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

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

WASHINGTON, DC,

I hereby appoint the Honorable SHELLEY MOORE CAPITO to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 400. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.
H.R. 1913. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.
H.R. 193. An act to require the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.
H.R. 407. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.
H.R. 317. An act to require the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.
H.R. 23. An act to require the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

MORNING HOUR DEBATES
The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, 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.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

PRIVATIZATION OF MEDICARE
Mr. BROWN of Ohio. Madam Speaker, on Monday President Bush called the Medicare program old and tired. He said he wants to give seniors better options like those available in the private sector. He said he wants to overhaul Medicare. He wants to overhaul Medicare and privatize Medicare.

The President has every right to push his privatization agenda but not by co-opting an issue like prescription drug coverage, as emotional and important as it is, not by characterizing Medicare as a failed program so that he can justify his goal of privatizing it. Whether it is Social Security privatization or Medicare privatization, it is disingenuous of the administration to portray privatization as improving the system.

The retirement safety net was not put in place because liberals wanted to make the Federal Government bigger, nor should it be dismantled because conservatives want to make the Federal Government smaller. The safety net of Medicare was put in place because the private sector could not make a profit offering health insurance to seniors, so they stopped doing it. It was put in place because the values of this Nation are such that we believe Americans who helped build the Nation’s unrivaled prosperity through their working years should not face financial uncertainty and hardship when they retire.

Pooling our resources into the public program we call Medicare is the best way to provide consistent, equitable, reliable health care benefits to our retirees. The stock market and the HMO industry may be good at many things, but alleviating uncertainty and providing health care are not two of them. Now the future of Social Security and Medicare are on the line.

The President says that seniors deserve better options in Medicare; that is why he favors privatization. Is Medicare inferior to the private insurance market? Would seniors be better off with a voucher that helps pay for coverage in an HMO?

Medicare is more reliable than private health plans. Medicare offers more choice than private health plans. Medicare operates more efficiently than private health plans. According to survey after survey, including a recent one from nonpartisan Commonwealth Fund, Medicare far outranks both employer-sponsored and individually purchased private insurance as a trusted source, a trusted source of health coverage. But the administration wants to give seniors more choice and better options in Medicare.

Is it better to have your choice of HMOs than to be able to choose your doctor under Medicare? Is it better to have your choice of HMOs than being able to choose your hospital under Medicare? Is it better to have your choice of HMOs than to be able to choose where any of your health care is delivered, from whomever you want, to the way regular, traditional government-sponsored Medicare fee for service works?

Medicare is a single plan that treats all beneficiaries equally, provides maximum choice and access for patients and doctors. Contrast that with the President’s Medicare voucher program envisioned by the administration. Instead of being guaranteed access to needed health care services, seniors would be guaranteed access to a partial voucher for private health insurance.

Medicare guarantees full choice of physicians. Private HMOs advocated by the administration do not. Medicare guarantees full choice of any hospital. HMOs, privatized Medicare; privatized HMOs do not. It appears higher-income seniors could afford this voucher plan...
because they could go and buy an additional decent plan. Lower-income enrollees would be relegated to restrictive alternatives.

In other words, when the President uses choice, it is really a code word for wealth. Some of our seniors.

Again, Medicare is a single plan that treats all beneficiaries equally and provides maximum choice and maximum access for patients and doctors. We should not allow this administration or any administration to demonize Medicare, a program that served this Nation so well; nor should we permit this administration or any administration to use prescription drug coverage as the bait to lure us in this body to privatize Medicare for our seniors.

Medicare coverage is not old and tired. It is one of the best programs government has ever put together. It is simply incomplete without a prescription drug benefit. That is the Medicare issue.

I hope the President will abandon his privatization agenda and work with us in this body to add a real prescription drug benefit for all seniors. We do not need to fight over perceived and fabricated problems in the current Medicare system is not broken. It simply needs prescription drug coverage to add to the Medicare system. We need to address the real issue.

AID FOR AFGHANISTAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from California (Mr. ROHRABACHER) is recognized during morning hour debates for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, Hamid Karzai, the chairman of the interim government of Afghanistan, is in Washington, DC; and his visit reminds us of the debt that we owe to the Afghan people. It was the Afghan freedom fighters who fought the Soviet Union and defeated the Soviet Union; and it was the Afghan freedom fighters that fought with us to defeat bin Laden and the Taliban.

After the Afghan people fought and defeated the Red Army, which was in occupation of their country, something that left their beautiful country in ruins and in a shamble, we simply walked away from them in 1989. Then during the 1990s, we covertly supported the Taliban. Many of us noted that and opposed it at the time, but what appeared to be covert, or at least acquiescence, covert support or acquiescence to the Taliban continued through the Clinton administration. Many United States officials in the executive branch during the 1990s, who had no complaint about Taliban rule of Afghanistan back then, since September 11, of course, have postured themselves in a totally different way. Well, today, I have another chance.

At this time we must do what is right by the Afghan people. Any vacuum created by our unwillingness as we did in

January 29, 2002

OPEN SOCIETY WITH SECURITY ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Madam Speaker, the House and the Senate are poised this evening to receive the State of the Union Message. Unavoidably and justifiably it will be about war. I certainly hope it will also be about the continuing, altering course of Afghanistan. There is an issue that probably will not be on the Presidential and congressional agenda and needs to be. It is in our face. It is very visible, but it is beneath the radar.

I will soon be introducing a bill called the Open Society With Security Act that would establish a 21-member commission. I will be inviting members in a Dear Colleague soon to co-sponsor the bill. The commission would simply look at how we can use the unprecedented accommodation between security against dangerous global terrorism on the one hand and the maintenance of an open and free society on the other. This is a truly difficult problem.

We are doing it on an ad hoc basis because we have had to. It is too serious to be left to ad hoc planning, however, and we clearly do not know how to do it. Nobody knows how to do it because nobody has ever had to do it. The Presidential commission would provide a vehicle to put the best minds in this society to work on a problem that free societies have never had to confront before. We see some of the evidence before us every time we go outside this building, barricades and shut-downs; and, of course, there are on-again off-again alerts. There are all kinds of invasion of privacy that also are occurring.

We need to systematically think through these difficult and troubling problems. They were first visible here. But now they are in every part of the country because the country has been attacked and the country has responded. The country deserves some guidance from a Presidential commission.

