong message of support for the Philippine Government in its effort to prevent and suppress terrorism and pledges U.S. support for that effort.

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

Mr. Speaker, I again want to commend my friend, the gentleman from California (Mr. ROHRABACHER), and reaffirm my strong support for his legislation.

The Philippines are great friends of ours. Their struggle against terrorism is our struggle. Their future in Asia guarantees that stability and prosperity; but most importantly, democracy will prevail in an important Asian country. And I strongly urge all of my colleagues to support the legislation.

Before yielding back my time, I would like to put a face on land mine victims. This young man is Wazir Hammond. He was injured by a land mine in Afghanistan just a few years ago. He is now 9 years old. And every 6 months he requires a prosthesis refitting. He is representative of the tens and tens of thousands of children and adults who are desperately hoping that we will be able to participate in a global effort to give our fellow human beings who have lost a leg or an arm or two legs or two arms an opportunity to put their lives back together again.

I call on the Republican leadership of the United States House of Representatives to schedule for debate and vote the Land Mine Victims Assistance Act, passed unanimously by the House Committee on International Relations and enjoying the support of all Republicans and all Democrats on that committee; and when the legislation comes before this body, I am sure of every single Member of this House.

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

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from California (Mr. LANTOS) and I understand his frustration. I have had legislation that I wanted to bring to the floor that was very valuable, that I know that as a backer of his legislation which I backed in committee, I understand the value of that legislation and I have gone on record suggesting that it should be brought to the floor. So I understand his frustration.

Mr. LANTOS. Mr. Speaker, will the gentleman from California yield to me?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, it is the pain and suffering of innocent people all across the globe which is at stake, and I appreciate the support of my friend.

Mr. ROHRABACHER. I think it is the sensitivity to that pain and suffering that causes frustration at a time when one is trying to help.

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We have to remember when looking at this legislation, this is legislation that will be seen not only in the United States, of course, but will be certainly noted in the Philippines and noted throughout Asia. What we are saying tonight is that we recognize that the Filipino people are our best friends and that the people of the Philippines stood with us in the past and we will stand with them in the future.

The Philippines did stand with us, and we must never forget that time when just over 60 years ago, the Japanese militarists decided to make their move in trying to capture a huge hunk of the world and dominate it under its own terrorist grip, and at that time, when the Nazis on one side of the world

and the Japanese militarists on the other side of the world threatened any democracy and threatened the people of the world, in Asia it was the people of the Philippines who, more than anyone else, stood with us and bore the brunt of that fight and of the despotism and of the brutality of Japanese occupation.

We must remember, that the fight in the Philippines, the Bataan Death March that we talk about, there were not just Americans in that fight, but there were Filipinos standing beside each and every American, and we must never forget that, and as a member of my family who is a survivor of the Bataan Death March has told me, that as these prisoners were walked, as they were shackled and walked on this death march for day after day without food and water in the sweltering heat, with Japanese guards there with their bayonets and with their samurai swords and the Filipino people would come out of their homes and throw food and water at these prisoners, knowing that the Japanese guards would shoot them if they saw them doing this. Ordinary Filipino citizens risking their lives for our people, as well as their own soldiers.

We can never forget that type of heartfelt commitment, and that is at the basis of the relationship between the United States and the Philippines. It is a commitment to those values of decency and human understanding and freedom and liberty and justice that unites us, and the Philippines have gone through many travails since those days.

Let me add that one of those travails was the liberation which also took many Filipino lives and the Filipinos were fighting with us. My father fought in the Philippines to help liberate that country, and he always, as I say, spoke very highly of the people of the Philippines. It is very fitting today that I am authoring this legislation, to honor him and to honor all of these veterans, both the Filipinos and the American veterans, not only just the ones who fought in the Death March, but the ones who liberated the Philippines, for the great job that they did for our country and the cause of freedom.

Nothing we could do would honor them more than the bill we pass today. Yes, we can recognize the Filipino veterans and should give them their benefits. I, too, have a piece of legislation that was not permitted to come to the floor yet, giving the Bataan Death March survivors the right to sue those Japanese corporations that used them as slave labor. So there is frustration in this process, and it takes a little pressure to try to get good bills to the floor. I am happy that the gentleman from California (Mr. LANTOS) is trying to provide that pressure.

Tonight, let us again remember that today this piece of legislation, in and of itself, is very important. It is very significant because we are reaffirming our solidarity with the people of the Philippines. We are reaffirming this defense treaty at a time when now there are Japanese being replaced by Chinese soldiers who would threaten the peace of Asia, and we have an ongoing battle, not only in the Philippines but elsewhere, a battle raging against terrorism that we are all a part of this battle and that the Philippines have stepped forward so courageously to join us in that effort.

I would call on my colleagues to join me and thank the gentleman from California (Mr. LANTOS) for his principled support of this legislation, and I would ask all of my colleagues to follow the leadership of our President, President Bush, who has restated our commitment as a people as this resolution will do for the Congress.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to join my colleagues in supporting H. Con. Res. 273, legislation reaffirming the special relationship between the United States and the Republic of the Philippines. The United States and the Republic of the Philippines have shared a special relationship of mutual benefit for more than 100 years. At a time when both our nations are facing unprecedented security threats from terrorism, we must strengthen those bonds and work together to meet these new challenges.

This resolution expresses the deepest gratitude to the Government and people of the Philippines for their sympathy and support since the September 11, 2001, terrorist attacks on the United States. It also conveys our sympathy to the families of Filipino victims of terrorism. H. Con. Res. 273 also affirms the commitment of the United States to the Republic of the Philippines pursuant to the 1951 Mutual Defense Treaty, signed on August 30 1951. It is important that we reaffirm our support for that agreement as we work to root out terrorism around the globe, including the operations in the Philippines. This will require our continued recognition of the economic and military needs of the Philippines, and a continued commitment to assist in addressing those needs.

Since the September 11, 2001, terrorist attacks on the United States, the Philippines has been among the most steadfast friends of the United States during a time of grief and turmoil, offering heartfelt sympathy and support. When the United States launched its war of self-defense in Afghanistan on October 7, 2001, Philippine President Gloria Macapagal-Arroyo immediately announced her Government's unwavering support for the operation, calling it ''the start of a just offensive.'' The Government of the Philippines has made all of its military installations available to the United States Armed Forces for transit, refueling, resupply, and staging operations. This assistance provided by the Philippines has proved highly valuable in the prosecution of the war in Afghanistan as acknowledged by the Commander-in-Chief of United States Forces in the Pacific.

Time and again, the Filipino people have stood with us against enemies of freedom. Not only were they critical allies in World War II, but they provided nearly 400,000 brave and patriotic men for the U.S. military campaign. Filipino Scouts were called into active duty of the United States military, and they defended democracy with honor and courage. They answered the call of duty, fighting side by side with U.S. troops in our hour of need. Many Filipino citizens have since joined the ranks of our military, and served with honor. As we recognize the contributions of the Filipino government today, we must also recall the critical contributions that its people have made to our nation throughout its history. And one way we can do that is by providing Filipino veterans of World War II the benefits available to the U.S. veterans of that conflict. Last year, we made the first major stride in that direction, by providing Filipino veterans who fought with the U.S. disability benefits and access to health care. But we have a long way to go to ensure full benefit equity for these veterans. Time is running out.

One of my top priorities since coming to Congress has been to provide Filipino veterans the benefits they are due for their sacrifice, and I will continue that fight until the job is done. This resolution, which enjoys the overwhelming, bipartisan support of the House, urges continued U.S. assistance for the economic and military needs of the Philippines. I fully endorse that. But I believe that we would be sending a very mixed message if we were to provide that assistance while continuing to ignore the real health care needs of Filipino veterans who served with U.S. forces. History has shown that we pay a heavy price when we enlist the support of allies when we need them, but ignore their needs and challenges in the aftermath. I call on my colleagues to pass this resolution and to expedite passage of legislation authorizing full veterans' benefit equity for Filipino veterans of World War II.

Mrs. MALONEY of New York. Mr. Speaker, I rise to express my support for H. Con. Res. 273.

Each of these bills sends a strong message. H. Con. Res, 273 appropriately thanks the Philippines our strong ally, for their unwavering support in the current war on international terrorism.

And H.R. 3169, the International Disability and Victims of Landmines, Cibil Strife and Warfare Act of 2001 sends a message to muslims around the world that the United States cares about the people of Afghanistan and want to help in rebuilding their lives.

Landmines have killed more people than nuclear, chemical and biological weapons combined. Today, innocent civilians are threatened by up to 80 million landmines buried in over 80 countries. More than 100,000 Americans have been killed or maimed by these inhumane weapons. The majority of landmine survivors are civilians, often women and children.

In Afghanistan, there are 4–8 million landmines buried throughout the country. Sadly, last Sunday, three U.S. Marines learned about the danger of landmines first hand. They were all wounded when one of them stepped on a mine.

Last September, I, along with 50 of my colleagues, sent a letter to Chairman Regula urging him to restore the $5 million in funding for the landmine victim assistance partnership between the landmine Survivors network and the Centers for Disease Control and Prevention.

I was happy to learn that $12 million has been restored and this program will now be able to reach the 26,000 casualties that will happen in just this year alone.

Innocent civilians are threatened by landmines each day. While our Government has

worked to help those victims, much more needs to be done.

Mr. FORBES. Mr. Speaker, I rise in strong support of this resolution, H. Con. Res. 273, reaffirming the important relationship that the United States and the Philippines have shared for more than a century.

The Filipino people have been our friends for many years, and in today's war against terrorism they are one of our most steadfast allies. The Filipino government immediately voices its support for our efforts in Afghanistan and, more importantly, has allowed our armed forces to use its military installations for transit, refueling, resupply, and staging operations that are vital to our success.