The commission, of course, would have security experts and law enforcement experts and military experts. But this is about security and democracy and freedom. So we would also have on the commission architects and city planners and historians and sociologists and engineers and artists, etc. Put them all at the table. Let them thrash it out and advise us. Security is too important in an open, free society to be left to security people.
Some of this is difficult, some of it just takes common sense, and we have already seen that when we raised our voices some of those common sense measures have been taken.

I am grateful that the White House announced just last week that it was opening White House tours to children if they left their Social Security number. Soon I hope families who leave their Social Security numbers will follow. We have seen the reopening of tours here in the Capitol, simply by having people in the trailer to be screened first. We saw the White House lighting of the Christmas tree open simply because they moved the glass that they put around the President at the inauguration to the Christmas tree site. It is not rocket science, but it does mean somebody does have to sit down and not have a knee-jerk reaction to security without considering all the options.

In 1968, when our country faced an unprecedented racial crisis, the President had the good sense to say we do not already know it all, and so he called together the Kerner Commission. I believe that the problem posed to our free and open institutions is just as serious in 2002 as the racial crisis was in 1968. A presidential commission would bring to bear the Nation’s best thinking on this unique issue and give it the thorough and rigorous investigation it deserves, with the result of advice we could take or not take. But at least we would have the satisfaction of knowing that there are people in our society who have thought about the most difficult problems in our society and given us some food for thought.

STATE OF THE UNION ADDRESS AND CHALLENGES FACING THE NATION IN 2002

The SPEAKER pro tempore (Mrs. Capito) recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, the President of the United States is going to give his first official State of the Union Address. It will be the third time he has spoken before a joint session. I think the challenges facing this Nation are great.

The President is going to talk about the success so far in our war against terror, but I suspect he is also going to remind us of the tremendous challenge that we have, as a Congress, as an American people, to continue this fight. We do not know how long this war is going to go on. It could be for generations. The best defense against terror in this case is a good offense to get rid of the terror cells around the world.

I think this is an excellent opportunity for this country and the rest of the free world to push as vigorously to resolve, hopefully once and for all, the conflicts in Ireland, between Palestine and Israel, and certainly dispute between the two nuclear powers of India and Pakistan looking at Kashmir. Many things can be done.

I hope this Congress can continue to work with this President, even though this won’t be the election year. Most people understand that in an election year the Republicans would like to regain a majority in the Senate and keep a majority in the House. Democrats would like to do what they can to retake a majority of the House and keep their majority in the Senate.

I think the challenges are also great on spending. We have already acknowledged that we are going to reach into the surpluses of the Social Security Trust Fund and spend those revenues for other government spending. We had an emergency in this country on September 11, and like any family or any business that has a serious emergency, you come up with the funds to accommodate and fix that emergency as best you can.

Those families and those businesses normally say, look, we are going to put aside less important expenditures and we are going to deal with the emergency. I hope that the President says the same thing when he looks, and we say we now have to do a better job at prioritizing spending. We are going to deal with this emergency the way we have to. We will win the war on terrorism, but let us not drive this country down on our intelligence community efforts, and left ourselves weaker than we should have been.

I think the President says the same thing about the tobacco issue. As we cut down on our intelligence community efforts, as we cut down on some of the social programs, we will be putting ourselves weaker than we should have been.

Prioritizing to me means that we cut down on some of the social programs that we were so willing to expand after September 11. I think a good example in showing how much spending has grown and become the problem of us running into a deficit is our projections of 1997.

In 1998, we promised that we were going to balance the budget by 2002. At that time the projections for revenues for 2002 was a little over $1.4 trillion, and we were going to balance the budget because we were disciplining ourselves on spending. Actually the revenues estimated for 2002 by CBO, the Congressional Budget Office, were approximately $1.9 trillion. So more revenues coming into the Federal Government than we thought was possible but still a deficit. Why? Because spending has increased even more than the revenues have increased in revenues in this country.

So the question is and the challenge is, will the President tonight push this Congress and the American people to start prioritizing? Can we minimize the partisan bickering and blaming as we try to come to grips with a budget that is going to be challenging, if we are to avoid jeopardizing Social Security and Medicare and other programs by over-spending, and borrowing more, and going deeper in debt?

Welfare reform I hope the President talks about because the welfare reform bill that we passed in 1996 is expiring this year. There has already been some speculation from Senate Democrats that we have to modify work provisions. I think the welfare reform bill has been extremely successful, and we have got to be very careful not to pass a bad welfare bill.

PRESCRIPTION DRUG BENEFITS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Rhode Island (Mr. Langevin) is recognized during morning hour debates for 5 minutes.

Mr. Langevin. Madam Speaker, tonight we will hear from our President on the State of the Union. I look forward to hearing his comprehensive plan because he is committed to spending $190 billion over the next decade to overhaul Medicare and provide prescription drug benefits to our elderly.

This is an important first step but, Madam Speaker, we need more and we need it now. The average Medicare beneficiary fills 18 different prescriptions in 1 year alone, yet at least one in three people in the Medicare population have no drug coverage in the United States.

What is most disturbing about these numbers is that almost half of all Medicare beneficiaries with no prescription drug coverage have incomes less than 175 percent of poverty, which was $15,000 in 2001.

The lack of prescription drug coverage for our seniors is a national crisis. Medicare+Choice, Medigap coverage, discount card programs and other accounts to chip away at this problem are not the answer. We must pass comprehensive coverage under Medicare and we must do it now.

Madam Speaker, I urge the President and my colleagues in both Chambers of Congress to work together to ensure that we pass this legislation this year.

SECURING OUR BORDERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. Stearns) is recognized during morning hour debates for 5 minutes.

Mr. Stearns. Madam Speaker, the events of September 11 forever changed...
the world and the United States, and as President Bush declared, “The resolve of our great Nation is being tested . . . but make no mistake . . . we will show the world that we will pass this test.”

Obviously, the President could not be more correct. Since then, the United States has decimated al Qaeda and bin Laden’s network of terror; the Taliban no longer exist as a ruling form of government; and the war against terrorism is being waged against those who harbor terrorists.

While America is making significant progress on many fronts in eradicating terrorism, the war cannot be won without the key component of securing our borders from those who wish to do us harm. Those who violate our Nation’s immigration laws do more harm than good in furthering our country’s values, and it is those people who must ensure that do not enter our country.

Madam Speaker, a recent report by the United States Census Bureau reveals that more than 5.5 million people now living in the United States illegally. About 40 to 50 percent of those violators are people who entered the United States legally but did not leave with the expiration of their visas. Out of the nearly 9 million illegal aliens now in the country, more than 90,000 are from Middle East Nations, including Iran, Afghanistan, and Pakistan. Many of those illegal aliens are from nations with close ties to terrorism and nations with al Qaeda presence.

According to the INS records, 13 of the 19 hijackers entered the U.S. with valid visas. Three of the 13 remained in the country after their visas had expired. Two were expected to have entered the country with a foreign-student visa, but he never actually attended any classes.

Madam Speaker, our unsecured borders, along with inadequate record-keeping, have contributed to our inability to track terrorism in this country or to prevent them from entering in the first place. So as we start this second session of the 107th Congress, I call on my colleagues in both the House and the Senate to strengthen our existing immigration laws, and to provide those fighting to end illegal immigration with the tools and resources necessary to defeat terrorism.

PENSION LAW CHANGES

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the order of the House of January 23, 2002, the gentleman from California (Mr. GEORGE MILLER) is authorized, during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to announce that later today I will be introducing the Employee Pension Freedom Act, a measure that is urgently needed in light of the recent Enron scandal and other threats to pension security affecting millions of American families. I will be doing that with over 50 original cosponsors.

Over the past month, this Nation has been shocked at the revelations of how the Enron Corporation employees lost their entire savings through the actions of high-ranking company officials and how they lost their future retirement. As the value of the Enron stock plummeted last fall, Enron employees were prohibited from rescuing their own savings, estimated at over $1 billion, by company-imposed lockdowns on the Enron shares and by the outright prohibition of selling company contributed shares until the employee had reached age 55.

The spectacle of company executives hiding billions of dollars of debt from investors and from employees through the secret offshore partnerships of Enron while simultaneously cashing out company stock for themselves is an audacious assault on our pension security laws and offends the sense of fairness and justice in every American.

These executives ignored their responsibilities to investors and to their own employees by cooking the books, making misleading statements about the company’s health, and locking down the ability of employees to save themselves from the Enron collapse.

Employees at other corporations, like Kmart, face other penalties and restrictions on the sale of company stock in their 401(k) plans. For example, some companies have locked their company stock in their 401(k) plan before a certain age, the company withholds an employer contribution to your plan for 6 months. The question is why should the employer be allowed to have you for exercising dominion over the assets that belong to you. It simply is not fair.

Now the questions of whether Congress will respond or will the employees get rhetoric and a few tweaks that leave the antiquated pension laws pretty much in place to the employees’ disadvantage.

Clearly, there are two sets of rules where they can get rid of their stock almost at any time, and the average employees get another more restrictive set of rules when it comes to company stock and their 401(k)s. The executives are free to rescue their value and their family assets tied up in stock should they smell the company is in for a bad time in the stock market. The employees are artificially locked down. It is money that was given to them for compensation in working for the corporation, yet when they seek to rescue their family’s retirement, when they seek to make a decision that maybe this stock should not be held any longer, that maybe they should buy something else or buy a mutual fund, they are prohibited from doing that.

What we really need is freedom for employees to be able to exercise complete and total control over the contributions, the assets, the money in their 401(k) plans so that they can do as we have told them to do, to diversify for the security of their retirement, to make retirement plans and investments based upon what one gets, the less risk they may want to take. The younger they are, the more risk they may want to take. That is the way it is supposed to be, but that is not the way it is. These companies have come along and placed restrictions and penalties on the ability of the employees to get rid of some of the assets within that plan.

The Employee Pension Freedom Act that I am introducing today with over 50 cosponsors makes several important changes to our pension laws. The most important change my bill makes is to provide employees 100 percent control over their investments and their 401(k) plan. Employees will have control over the investment of the money they earned and contributed to the retirement plans and that their employer contributed to their plans as part of their compensation.

This change is critical to help avoid the problems we have just witnessed with Enron. It will help provide employees the ability to rescue their nest

H86

CONGRESSIONAL RECORD — HOUSE

January 29, 2002

1300
eggs, to diversify and manage their investments consistent with the advice of financial professional people throughout the country and consistent with the aims of their families.

My bill ensures that employees are informed about the real health of their pension plan and gives them the decision-making power to guide their investment, and it guarantees their representation on boards that guide their future economic security. My bill guarantees the right of employees to make decisions on their pension contributions by repealing current rules that prohibit employees from deciding where to invest the money that belongs to them.

Pension money and assets, whether invested by the employee or contributed by the employer, represent compensation to the employee and the employee is not to be denied the control of that. It is not compensation to the pension plan or manager; it is compensation to the employee for services rendered to the corporation.

I urge my colleagues to join in the cosponsorship of this legislation that is designed to provide employees the pension freedom that they need to secure retirement for their families.

RECESS

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

Accordingly (at 1 o'clock and 7 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, as a Nation make us strong in virtue and in our desire to do what You require of us as Your people.

Increase our faith, that our defense may be secure and that we may be forthright in the face of enemies.

At the same time hold us in Your truth, that we may never be arrogant in the sight of others but one with them in facing the problems of our times and most caring to those who are suffering, in most need of Your mercy and our attention.

As justice guides our conscience, may compassion draw our hearts to Your charting in course of history.

Bless the Members of Congress today and every day of this session.

With be all those whom they will welcome to this Chamber this evening.

Guide and protect the President of the United States as he speaks to this body and this Nation. May Your Spirit inspire him as he describes the state of our Union and does all in his power to strengthen the soul of this Nation.

Led by Divine Providence since the founding of this great Nation, we place our trust in You, O Lord, for our destiny and our lasting peace are in Your hands above all, 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 Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard or otherwise will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:


Hon. J. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

DEAR Mr. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 25, 2002 at 3:06 p.m. and said to contain a message from the President whereby he submits a waiver pursuant to section 902 of the Act in so far as it concerns China.

Sincerely,
JEFF TRANDAHL,
Clerk of the House.

WAIVER CONCERNING CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–177)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States: Pursuant to the authority vested in me by section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the “Act”), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902 of the Act insofar as such suspensions pertain to the export of defense articles or defense services in support of efforts by the Government of Japan to destroy Japanese chemical weapons abandoned during World War II in the People’s Republic of China. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

GEORGE W. BUSH,

LAID-OFF ENRON EMPLOYEES NEED HELP

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we will hear the State of the Union presented by the President of the United States. We all have collectively indicated our support for the effort to fight terrorism and secure our homeland.