Further more, the Filipino people are keenly aware of the destructive nature of terrorism and the necessity of routing this evil from our world. For years, they have lived with the danger of terrorist threats form many groups, including the Communist Party of the Philippines, the New People's Army, and the National Democratic Front. But, no threat is as great as that which they face from the radical Abu Sayaff group, which has ties to Osama bin Laden and the al-Qaeda network.

Abu Sayaff has engaged in bombings, arson, kidnapping, and hundreds of other acts of terrorism with increasing frequency. Earlier this year, in fact, they kidnapped three American citizens along with several Filipinos. They murdered one of those Americans, and the other two remain in captivity to this day. Our Filipino friends have stood by us since the attacks of September 11th, and we should stand by them as they face this same threat.

Mr. Speaker, I am proud to be a friend of the Filipino-American community and I encourage my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 273.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF MEASURES TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON WEDNESDAY, DECEMBER 19, 2001

Mr. ROYCE. Mr. Speaker, pursuant to the notice requirements of House Resolution 314, I announce that the following measures will be considered under suspension of the rules on Wednesday, December 19, 2001: H.J. Res. 75; H.R. 2739; H.R. 3275; S. 1714; H.R. 2657; H.R. 2199; S. 1762; S. 1793; H. Con. Res. 279; H.R. 3507; and H.R. 1432.

HONORING RICK MORGAN

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

Mrs. CAPITO. Mr. Speaker, I rise today in honor of a constituent of mine, Mr. Rick Morgan. I have the pleasure of knowing Rick personally, and I am proud to recognize him because tonight Rick will be carrying the Olympic torch and lighting the caldron in Charleston, West Virginia.

In service to our country, Rick Morgan has sacrificed much. While attempting to save the life of a Marine during the Vietnam War, he was caught in a land mine explosion that took his left hand and left leg. After the war, Rick returned to his hometown of Charleston, West Virginia, and has worked for the brokerage firm of Salomon Smith Barney for the past 32 years, very successfully. Today, he is the senior vice president of sales.

Rick is an avid swimmer. He bikes, he sails and he skis. His very active life is proof that Rick has the ability to overcome any challenge and any obstacle with which he is faced.

Rick is a steadfast rock of our community. He goes out of his way to help others, serves as an inspiration to his fellow West Virginians. His determined approach to life is impressive and truly embodies the Olympic spirit.

I cannot imagine anyone more deserving of this privilege of carrying the Olympic torch to our home State of West Virginia. I am honored to commend Rick Morgan and wish him all of the best tonight.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

TRIBUTE TO SETON HALL COLLEGE NATIONAL EDUCATION CENTER FOR WOMEN IN BUSINESS

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

Mr. MASCARA. Mr. Speaker, I rise today to congratulate the National Education Center for Women in Business at Seton Hall College for 10 years of dedicated service to women entrepreneurs in southwestern Pennsylvania and across this Nation.

The center, located in Greensburg, Westmoreland County, Pennsylvania, began in the late 1980s as a resource for women launching their own businesses. It offered advice, assisted with business plans and connected aspiring entrepreneurs with small business development centers.

Over the last 10 years, the center has evolved into a nationally recognized one-stop clearinghouse, complete with research, online resources and educational programs for budding entrepreneurs as young as 14.

The center's initiatives include Camp Entrepreneur, which brings together teenagers for a week-long session on entrepreneurial skills; ATHENA PowerLink, which links business professionals with new women-owned businesses; and e-magnify, an on-line business resource center. Since it was launched 20 months ago, more than 1 million visitors from 25 countries have used the e-magnify Web site.

Mr. Speaker, I have some interesting statistics as they relate to the impact women have made on business. Women make up 46.5 percent of the U.S. labor workforce. More than 49 percent of managers and professionals are women, and 12.5 percent of Fortune 500 corporate officers, 4.1 percent of Fortune 500 top earners and 1.2 percent of Fortune 500 CEOs are women.

Furthermore, figures released in April of 2001 show that women-owned firms totaled 5.4 million and generated more than $819 million in receipts.

Mr. Speaker, I know the entire House of Representatives joins me in commending the National Education Center for Women in Business for helping to increase the number of women business owners.

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

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

THE IMPORTANCE OF AN ECONOMIC STIMULUS PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. Royce) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROYCE. Mr. Speaker, I will not take 60 minutes in order to lay out my argument for the importance of a stimulus package, but I did want to take a few minutes in order to explain to the Members of this body and to the people of the Nation that the attacks on September 11 were also an attack on our economy. It hit our economy hard.

According to the Bureau of Economic Analysis, they do a report, and they found that the U.S. economy constricted in the third quarter after that attack by .4 percent. That is the biggest constriction of economic output in more than a decade. In addition to that, household consumption grew hardly at all and business investment plummeted as a consequence, and most of the data before the September 11 attacks and the fourth quarter could prove to be quite a challenge for the United States unless preventive and decisive action is taken now by this body of Congress.

Congress needs to pass legislation to stimulate the U.S. economy, and it needs to address the issue of providing needed help for those displaced workers who have frankly lost their jobs as a result of this economic contraction. How many Americans have lost their jobs? The latest estimate was 800,000. Eight hundred thousand Americans have lost their jobs since President Bush called for an economic stimulus package, and we heeded that call on the House of Representatives side.

We passed an economic stimulus bill quickly over to the Senate in order to promote job creation, in order to help displaced workers, and since that time, the other body has failed to act.

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According to the Council of Economic Advisers, the bipartisan framework that we are trying to push for the stimulus bill would save 300,000 American jobs that otherwise would be lost. For months important legislation, however, over in the Senate has been stalled. It has been delayed. It has been sidetracked. The holidays are upon us now; time is running out. A majority of the Senate, frankly, is on record saying that they support the President's bipartisan framework for job creation and displaced worker assistance, but it is time for the Senate leadership to act.

There have been some new concessions last week from the White House, and I think that indicates that President Bush is willing to go a long way in compromising with the Senate, and the reason he is willing to do that I believe is because he wants to help our economy. In the meantime, what is the Senate leadership doing?

There on the other side of this building we see a push for simply more and more spending. Earlier this week the President proposed to break through the logjam over the economic stimulus bill. Key elements of the bipartisan framework proposed by the President include the following: tax cuts for low- and middle-income workers; providing tax rebate payment of up to $600 to low-income families struggling to make ends meet; lowering the 27 percent tax rate to 25 percent because that would provide 36 million hard-working American taxpayers with tax relief, and that would create more economic activity.

Lowering the 27 percent tax rate, as a matter of fact, would provide relief to 10 million small business owners, and that would help in business expansion. Allowing all businesses to immediately deduct 30 percent of the cost of new investments for 3 years, in other words, speeding up that depreciation that businesses are able to take if they buy new equipment, well, that significantly reduces the cost of new business investment. It creates a climate where businesses go out and purchase new equipment. So particularly in capital-intensive sectors such as in manufacturing and in telecommunications, this provision is very important.

So we have in that bill a lot of provisions that would create economic activity, would create jobs. At the same time, the bill has relief for displaced workers. It provides an additional 13 weeks of unemployment assistance to workers who have been laid off since the recession began last March.

These extended benefits would be financed completely by the Federal Government, and the Federal Government basically would turn over to the States $4 billion in Federal aid to expand benefits to additional displaced workers such as part-time workers, and it would provide $3 billion in national emergency grants. Because they would go through an existing program, these funds would be available immediately to help workers. It would be done in a matter of weeks, if we could get the Senate leadership to move this bill.

Helping unemployed workers keep their health insurance by providing an innovative new tax credit up to $3,500 a year would also be helpful. Workers would be able to keep their health insurance regardless of whether or not they have COBRA under the bill. And the bill would be speeding relief to workers by cutting red tape. Unlike some proposals considered by the Senate, the President's framework does not require State legislation or State matching funds to provide coverage. So as a consequence of that, the assistance gets rapidly to those who need it most. Investment and consumption must be reinvigorated through these types of actions to provide some tax relief; and it is not through indiscriminate government spending increases, as some of the Senate leadership have been pushing for, that we will find a way to provide the economic stimulus for the economy.

As President Bush noted, the best way to stimulate demand is to give people some money so they can spend it. So let us start putting more money back into the taxpayers' wallets. I would make the observation that this House of Representatives has done its job, and that the other body should do the same.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON), who has joined me here today in order to try to call attention for the need for the stimulus bill to be passed out of the Senate, and for us to reach an agreement and to get that agreement to the President's desk soon.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I point out that I am wearing my Christmas coat. Actually, it is not completely Christmas, it is a Georgia Young Farmers coat. I know the gentleman from California (Mr. ROYCE) has been very sensitive on many agrarian trade issues. This is being worn tonight because it is Christmas time; and traditionally Congress adjourns in October. In fact, it is always a goal of mine to try to get home by October 31 so I can go trick or treating with my children.

But I am wearing this red jacket because it is Christmas and we are in Washington, D.C. Members have to ask why are we here? Is it because of the war? Truly, the situation in Afghanistan following the September 11 tragedy has been a major part of our fall agenda. The other thing is while the President and Secretary of State and Secretary of Defense and the armed services have all been leading the way in Afghanistan fighting the war, it appears that the people in the opposition party, the loyal opposition to President Bush, have been busy undermining his domestic agenda: the energy package; the Patients' Bill of Rights; and of course the economic jobs creation stimulus package. That has not been able to move, and here we are practically Christmas Eve still pushing for President Bush's agenda.

I believe with a war going on that the President of the United States is entitled to move his agenda. This stimulus package, which will create jobs, allows American people to hold on to more of their money. It is an absurd thing that in Washington, D.C., college-educated people actually think that they can spend the taxpayers' hard-earned dollars better than the taxpayer who earned the dollar can.