But coming from Houston, Texas, I would like to raise another issue, to put a human face on the loss being experienced by the laid-off employees at Enron. And add my sympathy as well to the Baxter family. Some of these Enron employees will be with us today. I would hope that the Congress would act to help to give them relief, individuals who are innocent and have lost much of their livelihood, the ability to protect and provide for their family.

I believe that Congress can act, and Congress and the administration should respond to these individuals, hard-working taxpayers who now have found themselves without any opportunity for work primarily because much of what is owed to them is caught up in the judicial system. Our Congress and the administration can stand up and be counted with these families, and I hope we will do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). 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 concluded on all motions to suspend the rules but not before 5 p.m. today.
PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL MIDNIGHT, THURSDAY, JANUARY 31, 2002, TO FILE REPORTS ON H.R. 3400, NETWORKING AND INFORMATION TECHNOLOGY RESEARCH ADVANCEMENT ACT; AND H.R. 3394, CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Science have until midnight on Thursday, January 31 to file the reports to accompany H.R. 3400 and H.R. 3394.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

HONORING LIFE OF DAVE THOMAS

Mr. WELDON of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 336) honoring the life of Rex David “Dave” Thomas and expressing the deepest condolences of the House of Representatives to his family on his death.

Mr. Speaker, I am pleased to have page 336

Whereas the House of Representatives has learned with great sadness of the death of Dave Thomas from liver cancer at the age of 69 on January 8, 2002,

Whereas Dave Thomas, born in Atlantic City, New Jersey, on July 2, 1932, and adopted shortly thereafter by Rex and Auleva Thomas, of Kalamazoo, Michigan, was a lifelong advocate and activist for the cause of adoption;

Whereas Dave Thomas, in 1979, was awarded the Horatio Alger Award for dedication, individual initiative, and a commitment to excellence, as exemplified by remarkable achievements accomplished through honesty, hard work, self-reliance, and perseverance;

Whereas from 1990 until 2001 Dave Thomas was the national spokesman for numerous White House adoption and foster care initiatives;

Whereas Dave Thomas received numerous awards, including the Angel in Adoption Award by the Congressional Coalition on Adoption, for generating awareness of the thousands of children waiting for permanent homes and loving families;

Whereas Dave Thomas, in 1992, established the Dave Thomas Foundation for Adoption and donated his speaking fees and profits from sales of his books, “Dave’s Way, Well Done!” and “Franchising for Dummies”, to adoption;

Whereas Dave Thomas established the Dave Thomas Foundation for Adoption to work with national adoption organizations, individuals, and public and private agencies to raise awareness about children awaiting adoption and to provide direct support for programs seeking to find permanent homes for children in foster care;

Whereas Dave Thomas established the Dave Thomas Center for Adoption Law to ease and facilitate the adoption process through education, advocacy, and research;

Whereas Dave Thomas was a constructive force in shaping corporate health policy to support adoption and heighten awareness in the use of the Adoption Awareness postmark stamp as a vehicle for highlighting the cause of adoption;

Whereas Dave Thomas founded Wendy’s Old-Fashioned Hamburgers in Columbus, Ohio, on November 15, 1969, transforming it into one of the most successful food franchises in the country, and, in promoting Wendy’s, became a national figure representing a friendly face, good food, and a kind sense of humor;

Whereas Dave Thomas, in 1995, 45 years after leaving school, earned his GED certification, and a high school diploma, from Coconut Creek High School in Fort Lauderdale, Florida, securing him as role model to students of all ages; and

Whereas Dave Thomas used his financial success to promote and advance the cause of adoption: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that America has lost one of its most dedicated and hardest working advocates for adoption, and honors him in his dedication to the cause of adoption and the well-being of children;

(2) expresses its deep and heartfelt condolences to the family of Dave Thomas on their loss;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 336.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 336, an important resolution introduced by the distinguished gentlewoman from Ohio (Ms. PRYCE). This resolution recognizes and honors the remarkable life of Dave Thomas and expresses the House of Representatives’ condolences to his family on his recent death.

Mr. Speaker, Dave Thomas, founder and senior chairman of Wendy’s International, passed away on January 8, 2002, from cancer. Dave Thomas was an extraordinary man. Thomas founded Wendy’s Old Fashioned Hamburgers Restaurants in 1969 and named the company after one of his daughters. This restaurant chain grew explosively to more than 6,000 locations worldwide. Dave Thomas was a successful businessman. He also shared his humor, friendliness and humility with the American public which was evident through his television commercials.

But his legacy does not consist of his business success. Dave Thomas energetically championed an issue that is close to my heart, adoption. I am the father of two adopted children and a Member of the House Adoption Caucus. I understand Mr. Thomas’ passion for making sure that all our children are wanted, loved and provided with a nurturing home.

Thomas was himself adopted, and he became a passionate advocate for adoption. In 1992 he created the Dave Thomas Foundation for Adoption. The foundation’s goal was simple and straightforward but profound: Every child will have a permanent home and loving family.

Mr. Thomas has testified before Congress in support of adoption tax credits and adoption legislation, appeared in several television public service announcements, and led an initiative to create the adoption stamp that was issued by the U.S. Postal Service in May 2000. He also established the Dave Thomas Center for Adoption Law to facilitate the adoption process through education advocacy and research.

Dave Thomas worked hard to advance his cause of adoption and heighten awareness in our country about the fact that all children deserve the love and security of a family. For this achievement alone, Mr. Speaker, Dave Thomas earned the respect and gratitude of the American people.

Mr. Speaker, I ask all Members to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I am pleased to join with the gentleman from Florida, chairman of the Subcommittee on Civil Service and Agency Organization, in consideration of this resolution. I also want to commend the gentlewoman from Ohio (Ms. PRYCE) for her sensitivity in introducing this legislation to the floor.

Mr. Speaker, Dave Thomas, founder of Wendy’s Old Fashioned Hamburgers Restaurants, died of cancer on January 8, 2002. As a tribute to Thomas, Wendy’s web page notes that “Dave was much more than Wendy’s founder and senior spokesman. He was a mentor to many hundreds of people he personally helped and thousands who have been inspired by his leadership.”

Born in Atlantic City, New Jersey, on July 2, 1932, Thomas was adopted by Rex and Auleva Thomas of Kalamazoo, Michigan, and became a lifelong advocate and activist for the cause of adoption. Thomas has been inspired by his leadership and personal commitment to finding homes for children in foster care.