I think about some of the laid-off workers. If they did have their job, they would be going out buying Christmas presents. They would be buying bicycles and clothes and bedspreads and pillows. I went to K-mart with my children this past weekend, and I want to say if Members want to expand your shopping list, go shopping at K-mart with a 13- and an 11-year-old. It takes 3

hours to walk down one row of the toy section.

That is what consumers do with their money. They decide what they are going to spend their money on. On the other hand, if you take that money away from the consumer, what happens is 435 Members of Congress, 100 Members of the Senate, decide where they should spend your money. It ends up with a bigger government. Switzerland, France, and Japan have had recessionary problems. Japan, for example, has had recessionary problems for 12 years. Japan's approach to the economic stimulus package was expand government, spend more money.

Ireland, on the other hand, took the opposite approach. They went back to macroeconomics 101 and said wait a minute. We probably do not know how to spend the money of all of the millions of people who live in this great country. Let us give it back to them and let them decide where the money can be best spent and the jobs created. As a result, Ireland was in recession the least amount of time of any European country. And today, it has gone from one of the weakest economic countries to one of the strongest.

Meanwhile, Japan 12 years of recession; France, Switzerland, mediocre recoveries, nonexistent recoveries. And yet the Democratic Party wants to follow the model of Japan, putting us in recession for more months and more unemployment.

Mr. ROYCE. Mr. Speaker, reclaiming my time, the gentleman is saying in those economies overseas where the government actually focused on expanding the private sector, rather than expanding government, the public sector, that in those economies, unlike France where socialism was tried as a way to get out of the economic problems, and the unemployment went up, up, up, that where the focus is on incentives to encourage investment in the private sector, and the creation of new businesses there, that those economies recovered most rapidly when they were in economic downturn?

Mr. KINGSTON. Mr. Speaker, absolutely. History shows this over and over. Government helps the most when the government does not take the money away, but leaves the money with the bread winner and says you spend that money.

My 16-year-old son works at the Piggly-Wiggly making a paycheck. He will buy gasoline for his truck and CDs. And tonight he is taking his girlfriend out to supper. It is their 1-year anniversary. He is going to take her out to a nice restaurant. When he does that, what is going to happen is the chef is going to have a job. The waitress is going to have a job. The owner is going to have a job. The cashier is going to have a job because John Kingston is going to be joined by hundreds of other Savannah, Georgians going to that restaurant. And because he has money in his pocket, he is able to do that.

If we say, instead of taking out 20 to 30 percent of your taxes, we want 40 percent because Senator DASCHLE and the Democratic Party knows how to spend your money better than you, he is not going to go out. The Democrats are going to spend it their way, not the way of the American consumer.

Mr. Speaker, did these Members take economics? Most are college educated, but did they miss economics? We see it over and over again.

Mr. ROYCE. Mr. Speaker, I think the gentleman is probably right, history does record when there are incentives for job creation in the private sector, that is when real jobs are created.

One of the provisions in the House bill that we passed over to the Senate was one that would allow when small business entrepreneurs buy new equipment, to take your example, the restaurateur, if he expands and puts in a new broiler, he would be able to deduct that expenditure more rapidly. He could depreciate that over 3 years. So as a consequence, there is an added incentive in this bill for business to go out and purchase equipment. That helps create more jobs in the manufacturing sector.

We have been joined by the gentlewoman from New Mexico (Mrs. WILSON); and I yield to her, as well, so she can bring some attention to the issue that we are focused on tonight, which is what we can do to help move this stimulus bill and try to get it on the President's desk, and why it is important to get the economy moving.

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Mr. KINGSTON. Before the gentleman from California yields to the gentlewoman, I just want to point out, I am disappointed that she did not wear her Christmas wardrobe. But do not worry, if the other body, led by the Democrats, has its way, there will be plenty of other opportunities for her to wear her Christmas wardrobe, because there will be a lot more opportunities to be up here and try to get them to actually do something.

Mrs. WILSON. I thank the gentleman from Georgia and also the gentleman from California for inviting me here. I have to say to the gentleman from Georgia that in New Mexico we have a State question. Our State question is red or green? My answer is usually green. For those of you who do not come from the West, we will explain that later. It is certainly not that color red, Mr. Speaker.

I think we are going to do something here in the House tomorrow that is very important for this country. The House passed on October 24 an economic stimulus bill, which was a good bill. I did not support everything in it, but we decided we were going to move things forward because we needed to help people keep the jobs they have, create new jobs, and help the families of those who are unemployed through no fault of their own during this slowdown to make it over the hump with unemployment insurance and health care.

Tomorrow, the House, without any further action from the Senate, will probably pass another economic stimulus bill to say, you know, we are determined to do this. We are going to make another huge effort to do this in the House and leave it up to Senator DASCHLE to decide whether or not he is going to move forward. We will give him a great bill that no American, when they look at it in any reasonable way, could object to. I think they have come up over the last couple of days here with a really good bill. There is a rebate portion of this bill for low-income folks who did not owe taxes last year.

When we had all the rebates last summer, there were some folks who did not pay taxes so they did not get a rebate. If you are a single person, you get a $300 rebate; if you are a head of household, you get a $500 rebate; if you are a couple, you get a $600 rebate, even if you did not pay any taxes at all. That will put money in the pockets of working Americans and those who are trying to make ends meet and will help to stimulate the economy. That would have an immediate stimulative effect on the economy from consumers of almost $14 billion over the next couple of months.

Individual income taxes. Most Americans are middle class, between $27,000 a year up to $60,000 a year. We know we are going to reduce the income tax bracket there. We are going to come down to 25 percent. We have already passed that legislation. It is going to phase in in 2006. Let us do it earlier. Let us get money in the pockets of taxpayers starting the 1st of January, with that first check, so we want to accelerate that. That will have an immediate, about $12.8 billion stimulative effect in that first year, next year.

A lot of people have lost money in their IRAs. They have lost money in their investment accounts. We need to expand the capital loss provisions, so that they can write off more of those losses. Right now it is limited to $3,000. It needs to be expanded to $5,000 so the pain of that loss in the stock market can somehow at least be written off a little bit on taxes. There are some very important things in there for individuals, for low-income and medium-income families, to have an immediate stimulative effect on the economy.

Then we move into business. I think there are some great things in this proposal that we are going to pass here tomorrow with respect to American business, particularly small business. Let us face it, that is where the jobs come from. That is where three out of every four jobs in the last decade have come from. We want to get small business back out there saying, hey, let's buy that capital equipment, let's get the new cement mixer, let's get the new computers for the office and let's do it now.

In this proposal that we are going to pass tomorrow, it says, okay, if you go out and buy new equipment, you get to

expense that, 30 percent in the first year, then you depreciate the rest of it, if you buy equipment in the next 36 months. So it says, get out there and do it now. As a small businessperson, I was in a small business when we bought computers for the whole office one year. That was a big cost.

Mr. KINGSTON. If the gentlewoman will yield, I want to talk about that because I think that really shows the difference between the Republican approach that puts people first or the Democrat approach that puts government first. Because what the government program as being pushed by the Senate would do is they would go into that, say, concrete business and say, ''We're going to buy you new trucks.'' Well, the owner of that might say, ''We don't need new trucks. We need some new computers. We might need a new office building. We may need some new employees. We may need some of the tools that are related to it. It's my money. I tell you what, why don't y'all stay in Washington and let me decide where to put it. Don't take my money away from me and then tell me you know how to spend my money.''

It is exactly as the gentlewoman said. As a small businessperson, one year you needed computers, but that does not mean you needed them every single year. The next year you probably had another need. But you could only make that decision in New Mexico, not in Washington, D.C. It is just such a fundamental difference between the Republican/Bush package and the liberal pro-government package being advocated by the other body.

Mrs. WILSON. One of the great things about it is if you are a small businessperson and you buy all those new computers, when you do your taxes at the end of the year, you cannot write them all down as an expense. So you end up paying taxes on money you do not have in your bank account because you just bought all those new computers. When I was in small business, you could only say that $10,000 of that was an expense this year when you are doing that whole income and expenses. What we would do is say, hey, up to $35,000, write it off as an expense, and if you buy a new piece of equipment for your business, 30 percent of it off the top onto your expense line this year. That will really encourage the investment to create jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The Chair would remind Members not to characterize actions of the Senate or its Members.

Mrs. WILSON. So I think this bill that we are coming up with has the components we need: Encouraging capital investment, particularly in small business. It has real tax relief and encourages and restores confidence among consumers to get out there and go to Wal-Mart, finish out their Christmas shopping, and it has unemployment insurance extenders and tax credits to cover health insurance for people who have lost their jobs through no fault of their own. Our proposal on that, I think, is a much stronger proposal than anything that has been put forward elsewhere. This is a very good package for stimulating the economy. I am glad we are going to pass it through this House.

Mr. ROYCE. Reclaiming my time, I yield to the gentleman from Arizona (Mr. HAYWORTH) for his observations on the need to get this economy moving again and what we should do to take decisive action and get it to the President's desk.

Mr. HAYWORTH. I thank my colleague from California. It is good to be here on the floor of the People's House with my neighbor from New Mexico and my festively decorated friend from Georgia.

Mindful of the admonition of our good friend from South Carolina, the Speaker pro tem this evening, let me try to set this up perhaps in the abstract. But before I do, let me amplify a point made by my good friend from New Mexico. Let me salute the efforts of the chairman of the Committee on Ways and Means who, in a good faith effort, has really worked to find common ground and some form of agreement. But especially since the rhetoric in this town is filled with talk of compassion for those who are out of work, Mr. Speaker, as we note in the wake of September 11, at least three-quarters of a million people in the workforce, perhaps now the number exceeds 1 million people in the workforce, are now without jobs that they had prior to the attacks on September 11, I believe we should especially emphasize the ground-breaking work done this weekend by the chairman of the Committee on Ways and Means to expand the opportunity for health insurance for those who find themselves out of work.

The choice we have is this, and it applies to what my friend from Georgia said earlier: Are we only going to use a government framework to reach some of the people out of work? Or are we willing to expand the universe through refundable credits in advance for the purchase of health insurance, whether you are self-employed or working for a small business? I appreciate the gentlewoman pointing out that three out of every four jobs comes from small business.

Mr. Speaker, it leads me to believe we, perhaps, ought to change the name from small business to essential business, because that is where most of the jobs are here in America. And, yes, also be mindful of those about whom we read in the paper who may be employed by larger corporations where the layoffs in magnitude seem to be great, but to have the versatility to apply to everyone so that they may, in fact, purchase health insurance and to make the Tax Code work for them so that they can go into the marketplace, not dependent on a corporation or a larger business with 50 or more employees that must adhere to the COBRA policy, noble in its intent, though restrictive on the number of people it can cover, what we will pass on the floor of this House tomorrow will expand insurance benefits for the very people that many in this town, some of them located on this Hill, say they want to help. That opportunity will come tomorrow.

I must tell you, Mr. Speaker, mindful of your admonition, I am somewhat perplexed, and let me take this in the abstract. When two groups come together to negotiate in good faith and reach a compromise, typically they follow time-honored traditions. Typically those involved in the negotiations are those with the power of, let us say, for instance, speaking hypothetically, committee chair, and with other members of leadership, and this is any organization, Mr. Speaker, I am not confining my comments to the legislative process in the United States, but typically there is a small group that works to try to achieve common ground. How, to use a term that seems to be very relevant, used by some on this Hill, how disappointing it is to see some add a new level, where they say, oh, no, before there can be meaningful policy changes, it must be approved by a supermajority of like-minded individuals.

Again speaking in the abstract, not referring to the other body but speaking in the abstract, when you set up that type of limitation, you set up, in essence, a small group of people who can serve as obstructionists.

The question is this: Are we willing to move forward to help the people always mentioned who are out there hurting, Mr. Speaker? Or will we see the temptation to succumb to machinations and politics supersede the public good? That is the choice every elected official must make and that is the choice the American people must make, Mr. Speaker.

Mr. ROYCE. Reclaiming my time, I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding. I listened to the very eloquent, passionate peroration of my friend from Arizona. I want to put this in perspective.

What he is saying, and I know he did not serve in the Arizona legislature, but had he served in the legislature of Arizona and he were a House member and then the Senate of the legislature of Arizona, he is saying what would happen is the House would set up a conference committee and the Senate would bargain in bad faith, and every time you would go together, there was always this kind of gentlemen's agreement that you would not need a supermajority, say, 60 votes in the Senate, you would only need 51 if there were 100 members of the Arizona Senate.

So what he is saying is if the Arizona House works real hard and passes a plethora of legislation, such as an energy bill or a health care bill or an economic stimulus bill and then the Senate of Arizona does not pass that, then they get stuck in this session forever.

Mr. ROYCE. Reclaiming my time, there are some additional pieces of legislation that I think all of the Members of this body have an interest in that have passed over to the Senate that we would like to see the Senate take up. We are near the end of the year. I just think besides the stimulus bill, besides the energy bill, I should take a moment and mention the Small Business Paperwork Relief Act, the Made In America Information Act, the Maritime Policy Improvement Act, the Veterans Hospital Emergency Repair Act. We hope the Senate will take that up soon. The Small Business Interest Checking Act. Many of these bills passed out of the House in March and April of this year. We would like to see the Senate, before adjournment at the end of this year, pass out these bills. The Foster Care Promotion Act. The Small Business Liability Protection Act.

I think I speak for many of us here when we say we think this is very important, especially in this environment we find ourselves in today.

□ 2045

There is the 21st Century GI Bill Enhancement Act, which we passed out of the House in order to make it easier for our veterans upon returning to go to university. We would like to see the Senate take up that bill. There is our bill to extend automobile safety programs for children, our National Science Education Act that we passed out of this body in July. Our bill to make improvements in math and science education, we would like to see the Senate schedule that for floor action.

Our Veterans Benefit Act that we passed out of the House of Representatives, we passed that out in July as well and there has been no Senate floor action. The Juvenile Crime Control and Delinquency Prevention Act, we passed that out of the floor here in September, and still no action by the Senate. There is the Homeless Veterans Assistance Act that we passed in October; the Higher Education Relief Opportunities for Students Act; the Bioterrorism Enforcement Act. These are all bills which we have passed out of the House.

But today we are specifically focused on the stimulus package, because we are concerned about these reports of 800,000 Americans who have lost their jobs. We have passed out legislation. The President has asked for that legislation to reach his desk.

Mr. Speaker, I would like yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Speaker, I thank the gentleman for yielding.

Of the four of us, I do not think any of us really live here in Washington, DC. We live at home and we commute to Washington, DC. Maybe that is one of the things that is different for us, is that we have friends and neighbors who either have lost their jobs or who are worried about losing their jobs.

Our top priority is to make sure that this recession that we are in, this terrorist-induced recession, is as short and as shallow as possible. This means we have to get back to growing jobs. We have very low-interest rates, but we need to do more. We need to help secure the jobs we have; we need to get back to the growth of jobs and make sure that people have a new job to go into. The bill we will pass tomorrow helps people over the hump.

I am very impressed by this potential compromise, really, on health care. I think it is a real pragmatic approach that covers more people than any of the proposals that I have seen thus far. It says if you are from a really big employer, and there are not that many in the State of New Mexico, but if you are covered by what is called COBRA, you can use that credit, it is not even something you have to pay for up front. It is like a voucher, to go for what your employer's plan was and to cover your health insurance that you had with your former employer.

If your former employer was not covered by COBRA but did have a small health insurance plan, you could use it for that. Or you could take that voucher, and it is based on the average amount of the cost of health insurance in your area, and you could take it down to Blue Cross and Blue Shield if you thought that you could get a better deal there. Even for people that do not have employer-sponsored health insurance but have been paying it out of their own pocket and have lost their jobs, it helps them too.

So this idea of making sure families make it over the hump and extending the unemployment insurance, I think this is a really hard bill to explain. Why do we not just pass it and get it to the President's desk? I think that is what the leadership has decided to do. We are going to pass something that is almost impossible to even, say, criticize, to give immediate stimulative effect to small business, to create more jobs, to restore confidence in the markets and help people over the hump and say we have done the best we can. We have a great bill here. Let us get this to the President to help Americans.

Mr. ROYCE. Reclaiming my time, I would like to yield to the gentleman from Georgia (Mr. KINGSTON) for his observations.

Mr. KINGSTON. I think it is interesting that one of the emerging national leaders is a Democrat Senator named ZELL MILLER. I am very proud that we have that kind of leadership from Georgia, because in Georgia you always try to, when I was a member of the legislature, House member, you always tried to put Georgia first, and you believed that the person on the other side of the table, Democrat or Republican, felt the same way; that, yes, you want to get in your partisan licks and make your party look a little better than the other party, but at the end of the day, it was Georgia that mattered.

When I came up here, I was shocked to see that there were people who would actually put party above policy above country. Now, maybe they did not put it that way, but the result is often that way, that party gets in the way of what is best for the United States of America.

As the gentlewoman from New Mexico (Mrs. WILSON) said, because the four of us go back home to New Mexico, Georgia, Arizona and California, we have friends who have been affected by this recession, real people and real faces, who do not have a job anymore.

To come up here week after week and have a group not want to pass an economic recovery jobs creation stimulus package is distressing, because you have to wonder, is it not in the best interests of America? And maybe you do not like George Bush's approach, but come up with your own. Vote on another one.

We understand. That is why we have two parties. That is why we have 435 Members over here and 100 over there, because we are supposed to have different ideas. But do what is best for the United States of America. Give that to the American people as a Christmas present.

Mr. ROYCE. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend from California.

To hear my colleagues express really a point of view that has been amplified by our President, to try and change the culture of Washington, and people can have different political philosophies, and we certainly champion that, and we champion the notion of debate, but at this point, on this night in December, in the year 2001, as Christmas fast approaches, to know that there are 1 million workers out of their jobs because of an economic slowdown that was exacerbated by the heinous attacks on our country, to not move to offer economic security and hope, is to deprive those people of the very compassion that so many claim to champion. It is especially callous at this time of year.

Mr. Speaker, I am fond of the observation Mark Twain offered. ''History,'' wrote Twain, ''history does not repeat itself, but it rhymes.''

As I read the new biography of Theodore Roosevelt, I am reminded that a century ago a body in this institution, one of the two Houses, Mr. Speaker, I will leave that up to a guess so that I am not admonished, one of the two Houses failed to act. President Theodore Roosevelt called that body, what some refer to as the world's most exclusive club, back into session.

Mr. Speaker, I would suggest to the President of the United States, if for reason of simple inertia and inaction a certain group on this Hill fails to act, I would hope the President of the United States would call that body into special session the day after Christmas to deal with the slowdown and to help Americans who are hurting. Because now is the time to move past playing politics. It is time to put people ahead of politics.

We are in a war, we are faced with economic slowdown, and now is the time for all Americans, especially those of us vested with the public trust, having sworn to uphold and defend the Constitution of the United States against all enemies, foreign and domestic, now is the chance for our Commander in Chief on the domestic front to signal the seriousness of his intentions, should there be continued inertia and inaction from whatever quarter on Capitol Hill.