Mr. Thomas was a talented and dedicated businessman, but he was also a leader who accepted the challenge of ensuring that every child has a permanent and loving home. Every day in this country, more than three children die as a result of abuse or neglect. In 1997, an estimated 1,197 children died as a result of abuse or neglect. Seventy-seven percent of those children died as a result of abuse. Seventy-seven percent of those children died as a result of neglect. Seventy-seven percent of those children died as a result of neglect.

Mr. Thomas was their advocate and their friend.
Dave Thomas was their advocate. Of the children in foster care in 1998, 110,000 had a goal of adoption. Dave Thomas was a leader and advocate to help these children realize their goal. That is why in July of 1992, Dave Thomas established the Dave Thomas Foundation for Adoption.

The cornerstone of the foundation was to make adoption work for children and parents. The foundation serves an active voice for the more than 134,000 children in the public child welfare system who are waiting for permanent homes and loving families.

Wendy’s followed Thomas’ lead and officially declared adoption as its centerpiece in 1994. In fact, Wendy’s adoption efforts, such as postcards, trade liners and public service announcements account for approximately 40 percent of all calls taken at the National Adoption Center’s toll-free number, 800-888-ADOPT.

Dave Thomas’ leadership and advocacy have made a tremendous difference in the lives of children waiting to be adopted in the United States. Mr. Thomas truly lived the motto ‘If I can help somebody as I pass along, if I can cheer somebody with a word of song.’

Dave Thomas was indeed not only a hero to the thousands of children who are in need of adoption, but all of us who need inspiring, who need inspiration and information relative to this great public need.

So, Mr. Speaker, I urge all of my colleagues to join in support of this resolution. Once again, I commend the gentlewoman from Ohio (Ms. PRYCE) for introducing this resolution.

Mr. Speaker, Dave Thomas was one of the finest men that I ever knew. Dave was a personal friend of mine. I stayed with him many times when I was in Florida. We played golf together. He loved to play golf. Although he was not the greatest golfer in the world, he was very enthusiastic about it.

The things I want to talk about today are the things I found out about Dave on a personal level. The gentlewoman from Ohio covered so much of his life very, very well.

Let me just say Dave really was an American success story. When he was about 15 years old, he pretty much was on his own in Fort Wayne, Indiana. He dropped out of school. His real parents never knew. He was adopted by a husband and wife. His adoptive mother died when he was about 12 years old. His father, because he had to move around for jobs, had to pretty much leave Dave in Fort Wayne when he was 15.

Dave, I believe, stayed at the YMCA and worked as a busboy and worked in the restaurant that his adoptive parents became manager of the restaurant, as time went by he was asked if he would like to come to Columbus, Ohio, and take over four Kentucky Fried Chicken franchises for somebody who was about to go bankrupt. The fellow told him if you come over here and work with us, in 3 or 4 years we will either be bankrupt or you will own half of the restaurants.

Dave was such a natural at this business and worked so hard that, after a time, he sold his interest in those four Kentucky Fried Chicken franchises for $1.5 million and became involved, as I understand it, with Arthur Treacher’s

Mr. Speaker, I urge my colleagues to support this resolution honoring a dear friend and a champion for children, Dave Thomas.

Mr. Speaker, I reserve the balance of my time.
Fish and Chips and made some more money and decided to retire at a very young age.

But he wanted one good hamburger restaurant. He said there was not a really good hamburger restaurant that he knew of, so he started one and named it after his daughter, Wendy, in Columbus, Ohio.

The rest is history. As you know, that one restaurant, he only wanted one, ended up being 6,000 restaurants, many of which he owned and his corporation owned, and many franchised out to others. Dave became one of the most successful businessmen in America, and he was a high school dropout.

He owned two jet planes, he had golf courses, he had radio stations, he had everything. He was just an amazing story. In fact, he won the Horatio Alger Award, which, of course, goes to people who have really been a success and realized the American dream. But not only that, he was very concerned about children. The gentlewoman from Ohio (Ms. Pryce) talked about.

When he was a young boy, he did not have a family. He was on his own. He knew how important and how valuable family relationships are to kids, so he worked his whole life trying to make sure that children who did not have parents who were in foster homes got loving parents.

In his restaurants, if you looked at the little pads they put out for people to eat their food off of, all of them told about how you could adopt a child and what needed to be done. He even came to the gentlewoman from Ohio (Ms. Pryce) and me and worked very hard to get an adoptive stamp passed by the Congress and by the Postal Service and the Postal Stamp Commission that depicted children and talked about adoption so that some of the funds raised from those stamps could go to help children get adopted and get into loving homes.

He even started a golf tournament called the Wendy's Three Tour Challenge, where you had the LPGA, the PGA, and Senior PGA play once a year with a series of teams; and all the proceeds from that tournament went to adoption of children, to his adoption foundation.

He was truly a wonderful, wonderful man. His wife, Lorraine, was always very supportive. I got to know her very well. She is a wonderful lady; and, Lorraine, if you happen to be watching today, my sympathy goes out to you and your children. We are all going to miss Dave. He was a wonderful, wonderful man.

A little story, an aside: I was playing golf one day down at Adios, which is a golf course that he helped found with a man named Ed Tutweiler, down in Florida; and Dave was telling me one day, he said, "You know, they want me to do commercials, and I don't know if I can do those." I said, "Dave, I think you would do a good job." I really didn't know, but I was trying to give him encouragement. And he became one of the best spokesmen in America for his business.

Everybody in this country knew Dave Thomas. As a matter of fact, he would come to Indianapolis; he came up there to visit a number of times on a speaking engagement. He came to Indianapolis. I remember when we were sitting having dinner, when he came up, we always had dinner together, and two ladies came over from my congressional district.

They came over to talk to Dave Thomas and he said, "Do you know your Congressman?" They said no, and he introduced my constituents to me. That is how well he knew him. He was so well known that people knew him, but they did not even know their own Congressman. He was just an extraordinary man.

I hope that my statements today tell Lorraine and the family and all the people that loved him who are over there in Dublin, Ohio, at the Wendy's headquarters, the place that I really loved this guy. What you saw was what you got. When you saw him on TV, he was a lovable guy; and if you got to know him, as I knew him, you knew he was a lovable guy, and he really cared about his fellow man, especially children who did not have parents. The world is going to be a far less place for all of us now that he is gone. It was a far better place for all of us as long as he was here.

The thing that was interesting about Dave is not only was he concerned about adoption, but he was concerned about sending a message to kids that they ought to get a good education. When he was in his sixties, he went back and got his GED; not because he needed it, but because he wanted to set an example for children to get a high school education.

A high school down in Florida where he lived adopted him and had Dave and his wife come as the king and queen of their graduating class at their prom. Dave went with his tuxedo. Here he was, 60-some years old, and he and his wife were the king and queen of the prom. And do you know what? That class voted him the most likely to succeed, and I think it was a good choice. He was a wonderful man. Dave, I hope you are up there watching us. We love you and we miss you. I am sure that there is a good place in heaven for you.

Ms. Pryce of Ohio, Mr. Speaker, I am very pleased to yield 1 minute to my neighbor, the distinguished gentleman from Ohio (Mr. Tiberi), another friend of Dave Thomas.

Mr. TIBERI. Mr. Speaker, I would like to thank my colleague for introducing this resolution. Dave was a special person, and it is a privilege for me to have known Dave and to speak on this resolution today.

Much has already been said by the gentlewoman from Ohio (Ms. Pryce) and others, and the gentleman from Indiana (Mr. Burton). Dave received so many awards, too many to mention today. He established the Dave Thomas Foundation for Adoption, which is in central Ohio. He did so much not only for our country and our state, but certainly our community in Columbus, Ohio.

Dave was a man that I got to know when I was in the State legislature. He certainly did many things that people are not even aware of. But the Dave that we meet on TV is the Dave we meet in person. He is one and the same, a very simple man.

One of his highlights, as the gentleman from Indiana (Mr. Burton) said, was after 45 years of leaving high school, he received and earned his GED certificate from a high school in Indiana, securing him in his mind as a role model for students. But we all know that Dave was a role model. He will be missed. He leaves a long legacy. He is a gentle giant and a great American.

Ms. Pryce of Ohio, Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Maryland (Mrs. Morella), my distinguished colleague.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding me this time. I certainly do rise in recognition of David Thomas and support this resolution honoring his life.

When he passed away on January 8, the world lost a great advocate for children. While so many know him as a dedicated businessman, his greatest accomplishment to many of us was the difference he made in the lives of so many vulnerable children. I thank the gentlewoman from Ohio for introducing this resolution. She indeed knows full well the values of adoption. I as a parent who, with my husband, have raised 9 children, 6 who were the children of my late sister, have become an advocate for children, as Dave was and for the story and the message that he told that reached millions.

With his corporate relationships, he encouraged the practice of adoption incentives through employee benefits plans. Approximately, 50,000 children are adopted nationwide each year. According to the State Department's annual report, the number of international adoptions is steadily increasing every year. According to Adoptions Forever, an adoption agency in Maryland, the average cost of adoption for an international orphan ranges up to $30,000, while a domestic adoption can range up to $12,000. Easing the burden of this cost can make all the difference for families who are considering adoption, and Dave Thomas worked tirelessly to minimize these barriers to helping children in need.

Almost 10 years ago, he founded the Dave Thomas Foundation for Adoption, which continues to serve as the voice for the more than 134,000 children in the United States who are awaiting permanent homes. His foundation also concentrates on children who may be harder to place, older kids,
those in sibling groups, minority children, or those with physical or mental handicaps.

Dave Thomas will be missed in Congress as well. His testimony on adoption tax credits, adoption legislation, and his efforts for the creation of the adoption stamp issued by the U.S. Postal Service in May of 2000 has been key in raising necessary awareness and support. Children have lost a hero in Dave Thomas, but his legacy will live on through his foundation, continuing the reform efforts to streamline the process of child adoption, and advance the cause of child adoption. It is for that reason that we honor Dave today.

In 1992, Dave established the Dave Thomas Foundation for Adoption to work with national adoption organizations to promote adoption as the child's preferred option. From 1990 until 2000, Dave was the national spokesman for a number of White House adoption and foster-care initiatives. He was a most deserving recipient of the distinguished Angel in Adoption Award from the Congressional Coalition on Adoption, and the Social Awareness Award from the U.S. Postal Service.

Mr. Speaker, I am pleased that we honor Dave today with this Resolution, but it is my belief that we can do Dave no greater honor than the legislation that we have passed along as we in Congress press on towards the common goal we shared with Dave: making sure that every child has the opportunity to grow up in a safe home with loving parents.

My thoughts and prayers are with Dave's family.

Mr. SHAW. Mr. Speaker, today I rise to pay tribute to a great American, Dave Thomas, who passed away at the age of 69 on January 8, 2002. I am honored to be an original co-sponsor of this resolution that honors his life and expresses the deepest condolences of the House of Representatives to his family on his death.

I had the privilege of knowing, working with, and, in fact, representing Dave Thomas in Congress. But most importantly, I had the honor of calling Dave my friend.

Dave Thomas was the epitome of the American success story. He worked his way from humble roots to be an icon of business achievement. What I admired and respected most about Dave was what he did with his success. As a spokesperson for his administration's adoption policies, he poured his heart and his influence into helping children find families. A giant in the arena of adoption, Dave gave a voice to thousands of children looking for loving homes through his Foundation for Adoption and his contributions to the Dave Thomas Center for Adoption Law at Capital University.

As the former Chairman of the Human Resources Subcommittee, I had the honor of having Dave testify before my panel on two occasions. Dave was both an advocate and an authority on adoption, whose input was invaluable as we drafted legislation to improve adoption policies. He was a pioneer in developing adoption friendly corporate practices, giving his employees who adopted children special benefits.

I join his family, the House of Representatives and thousands of children around America who are waiting to be adopted, to honor the life of this great man.

Mr. HOBS. Mr. Speaker, I rise in support of this resolution, and recognize the accomplishments and contributions of Dave Thomas.

Throughout his life, Dave Thomas continually displayed the qualities and work ethic that exemplified the American dream. Whether with his family, friends, or his work, Dave Thomas always sought to improve the way of life for those around him. Having been adopted at a young age, Dave Thomas devoted much of his life to raising awareness and creating better opportunities for adopted children everywhere.

As a fellow restaurateur and small business owner, Dave was an advocate for child adoption and hard work necessary to turn the first Wendy's Old Fashioned Hamburgers in downtown Columbus, OH, into something people worldwide know and love. Behind his business expertise and a promotional campaign driven by a warm smile, Wendy's has become a standard to which all other restaurants must be compared.

As I travel around Ohio, the birthplace and home of the Wendy's tradition, I will be constantly reminded of just how many lives Dave Thomas has actually touched. Whether I am visiting one of the several Wendy's locations within Ohio's Seventh Congressional District, or affixing an Adoption Awareness stamp on an envelope, Dave Thomas will be in my thoughts and will be missed dearly.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to express my strong support for this resolution before us today, which recognizes the valuable contributions of Wendy's Founder, R. David Thomas.