Mr. ROYCE. Mr. Speaker, reclaiming my time, the gentleman talked about acting expeditiously. I would just like to quote President Bush on that issue. He was asked last week, and he said, ''You know, the terrorists attacked us, but they did not diminish our spirit, nor did they undermine the fundamentals of our economy, and we believe if we act expeditiously, that those fundamentals will kick back in and people will be able to find work again.''

The subject we are focused on tonight is taking action expeditiously, moving quickly. Our hope is as we again bring a stimulus bill tomorrow before this House of Representatives, that the Senate will take action as well.

I am going to yield to the gentlewoman from New Mexico.

Mrs. WILSON. I thank the gentleman from California.

You know, folks who may be watching this tonight probably sense a certain amount of frustration. It is kind of common around here when we work so hard and we get legislation passed, and this government was not set up to be efficient, but in times of national crisis, we have to set some things on the side and find the common ground and move forward on things that make sense and that are pragmatic and that are doable and do it quickly.

So we passed one stimulus bill on October 24, and it was a pretty good bill. But some people wanted to throw arrows at it, and they could not get it through the Senate and so forth.

So we are going to pass another one. It is going to be one that is really hard to criticize in any way. It is going to take care of families who are unemployed, put some money back into the economy through small business, put money in the pockets of consumers, and two-thirds of spending in our economy is consumer spending. The Christmas season is the biggest time for that.

So we are going to do a second bill so that maybe, just by motion, we can get this down to the President of the United States. Last July and August when we passed the last tax relief bill to try to jump-start our economy, we knew we were on the edge of a recession. Everyone was hoping that that recession would have a soft landing. I think those were Greenspan's words. He talked about a soft landing. But we did not have a soft landing. What we had was a terrorist attack on our largest city and on our Capital that knocked us off our horses. Now we have to get back up on our horses and provide some confidence to the American people that restoring this economy is a priority of this government, that we are going to do everything we can to make this recession short and shallow and get back on the path to growth.

In some ways, the symbolism of what we do is sometimes almost more important than the substance of what we do. It is for people to restore confidence in their government that we care about this economy, we care about them, and we are going to do everything we can, and restore confidence in people and the markets.

Mr. ROYCE. I am going to yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I wanted to just get back to the Japanese experiment, because there seems to be some folks that believe in that government-knows-best socialism that we see all over the globe; and unfortunately, it creeps into many of the philosophies and offices in Washington DC.

In the period from 1982 to 1991, when the Japanese Government had limited its size by limiting its spending, it had some of the greatest growth in the world. At that time, the average growth of the world economy was 3.3 percent. The growth of the United States economy during 1982 to 1991 was 2.9 percent. Japanese led at 4.1 percent. That was in the day everybody was bullish on Japan. But a funny thing happened on the road to success. Throwing all that which made them successful away, the Japanese Government decided that they would increase the size of government spending; and in the period from 1992 to the year 2000, the Japanese growth rate fell from 4.1 percent to 1 percent.

During that period of time, the world's economy, the economic growth, was about level, 3.4 percent. The United States, which had reduced its government spending, was at 3.8 percent. But Japan, because they had a government that went on a spending binge and a taxing binge, their growth fell.

Yet we have those in Washington, DC. who cannot learn that lesson. They want to go out and create a bigger government as the solution to the recession, and that is not going to help us one bit.

Mr. ROYCE. I am going to yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my friend from California, and I appreciate the insights of my colleagues here tonight.

Mr. Speaker, just another cautionary note. Sometimes we get caught up in the slang of Washington, and we have spoken about this in the inevitable legislative and policy shorthand that somehow tends to lose what this is about when we talk about an economic stimulus package, as if this is some sort of theory that is subjected to a graph and a curve and all of the trappings of theoreticians.

□ 2100

Mr. Speaker, I would suggest nothing could be further from that. We are talking about real people with real families facing real problems. And in the give and take of different ideas, honestly expressed, we are gathered on the eve of bringing back to the floor a piece of legislation incorporating many ideas from many different sources in the truest spirit of compromise and consensus in a groundbreaking way, in terms of health care, to expand opportunities for those who find themselves without jobs. Mr. Speaker, what we are talking about is economic security and future opportunity. Mindful that people are hurting, we understand the need to expand unemployment benefits, but as surely as we do that, Mr. Speaker, we also understand this, that I hear in the sixth district of Arizona, and I know my colleagues hear in California and Georgia and New Mexico, that we hear from across the country, when given a choice, the American people appreciate the safety net of an unemployment check, but they would much rather have a paycheck. And what the gentleman from Georgia refers to is something we have seen time and again with presidents of both parties, whether it was John F. Kennedy in the outset of the 1960s or Ronald Wilson Reagan in the outset of the 1980s: when we reduce the tax burden on the American people, whether on Wall Street or on Main Street on our Your Street, when we open up opportunities to save, spend, and invest, there is growth. There is opportunity. There is hope. And there are paychecks and economic prosperity that comes into being for the American people.

So what we talk about is not some stimulus in almost a Boris Karlof-like laboratory in a black and white film; it is not an abstraction. It is real help for real people and a real opportunity to come together, if those who seek to stultify and strangle the process will but step away from the cynical games of Washington and put people in front of politics.

Mr. ROYCE. Mr. Speaker, reclaiming my time, I think we did see that the Kennedy tax reduction spurred an economic growth rate of between 4 and 5 percent. When President Reagan reduced the effective tax rate and when Congress reduced that rate in response to his plan, the economic growth rate was over 4 percent a year.

What we are talking about in this bill that the President has put forward is a compromise measure that will provide tax rebate payments of up to $600 to low-income families who are struggling to make ends meet; it would lower the 27 percent tax rate to 25 percent that would affect 36 million hard-working taxpayers and give them relief. This compromise measure would help small business by allowing them to deduct 30 percent of the cost of new investments over the next 3 years. That would put a lot of money into purchasing new equipment in order to

keep those jobs in manufacturing going. And then, it provides an additional 13 weeks of unemployment assistance for workers who have been laid off since the recession began, and $4 billion in Federal aid for benefits for those who are part-time workers. That goes to the States to help them with their program.

Lastly, it helps unemployed workers keep their health insurance by providing an innovative new tax credit worth $3,500 a year, and workers would be able to keep their health insurance. As the gentlewoman from New Mexico mentioned, whether or not they have COBRA, they would be allowed to keep their health insurance with that plan.

So it is a balanced proposal. It also has some compromises in it in order to make certain that it addresses the Alternative Minimum Tax, and I think that with that compromise, when we bring it up tomorrow and pass that out to the Senate, our hope is that the Senate will act quickly.

Let me yield to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I thank the gentleman from California for yielding to me.

There are some other good things in this bill that we have not mentioned that I know are important to some businesses. The research and development tax credit will be extended, and that has been very important when we look at creating and investing in new jobs, particularly for the next generation of technological innovation. The work opportunity tax credit, a wonderful way to get people off of welfare and back to work, as well as the welfare to work tax credit. All of those are going to be renewed and extended in the bill we are going to have on the floor tomorrow.

Mr. ROYCE. Mr. Speaker, if I could ask the gentlewoman, how successful have those welfare to work programs that this Congress passed, how successful have they been?

Mrs. WILSON. Mr. Speaker, I think the gentleman from Arizona is right. Most of the people that I talk to would much rather have a paycheck than an unemployment check or a welfare check. They may need a different approach to help them to get back to work in getting the training they need and the support for child care and transportation and those things, but they are much happier with a job to go to and being role models for their families and for their children.

Mr. ROYCE. Mr. Speaker, if I could reclaim my time for a moment, I think extending those credits and ensuring that there is participation in those programs is so important. We have seen a reduction over the last few years of 40 percent in the welfare caseload. Part of that has been legislation that has ensured welfare to work, and part of this legislation will ensure the cooperation of businesses in assisting in that effort.

Mrs. WILSON. Mr. Speaker, if the gentleman will yield, sometimes it is hard to get one's arms around how much impact we are really talking about here. But this bill is designed to have an $86 billion impact in the American economy in the first year alone, and $150 billion over 10 years. So over half of the economic impact is up front, at the front end. Actually, over half of the total impact is in things that are intended to stimulate the economy, and the other part is to help people over the hump. So it gets money in people's pockets. It is going to help businesses to encourage them to invest in new equipment and create new jobs, grow new jobs, restore confidence in the American economy, and comes up with two very unique compromises I think with respect to health care and, of course, extending unemployment insurance. It is retroactive to anybody who has lost their job back to March.

I remember just after the attacks in September, going back home to Albuquerque and talking to people there and I always ask now, I say, how are things going, how is business going? They were laying people off at the rental car companies. Tourism and travel has been really decimated by these attacks. It is not just large airlines. It is the hotels and the motels and the rental car companies, all of those folks who lost their jobs already, even back to March when, technically, the recession started.

They are going to be eligible for extended unemployment benefits if they cannot find a job and we are going to have to accept that in this time of a slowdown, it is probably going to be a longer time period between the time one gets laid off and when one starts the new job.

I know the gentleman from Arizona has worked hard on the Committee on Ways and Means, as have other Members of this House. The leadership has really come up with a very good compromise proposal. I think the House just needs to pass it. We need to move on.

Mr. ROYCE. Mr. Speaker, I will yield first to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I will just make a quick point. Very quickly, picking up on what the gentlewoman from New Mexico said, this bill incorporates a variety of different opportunities in what we call tax-slaying extensions, taking advantage of opportunities and credits already existing in terms of research and development. The gentleman mentioned welfare to work and work opportunity tax credit. I would be remiss on behalf of my constituency if I did not mention the extension for the first Americans, for native Americans, who find themselves, as we understand, so often left behind.

Now, as we seek to revitalize tribal economies and economic opportunities there, there are provisions that have been included in this bill that are good for Oklahoma, and the gentleman from Oklahoma (Mr. WATKINS) has been an unfailing champion on this. We are pleased to include that in this bill so that no American is left behind. Opportunities are there for all. I thank the gentleman from California.

Mr. ROYCE. Mr. Speaker, reclaiming my time, I will yield to gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I just want to reiterate, the theme here is: would you rather have a paycheck or an unemployment check? Would you rather be independent or dependent?

These tax credits, these investment credits create jobs. Yesterday I was with a friend of mine named Kevin Jackson. He owns a company called Envirovac. He has about 400 people on his payroll. They go into factories and do maintenance. He says every factory that they visit right now is flat because they are laying off people in this recession. This jobs creation-economic stimulus package will turn it around. Again, we are talking about real people and real faces, because we know these folks. They would rather be independent than dependent on an unemployment check. They want a job.

Mr. ROYCE. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON) for the balance of the time.

Mrs. WILSON. Mr. Speaker, people are hurting in America. We have lost 700,000 jobs in this country since September 11. We need to help people across to the next job. We need to help keep the jobs that we have and help find new jobs in this economy. The way we are going to do it is by giving small business the tools they need to invest in creating new jobs, restore confidence in capital markets, put money in the pockets of consumers immediately, both low-income and middle income Americans, and we are also going to help people over the hump with health care and unemployment insurance to make sure that those who are hurting can make it by. We want this recession to be as short and as shallow as we possibly can make it. In the House, we will act.

Mrs. JOHNSON of Connecticut. Mr. Speaker, if the gentleman from California (Mr. ROYCE) will yield, I know the gentleman's time is about to expire, but I did want to say that it is imperative that this House acts and, hopefully, the Senate follows as well, to make this recession short and shallow, as the gentlewoman from New Mexico said, but also to help the unemployed.

What is really excellent about this new stimulus bill is that for the first time, it provides assistance in purchasing health insurance for the unemployed. America has never done that before. This is a first. Only this bill offers the same assistance to everyone. If one works for an employer who provided what is called COBRA benefits, one can use their 50 percent benefit, or their 60 percent benefit now, for COBRA benefits. But most people work for small employers and small employers are not covered by COBRA, so if

one works for a small employer and is laid off, the old bill and the bill of the other party will not help them. This will give them a 60 percent premium subsidy, whether they buy their own health insurance, whether their employee is COBRA-covered or not. Everyone will be treated the same. All unemployed will get help, with health insurance benefits as well as extended unemployment benefits. I thank the gentleman for yielding his precious time.

Mr. ROYCE. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her good work on this bill, and I thank all of my colleagues for participating in this Special Order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). The Chair would again remind all Members that it is not in order to characterize Senate action or inaction, to encourage action by the Senate, or refer to individual members of the Senate, except with respect to sponsorship of bills or amendments.

AMERICA NEEDS BIPARTISAN STIMULUS PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say that I do plan initially to respond to some of the comments that were made by my Republican colleagues about the potential stimulus bill that I gather we may see on the House Floor as early as tomorrow. Regardless of the substance of the stimulus package that the Republican leadership may bring up tomorrow, I think the bottom line is, and everyone needs to know, that it is going nowhere. They are fully aware of the fact that it is going nowhere. I think what we are going to see tomorrow, and I think it is very unfortunate, is basically a replay of what happened a couple of months ago when, in the aftermath of September 11 and the World Trade Center and Pentagon tragedies, there was an effort in the few weeks afterwards, because of the realization of the impact on the economy and because the recession was only, if you will, accelerated by the events on September 11, there was a recognition that we needed to do a stimulus package to get the economy going again, and that the only way to achieve that, given that we have a divided government, one body Democrat, one body Republican majority, that we needed to work across party lines and to bring the House and the Senate together.

So there was sort of understanding that we would all sit down and work on a stimulus package together, Democrats and Republicans together, Senate and House together, as well as with the President.

□ 2115

But unfortunately, very quickly that dissolved because the House Republican leadership wanted to pass their own version of a stimulus package and was not willing to work with the Democrats in the House or with the other body. A bill was passed very narrowly, I think it passed by one or two votes here in the House, and of course it was never taken up in the other body. There was no meeting of the minds and no effort to try to come to any kind of accommodation across party lines.

I would suggest, having been here, I guess, 12 years, that anything like that, where one party which is in the majority tries to simply shove down their throats, if you will, a bill that the other party cannot stomach because they think it is the wrong way to go, is doomed to failure.

Every one of my colleagues who spoke on the other side of the aisle just in the last hour knows very well that if all they do tomorrow is bring up another Republican leadership bill that has not been negotiated with the Democrats, which this one has not been, then the end result is failure. The end result is that that bill will go nowhere, no stimulus package will pass; and we will go home within the next few days having accomplished nothing for the American people.

The very fact that they are even talking about this bill means that my Republican colleagues in the Republican leadership have basically decided that they do not care to pass a stimulus package. So when they suggest that they are going to try to help the unemployed, that they are going to provide health benefits, that they are going to do things for corporate America that are going to help create jobs, the very fact that they are bringing a bill to the floor that was not negotiated on a bipartisan basis means that those things will never happen; and it is very unfortunate.

It is also very unfortunate that they keep talking about passing another bill when the first one was doomed to failure; and the second one will be, as well, because it is really nothing more than a hoax on the American people. The American people will not see a stimulus package. The best thing they could do would be to go back and sit down and talk to the Democrats in the other body, in the Senate, and try to come to some sort of accommodation, rather than just bashing and bashing and hammering as this goes on.

I want to talk a little bit about why the Democrats feel that this Republican stimulus package is really nothing different from the previous one and will not help, even if it did pass, to stimulate the economy.

Understand, on the one hand I am saying tonight that this bill that they are going to bring up tomorrow, if it is brought up, cannot pass; so it is hopeless from the beginning, cannot pass both houses and be signed into law. But even if it did pass, it would not do anything to stimulate the economy. That is what we are really trying to do here, stimulate the economy on a short-term basis to have the recession be over.

I wanted to talk a little bit about the Democratic alternative to the original Republican bill to give my colleagues the flavor, if you will, of what the Democrats would like to see and why the Democratic alternative would serve the purpose of helping displaced workers get unemployment compensation, get health benefits, and stimulate the economy.

The original House bill that I was talking about, the original Republican bill that was doomed to failure, passed the House on October 24, almost 2 months ago. It passed strictly on party lines, 216 to 214. This is the Republican stimulus package. What it called for, and this one, as well, that they intend to bring up tomorrow calls for, is essentially tax cuts for big businesses and the wealthy.

Now, how do we get the economy going again if all we do is give big tax breaks to big corporations and wealthy people? They do not have any obligation, wealthy persons do not have any obligation to spend that money. They may just put it in the bank. They may put it in stocks or do something else. They are not immediately going to spend the money, which is what is needed to stimulate the economy.

The way the economy is stimulated is when people have to spend money because they have to buy food or have to pay their rent or whatever they have to do. Generally speaking, our middle-class people or even poor people, they go out and spend money, they shop, and the economy gets going again.

This notion that we are just going to give these big tax breaks to big corporations, again, that has no stimulative effect. They do not necessarily have to take that money and invest it in new equipment or in new jobs or new production of any sort. I would venture to say that many of them probably would not.

So the whole premise of the Republican proposal, which is essentially tax cuts for big businesses and the wealthy, really does not help anything. It does not help stimulate the economy, and it certainly does not help with those workers who have been displaced and are looking for a job.

The Democratic alternative that we have proposed back in October and that we still have been pushing for today by contrast would provide workers with extended unemployment benefits, health coverage, and tax breaks for low- and moderate-income Americans.

If I could use my home State, I could say that I have some statistics, if you will, from the U.S. Department of Labor with regard to New Jersey. They say that an estimated 361,942, and I

guess it is not really an estimate but it is an exact figure, New Jersey residents will apply for unemployment benefits over the next year, and almost half of those, 166,493, will see those benefits expire during that same period.

Nationally, half of the unemployed people do not currently qualify for unemployment benefits, and the vast majority cannot afford health coverage under our current system.

Let me get a little more specific about what the Democrats have been talking about. In terms of unemployment compensation, individuals who exhaust their 26-week eligibility for State unemployment would be eligible for an additional 52 weeks of cash payment funded entirely by the Federal Government. Individuals who do not meet their States' requirements for unemployment insurance, in other words, part-time workers, would receive 56 weeks of federally financed unemployment insurance. Members can see how that would make a difference for a lot of people.

With regard to health care benefits, under the Democratic proposal, the Federal Government would fully reimburse eligible individuals for their COBRA premiums. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. These benefits would last for a maximum of 18 months.

Now, the Democrats keep talking about the Federal Government paying these costs, because we have to understand that State governments are strapped. Many of them face deficits. They are not in a position to be able to pay for these things, which is why the Federal Government is proposing to do it.

The Democrats also have rebate checks for low- and moderate-income workers who did not qualify for the rebate checks issued earlier this year under President Bush's tax cut.

Now, I maintain that President Bush's tax cut from maybe 6 months ago is the major reason why we are now in a deficit situation, and I do not believe that accelerating those tax cuts is really going to make a difference in terms of stimulating the economy. That is essentially what the Republican leadership is proposing.

Under the Democratic proposal, these low- and moderate-income workers who did not qualify for the rebate checks issued earlier this year under President Bush's tax cut would receive a one-time payment of up to $300 for single people and $600 for married couples.