Born in 1932 in Atlantic City, New Jersey, Dave Thomas never knew his birth parents, and was adopted when he was six weeks young. One of Dave's most cherished childhood memories was eating out at restaurants. Thus, as a young man, he committed himself to opening up his own restaurant where families could enjoy eating and spending time together. On November 15, 1969, Dave Thomas founded Wendy's Old-Fashioned Hamburgers in Columbus, Ohio, and transformed it into one of the most successful food franchises in the country.

Mr. Thomas was much more than a successful businessman, however. He never forgot his roots, and he used his financial success to promote and advocate the cause of adoption. In 1990, President George H. W. Bush asked Mr. Thomas to be a spokesperson for his administration's adoption initiative, "Adoption Works. . . For Everyone." Mr. Thomas gracefully accepted the challenge, and began to speak out and encourage people to consider adoption. The Wendy's Corporation championed adoption as its national charitable cause, while taking a corporate leadership role in advancing the cause of adoption by encouraging other corporations to offer family leave and adoption benefits to employees who welcomed and adopted a child into their family.

In conjunction with National Adoption Month every November, over 6,000 Wendy's North American restaurants undertake an aggressive advertising campaign advocating the cause of adoption. These widely successful adoption efforts, such as public service announcements and tr. er. tray liners, promise posters forapproxi mately 40 percent of all calls taken at the National Adoption Center's toll free number (1-800-TO-ADOPT).

Dave's personal contributions of time, money and initiative to the cause of adoption have been equally successful. Dave donated all of the proceeds from his 1991 autobiography Dave's Way and his 1995 book Well Done! to the foundation.
Then in 1992, Mr. Thomas founded The Dave Thomas Foundation for Adoption, a nonprofit organization that supports over 134,000 children in America’s foster care system waiting for permanent and loving homes.

Virtually every well-conducted social research study that has examined the impact of adoption on a child concludes that adoption is far more preferable than state custody. The adoption of a child into a traditional two-parent, man and woman family, has profoundly positive social benefits for the child and family as well as for our society.

Mr. Speaker, I urge all members of Congress to support the Dave Thomas Resolution. America has lost an important champion for children with the death of Dave Thomas. It is fitting and appropriate that we honor his good deeds today. We all hope and pray that his good work will continue on, despite his passing.

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

The SPEAKER pro tempore (Mr. WALDEN). The question is on the motion offered by the gentleman from Florida (Mr. WILCOS) that the House suspend the rules and agree to the resolution, H. Res. 336.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to. A motion to reconsider was laid on the table.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 335) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. Res. 335

Whereas America’s Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-laden education emphasizing the lifelong development of moral, intellectual, physical, and social values in America’s young people;

Whereas the total Catholic school student enrollment for the 2000-2001 academic year was 2,667,301, the total number of Catholic schools is 8,146, and the student-teacher ratio is 16 to 1.

Whereas Catholic schools provide more than $17,239,224,112 a year in savings to the Nation based on the average public school per pupil expenditure.

Whereas Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minorities.

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 95 percent of Catholic high school graduates go on to college.

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, “Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education, ministry, and the necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community of intellectual, moral, and spiritual competence. The individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives:” Now, therefore, be it resolved,

That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America’s thousands of Catholic elementary and secondary schools;

(2) congratulates Catholic schools, students, parents, and teachers for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TIBERI) and the gentleman from Michigan (Mr. KILDEE) each will speak 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 335.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TIBERI) and the gentleman from Michigan (Mr. KILDEE) each will speak 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TIBERI).

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

Mr. Speaker, today’s resolution recognizes the contributions of Catholic schools as a powerful and unique educational structure in the nation by which we provide a Catholic education to children in America. I received a high quality education from these schools and have benefited greatly. Children all across America have benefited from a Catholic education.

Certainly we can all agree that Catholic schools are a strong and positive force in American education. Fortunately, the truly great aspect of American education is its diversity. We must have an educational structure that can provide an opportunity in any city in any State with the opportunity to succeed.

The House’s recent bipartisan support for the education reforms in H.R. 1, signed into law by President Bush, have strengthened these opportunities. The educational recipe for success in our country certainly includes Catholic schools, schools with other religious backgrounds, nonreligious private schools, along with our public schools. In this diversity, this diversity that truly makes American education powerful and helps make American educational success possible.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. We must recognize the importance and value that all pieces of our educational structure have in the lives of our children.

Mr. Speaker, in closing, I want to thank the author of this resolution for helping it to the floor today.

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

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

I would just like to point out that Catholic school enrollment continues to increase in the United States of America, with more than 2.6 million students nationwide for this past academic year. Catholic schools also teach a diverse group of students. Over 25 percent of students enrolled in Catholic schools are minorities.

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

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

I would like to point out that Catholic school enrollment continues to increase in the United States of America, with more than 2.6 million students nationwide for this last past academic year. Catholic schools also teach a diverse group of students. Over 25 percent of students enrolled in Catholic schools are minorities.

Mr. Speaker, the graduation rate of Catholic school students is 95 percent, in Columbus, is a past recipient of that award.

But Catholic schools provide much more than just a superior scholastic education. They ensure a broad values-added education emphasizing the lifelong development of a student of faith, values, family, and community in all of our young people.

They produce students dedicated to their faith, values and families and communities. Indeed, they are central to building a sense of community in our country that all children should have the opportunity to enjoy.

I am proud, Mr. Speaker, to be an original cosponsor of this resolution. I strongly support its adoption.

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

Mr. KILDEE. Mr. Speaker, I rise in support of this resolution. I yield myself such time as I may consume.

Mr. Speaker, today’s resolution recognizes the contributions of Catholic schools as a powerful and unique educational structure in the nation by which we provide a Catholic education to children in America. I received a high quality education from these schools and have benefited greatly. Children all across America have benefited from a Catholic education.

Certainly we can all agree that Catholic schools are a strong and positive force in American education. Fortunately, the truly great aspect of American education is its diversity. We must have an educational structure that can provide an opportunity in any city in any State with the opportunity to succeed.

The House’s recent bipartisan support for the education reforms in H.R. 1, signed into law by President Bush, have strengthened these opportunities. The educational recipe for success in our country certainly includes Catholic schools, schools with other religious backgrounds, nonreligious private schools, along with our public schools. In this diversity, this diversity that truly makes American education powerful and helps make American educational success possible in its mission.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. We must recognize the importance and value that all pieces of our educational structure have in the lives of our children.