There are many other aspects of the Democratic proposal, but I just wanted to key into the fact that rather than giving these big corporate tax breaks and tax breaks to the wealthy, we are trying to put some money into the hands of low- and moderate-income people who will go out and spend the money and stimulate the economy; the same with the unemployment compensation, and the same with the health benefits. Even providing health insurance and extended COBRA and Medicaid stimulates the economy because that money is now being spent on health care.

Mr. Speaker, I always worry when I am on the floor of the House and I do these Special Orders that someone is going to say, he is just giving the Democratic line, and that is what all the Democrats are saying, but why should I believe it?

I would like to back up what I am saying, contrasting what the Democrats are proposing to do versus the Republicans with some of the editorial comments that we have been getting from some of the leading newspapers around the country. This one is particularly appropriate. This is from the Los Angeles Times, and it is in today's paper.

Just to give some highlights of what this editorial says, and this is an editorial, as I say, from today's Los Angeles Times, it talks about some of the Republican tax breaks that are proposed not in the previous Republican bill that passed the House, but the one that my colleagues are talking about possibly bringing up tomorrow. So we are talking about the current bill, not the previous bill.

What this editorial says in the Los Angeles Times, it first of all talks about the retroactive corporate tax cuts. The Republican leadership has been pushing not only these big corporate tax cuts, but making them retroactive, so that the companies would get tax money back, money back from taxes they paid years ago.

Well, it says in the editorial, and I quote: ''House GOP leaders such as Dick Armey seem giddy thinking about the pleasure that corporations would have upon receiving a refund of what they paid under the 'alternative minimum tax' over the last 15 years.'' They are now getting refunds for taxes paid over 15 years.

''The proposal would hand out millions to corporations such as General Motors and Ford for doing nothing. Even Enron, which recently went broke after deceiving investors and workers, could conceivably get this windfall. Whopping corporate tax deductions.''

Now, the other thing, of course, the Republicans are saying is that they want to accelerate the drop in income tax rates for higher-income people.

''Some Republicans hope to make the season bright,'' and they are talking about the Christmas season in the editorial, ''by cutting the 27 percent rate to 25 percent in 2002. But this gift would benefit the top one-fourth of taxpayers and cost $54 billion in lost revenue over 10 years. Where's the stimulus in giving a break to upper-income folks who are unlikely to use it to buy extra groceries?''

Further on the editorial says, and I think some of my colleagues even mentioned this on the other side in the last hour, ''A 30 percent 3-year tax write-off on new equipment. The Bush administration wants to include this, although multiyear tax cuts have little immediate stimulus effect.''

Of course, we would like to see some kind of tax break for new equipment, but we are talking about 3 years. Yet I heard some of my colleagues on the other side talk about how they want this to be immediate. How is it immediate with a 3-year write-off on new equipment?

The last thing the editorial says, it talks about ''A Trojan horse 2-year voucher-credit health care plan. The White House is offering a scheme that would give displaced workers a temporary tax credit for health care. But what Representative WILLIAM M. THOMAS (R-Bakersfield),'' the chairman of the Committee on Ways and Means, ''and other congressional Republicans really want is to use the voucher idea as a wedge in replacing current employer-paid health care with a free market approach similar to the use of vouchers for education.''

So what are we seeing here? We are seeing some of my colleagues on the other side of the aisle, some of the Republicans, not just trying to extend COBRA or provide Medicaid for those displaced workers, which is the easiest thing to do and what the Democrats want, but some sort of tax credit or voucher.

Most of the people who are now out of work will not even be able to use that tax credit. It is not going to get them health insurance; but it is a sort of voucher, if you will, that has the potential of getting people out or actually hurting the current system, where most employees get their health insurance through their employer and switching to some sort of free market system, which I do not think is going to work and is probably only going to line the pockets of some insurance company.

I hate to be so dramatic about it, but this is what we are facing. Again, one could argue that there is no point in even talking about any of this anyway, because they have no intention of passing anything. They are just going to pass it in the House, and it will die in the other body. I can talk here all night about how bad this proposal is, only because I want to counteract all the things that were said by my colleagues an hour before.

But I go back to what I originally said, that their real intention is to do nothing, because everyone knows that this bill is going nowhere.

Let me just talk a little bit about another aspect of the Republican proposal which is so different than the Democrats that is very scary, that is, that it is not paid for.

Now, we know that we are in a deficit situation now. In the 8 years under the Democratic President, and I know people say we certainly have to give President Bush the benefit of the doubt because he has been doing such a great job in dealing with the war, and actually very successful in going against

terrorism and the al Qaeda network. I am very happy about all that.

But when it comes to these domestic issues, it is very scary what is really happening. Because of the Republican tax cut that took place about 6 months ago, we are now in a deficit, which has been aggravated by what happened on September 11 because of the recession and because of what comes from the recession, which is less income to the Federal Government.

The least that the Republicans could do when they put forth a stimulus package is come up with a plan that is short term and that is paid for, or if it is not paid for immediately, makes a way to pay for it fairly quickly over the next few years so we do not deepen the deficit, because we do not want to continue to have a deficit situation. It is a huge drag on the economy and could prolong the recession, rather than stimulating the economy.

□ 2130

Well, the problem with the Republican bill and, again, I am talking about the one they plan to bring to the floor tomorrow, is that it is pretty much paid for out of Medicare. It either increases the national debt or it is paid for out of Medicare and Social Security.

So what you have is it is either going to increase the debt or it is going to take money from the Medicare and Social Security trust fund. And it is almost the same thing as increasing the debt, because we know that those trust funds are at some point in the next 20, 30 years going to run out of money, and we have been talking about trying to find ways of making Medicare and Social Security solvent over the long term. All the Republican leadership is going to do with this bill is increase the Federal debt and aggravate the solvency problem for Medicare and Social Security by taking the money away from there.

The cost of the Republican stimulus package, again, the one that is coming up tomorrow, would approach $200 billion over the next 10 years when you take into account debt service cost. Even without enactment of the stimulus bill, the government will be in overall deficit throughout the entire first term of President Bush. And with the enactment of this new stimulus bill, the government will continue to raid the Social Security and Medicare trust funds for the foreseeable future long after the current recession is estimated to end.

The Democrats, of course, have said that that is not acceptable. If you are going to do a stimulus package which is going to have a short term impact on the economy, then do not give us a long term impact on the economy by increasing the debt or making the solvency problem for Social Security and Medicare even worse.

I wanted to talk a little bit about this health tax credit aspect of the Republican bill that is likely to come up tomorrow because, again, I think it is a very scary thing. I have always said over and over again, let us not let ideology get in the way of doing something practical to help the American people. The stimulus bill should be that. It should be nothing more than a practical bipartisan effort to do something to restore the economy in the short run. And to try to load it up with some sort of ideological voucher system for health care that would break the traditional health care system primarily financed through employers is basically grafting some sort of right wing Republican ideology on a stimulus package in a way that is totally wrong given what we are trying to accomplish here.

I do not know if I can get into all the details of it tonight, but I want to just explain a little bit about what this health care tax credit that the Republicans are proposing would actually do. What they are doing is creating an individual tax credit for use in purchasing either COBRA or individual market health insurance policies. So unlike the Democrats, they are not just going to pay for your COBRA benefits and put you or make you eligible for Medicaid with Federal funds. They are giving you some sort of credit for voucher, if you will, that you can use to help pay for COBRA or go out into the individual market and try to buy health insurance policy.

Now, anybody who has ever tried to go out into the individual market and try to find a policy knows that it is a horrendous situation. The costs are incredible. The tax credit is not going to help you. Unless you are going to buy some basically rotten policy that is going to give you very little coverage, and then what you will have is the government money through the tax credit being used to give people a policy that essentially is not really very helpful to them and does not provide them the kind of benefit package that would be useful to them, if they can even find it.

Again, I would say, Mr. Speaker, they are not even going to find this policy, but if they did it would be a lousy policy. Now, just to give you some research, the CBO, the Congressional Budget Office did some research and they indicated that few people would actually benefit from this Republican health care tax credit. According to the CBO, up to 9 million displaced workers would receive relief under the Democratic plan; 5.1 million would be covered by COBRA, about 80 percent, and up to 3.8 million under Medicaid. But the same estimate shows that of the Republican style tax credit, only 3.35 million individuals would be eligible for this benefit, less than a majority.

So when my Republican colleagues in the last hour said we are going to provide all this health care coverage, not only do we have the danger of this breaking the system, the traditional system and this voucher, but it is not even going to provide coverage to the majority of the people that would need it and who are unemployed.

I just cannot believe essentially what they are up to with this scheme. If you think about it, as Members of Congress we are getting an incredibly good health care coverage policy that is paid for by the Federal Government. The very Republican leaders who are talking about this voucher for health insurance, 75 percent of their health care coverage as Members of Congress is provided to them at taxpayers' expense.

The other thing that I think we are going to see here is that this kind of coverage that they are talking about that you might be able to get at individual market, a lot of it is probably going to go to HMO's. Because without a guaranteed minimum benefit package, which is what should be provided to make sure we get a decent health care plan, I think most of the people are going to end up with some kind of an HMO which limits what doctors they can get, limits what coverage they can get.

Again, I can talk all night about this and I do not know in some ways what the point is, because as much as I am trying to contrast the Republican plan with the Democratic proposals, I really want to stress over and over again, Mr. Speaker, that the fact that they are bringing up tomorrow a Republican plan without input from the Democrats and without input from the Senate, essentially means that we will have not planned. Their proposal is due to failure.

I do not want to go into this any more because I hopefully have made the point, but what I would say to my colleagues is, regardless of whether you like what the Democrats propose or you like what the Republicans propose, the most important thing is to have the negotiations and sit down and try to come up with an accommodation and do not come here on the floor of the House and blame the other body and say, oh, the other body, the Senate better take this up because if they do not, the blame falls on them.

Well, clearly, if you put something together that is not done in a bipartisan basis, it is going nowhere. And I am not going to sit here and accept the notion that somehow this Senate is going to be blamed because they do not pass this Republican package. This is not a Republican package that is aimed to accomplish anything. It is just being done for some sort of publicity stunt.

Mr. Speaker, with that I would like to end my discussion tonight or my response if you will to my Republican colleagues on the economic stimulus package. I probably will be back again, hopefully not. Hopefully we will pass something. But we will probably be back again talking about that another time, tomorrow or the next day as we progress here in these last few days before the holidays.

EVIDENCE OF TERRORISM BY PAKISTANI-BASED GROUPS

Mr. PALLONE. Mr. Speaker, I did want to take 5 minutes of my time this evening to talk about a totally different issue, and that is my concern over what is happening and what has been happening in India with the terrorist attacks that have been taking place in India and, most notably, with the attack on the Indian parliament that took place last week.

I mention this because in the effort to fight the war against terrorism, President Bush has made it clear many times that this is a battle with many fronts. It has a homeland security element. It has an overseas element. And of course it is primarily been manifested overseas in the war against the Taliban and al Qaeda in Afghanistan. But we know that al Qaeda has cells in a lot of different countries and we know that a lot of these terrorists groups are linked. And so the President has made clear this is not a battle that will be limited to Afghanistan or that is going to be limited to this year. It is going to go on for many years and it is going to manifest itself in many ways.

But one of the disappointing aspects of it all from my perspective is that I have watched Pakistan help the United States in a significant way in the war against the Taliban in Afghanistan, and against al Qaeda in Afghanistan; yet at the same time I see that same Pakistani government continuing its effort to back terrorists who inflict pain and death and injury on Indian citizens, particularly in Kashmir. But even more so, of course, now it has actually gotten to the stage where attacks were made on the parliament, the symbol of Indian democracy.

My point tonight, and I have said it many times, is that if Pakistan, like any country, really wants to be sincere in fighting the war against terrorists, they cannot limit it to Afghanistan. They have to also not support terrorist activities against India or any other country.

Mr. Speaker, as I mentioned last Thursday, we learned about a horrific terrorist attack on the parliament of India in New Delhi. Reports indicate that the terrorist attackers died during the attack but, unfortunately, eight people, including guards and workers, were killed and at least 17 people were injured at the hands of the suicide bomber and the other assailants equipped with grenades and guns that attacked the Indian parliament.

India has conducted intense investigations since the attack and has obtained evidence that two Pakistani based militant groups, I am not sure I can pronounce them, Mr. Speaker, but I will try, Jaish-e-Mohammed and Lashkar-e-Taiba are responsible for the attack.

Indian evidence also makes it clear that these groups received directives from Pakistan's Inter-Services Intelligence or ISI. Mr. Speaker, this comes as no surprise to anyone who has been following these two groups' history of cross-border terrorism in Kashmir, and I have confidence that India's evidence is both strong and accurate against the two terrorist groups.

I have criticized and denounced the actions of these groups many times on the floor of the House. The most recent incident I have found to be appalling was the suicide car bomb attack on the Jammu and Kashmir State Assembly on October 1. Jaish-e-Mohammed came forward and took credit for that crime which they later revoke, and I have encouraged President Bush to add this group to the list of terrorist organizations whose financial assets would be frozen. Although this group has been placed on the list, Pakistan continues to allow them to operate with no financial restrictions.

Mr. Speaker, I understand that General Musharraf, the President of Pakistan, has been willing to help the U.S. in the global fight against terrorism, however, it is clear that Pakistan has deep-rooted and intricate ties to the Taliban, al Qaeda and, most importantly, the terrorist groups operating in Kashmir and now in New Delhi.

India has requested that General Musharraf eliminate the terrorist capabilities of both Jaish-e-Mohammed and Lashkar-e-Taiba. This would consist of Pakistan shutting down these groups operations, discontinuing moral and logistical support, arresting the leaders, and once and for all freezing their financial assets.

I believe that India has every right to make these requests and I have requested today in a letter to President Bush that the U.S. make the same demand of General Musharraf, to put an end to Pakistan's support and tolerance of these terrorist groups.

Mr. Speaker, the attack on the world's largest democracy and the Indian people must be answered with punitive action. The U.S. administration must push General Musharraf harder to arrest the leaders of Jaish-e-Mohammed and Lashkar-e-Taiba. In addition, he must follow through and shut down all terrorist camps operating in Pakistan and all jihadi schools that indoctrinate terrorism from children. Not only is this in the interest of India, it would equally benefit Pakistan as well. It has been made clear that terrorist groups operating in Pakistan have links to Osama bin Laden and the al Qaeda terrorist networks. And I believe that efforts to eliminate these terrorist groups is also in the best interest of the United States.

Again, Mr. Speaker, I make these comments not because what I think is going to hurt Pakistan but by what I think is going to help Pakistan. In the same way that General Musharraf has come to the conclusion or came to the conclusion after September 11 that aiding the United States in the war against the Taliban and against al Qaeda would ultimately be helpful to Pakistan because of the terrorist activities that take place within Pakistan, I think the same thing is true of these groups that operate and get support from Pakistan and attack India.

In the long run, all of these terrorist groups have to be eradicated and Pakistan must deal with the situation and try to suppress the terrorism, not only when it is geared towards the United States or Afghanistan, but also when it is geared towards Kashmir and India.

RECESS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS

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

[Omitted from the Record of January 24, 2000]

EC04913 A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House (H. Doc. No. 106–319); to the Committee on House Administration and ordered to be printed.

[Omitted from the Record of January 3, 2001]

EC04912 A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House (H. Doc. No. 107–156); to the Committee on House Administration and ordered to be printed.

[Submitted December 18, 2001]

4894. A letter from the Assistant Secretary, Department of Defense, transmitting the Financial Addendum to FY 2000 DOD Chief Information Officer Annual Information Assurance Report; to the Committee on Armed Services.

4895. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1090] received December 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4896. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Capital Treatment of Recourse, Direct Credit Substitutes and Residual Interests in Asset Securitizations [Docket No. 2001–68] (RIN: 1550–AB11) received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4897. A letter from the Vice President, Congressional and External Affairs, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2001, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

4898. A letter from the Director, Office of Integrated Analysis and Forecasting Energy

Information Administration, Department of Energy, transmitting a report entitled, ''Emissions of Greenhouse Gases in the United States, 2000''; to the Committee on Energy and Commerce.

4899. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAP: Emergency Extension of the Compliance Date for Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [FRL–7114–6] (RIN: 2050–AE79) received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4900. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indiana: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7110–7] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4901. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Uses of Certain Chemical Substances [OPPTS–50643A; FRL–6807–3] (RIN: 2070–AB27) received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Australia (Transmittal No. DTC 151–01, pursuant to 22 U.S.C. 2776(c)); to the Committee on International Relations.

4903. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 143–01, pursuant to 22 U.S.C. 2776(c)); to the Committee on International Relations.

4904. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC 146–01, pursuant to 22 U.S.C. 2776(c)); to the Committee on International Relations.

4905. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 150–01, pursuant to 22 U.S.C. 2776(c)); to the Committee on International Relations.

4906. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France, the United Kingdom, Germany, Switzerland, Sweden, and Spain (Transmittal No. DTC 148–01, pursuant to 22 U.S.C. 2776(c)); to the Committee on International Relations.

4907. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 152–01, pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d)); to the Committee on International Relations.

4908. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 142–01, pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d)); to the Committee on International Relations.

4909. A communication from the President of the United States, transmitting progress toward a negotiated settlement of the Cyprus question covering the period October 1 through November 30, 2001, pursuant to 22 U.S.C. 2373(c)); to the Committee on International Relations.

4910. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2001 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4911. A letter from the Inspector General, Social Security Administration, transmitting the Administration's FY 2002 Annual Audit Plan; to the Committee on Government Reform.

4912. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 107—156); to the Committee on House Administration and ordered to be printed.

4913. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; to the Committee on House Administration.

4914. A letter from the Librarian, Library of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 2000, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

4915. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Tow of the Decommissioned Battleship Iowa, (BB–61), Newport, RI and Narragansett Bay [CGD01–01–006] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Diving Operations in Boston Harbor—Boston, Massachusetts [CGD01–01–007] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: USS DE WERT Port Visit—Boston, Massachusetts [CGD1–01–035] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: St. Johns River, Palatka, FL [COTP Jacksonville 01–018] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Dry-Dock tow Kennebec River Transit from #1 Sea Buoy inbound to Bath Iron Works, Bath, ME [CGD1–01–012] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: USS BOONE Port Visit, Newport, RI [CGD01–01–027] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Tow of the Decommissioned Battleship Iowa, (BB–61), Newport, RI and Narragansett Bay [CGD01–01–029] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Cocoa Beach, FL [COTP Jacksonville 01–021] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Queens Gate, Long Beach, CA [COTP Los Angeles-Long Beach, CA; 01–001] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation [COTP Memphis, TN Regulation 01–001] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Guayanilla Bay, Guayanilla, Puerto Rico [COTP San Juan 01–006] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4926. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Cape Fear River, Wilmington, North Carolina [COTP WILMINGTON 01–001] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Annual Reenactment of the Ybor City Naval Invasion, Ybor Channel, Tampa Bay, Florida [COTP Tampa 01–004] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4928. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations: Savannah, GA [COTP SAVANNAH–01–024] (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3343. A bill to amend title X of the Energy Policy Act of 1992, and for other purposes; with an amendment (H. Rept. 107–341). Referred to the Committee of the Whole House on the State of the Union.

N O T I C E

Incomplete record of House proceedings.

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