Mr. Speaker, in closing, I want to thank the author of this resolution for helping it to the floor today.

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

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

I would like to point out that Catholic school enrollment continues to increase in the United States of America, with more than 2.6 million students nationwide for this past past academic year. Catholic schools also teach a diverse group of students. Over 25 percent of students enrolled in Catholic schools are minorities.

Mr. Speaker, the graduation rate of Catholic school students is 95 percent, in Columbus, is a past recipient of that award.

But Catholic schools provide much more than just a superior scholastic education. They ensure a broad values-added education emphasizing the lifelong development of a student of faith, values, family and community in all of our young people.

They produce students dedicated to their faith, values and families and communities. Indeed, they are central to building a sense of community in our country that all children should have the opportunity to enjoy.

I am proud, Mr. Speaker, to be an original cosponsor of this resolution. I strongly support its adoption.

Mr. Speaker, I reserve the balance of my time.
and only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise in strong support today of House Resolution 335, which recognizes and honors the contributions of Catholic schools in the United States. I commend the gentleman from Ohio (Mr. TIBERI), a member of the committee, for bringing it to the floor today. As we all know, Catholic schools throughout our Nation have a storied and well-earned tradition of academic excellence and I am pleased to join my colleagues in recognizing them.

This resolution is straightforward. We are honoring and we congratulate Catholic schools, students and teachers, for their continued contributions to education and society and the vital role they play in promoting and ensuring a stronger and brighter future for this Nation. This week is the national Catholic Schools Week, and it is fitting that today we are focusing upon the important role that Catholic schools provide in us a well-rounded education for America’s young people, one that gives special attention to the academic, moral, and social development of our children. The very appropriate theme of this year’s week is “Catholic schools: Where Faith and Knowledge Meet.”

As Ernestine Sanders, the President and CEO of the Cornerstone Schools Association, a Catholic “mini-district” in Detroit, Michigan, has said, and I quote, “At its core, a citizen is not a good citizen without virtue, without integrity, without honor, without a love for the other.”

I am proud of how all Catholic schools emphasize intellectual, spiritual, moral, and social values and produce well-rounded citizens. Catholic schools have found a way to teach students not only academic knowledge, but also real life lessons in service to mankind and respect for one’s neighbors.

Mr. Speaker, I can personally attest to the outstanding contributions and dedication of Catholic schools, as I am a proud product of Catholic schools in Ohio, having attended St. Peter and Paul Elementary School in Reading, Ohio, and Archbishop Moeller High School in Cincinnati, Ohio, and then went on to graduate from another Catholic institution, Xavier University, which is also located in Cincinnati.

In the great State of Ohio, Catholic schools have made a positive impact on the lives of hundreds of thousands of students.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, I am pleased to be a co-sponsor of House Resolution 335 in recognition of Catholic Schools Week. Catholic schools play a tremendous role in preparing young men and women for citizenship and to become future leaders.

In fact, the Archdiocese of Chicago, with 267 elementary and 45 secondary schools, 6,000 teachers, and 130,000 students, operates the largest nonpublic school system in the Nation. This is a school system that can claim many noteworthy achievements, including above-average attendance rates, graduation rates, and college attendance rates.

Every year, the U.S. Department of Education designates schools that demonstrate excellence as Blue Ribbon Schools of Excellence. Two of the 29 schools nationwide that have received this designation are run by the Archdiocese of Chicago.

Equally noteworthy is the commitment of Catholic schools to educating inner-city students, who oftentimes are left behind. Through the Big Shouters Fund, scholarships, and educational programs are provided to 114 Catholic schools that serve inner-city students. Seventy percent of the elementary and high school students in the Big Shoulders program are minorities, and 36 percent are non-Catholic. Ninety-six percent of the Big Shoulders school students graduate high school, and a remarkable percentage, 88 percent, go on to college.

So on the occasion of Catholic Schools Week, I offer heartfelt appreciation to the Catholic school professionals whose dedication to our Nation’s children is enormous. I always say that teaching is one of the most noble of all professions, and I would certainly take my hat off to all of those who help to prepare students through a good Catholic education.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the committee.

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I failed to mention that who were joined by the president of the Ohio Senate, Mr. Richard Finan. I bring this to the attention of Members because he is a friend to all those who would serve in the State legislature; but he is another fine example of one who was raised by and attended Catholic schools.

As a matter of fact, he is a proud alumnus of the University of Dayton, where he serves on the board of directors at UD, a fine Marianist university in Dayton, Ohio. But he is with us today, and it really goes to show you what a good solid education will do for all of us. As many know, I have 11 brothers and sisters; and my father did not make a lot of money, he owned a bar; but he was strong about the need for all of us to get a good education, and made the sacrifice to send all of us to parochial schools, to the point where heaven knows how many my mother was ever able to balance the books and make this happen, but I thank them for their commitment to me and my 11 brothers and sisters, because without that commitment, God only knows, I may not be here today.
Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand on this floor as a proud graduate of St. George’s Elementary School and St. John the Baptist High School and Fordham University. Some might say I am an exception to the rule, since there are so many great graduates of parochial schools, and particularly we talk today about Catholic schools. The Catholic education I received provided me with the tools to not only forge success in life, but gave me an unending desire to serve my fellow man. That is where I learned this, besides, of course, from my home.

I stand before the Members as the father of three sons who also attended Catholic school. Not too long ago in our Nation’s history, Roman Catholics were not accepted in many parts of our society. That has changed. My Catholic education taught me that every American, no matter their religion, their creed, their color, had an equal right and should get an equal chance in this dream.

When we celebrate the 28th annual Catholic Schools Week, I am proud to report that Catholic schools continue to be a vibrant patch of the American quilt. The 8,146 Catholic schools in this Nation serve more than 2.6 million students. That is a lot of students that would be in the public schools. We support the public schools, but we are here talking about a major portion of our society are in Catholic schools.

As a child and lifelong resident of my major city, Paterson, New Jersey, I am proud to report that 46 percent of the Catholic schools are in urban areas. Many of these schools educate our most vulnerable students.

Catholic schools continue to be as diverse as America. One in every four Catholic students, or students in a Catholic school, are minority. The results continue to be outstanding. Eighty-three percent of the Catholic high school students go on to higher education and only 3 percent drop out, a figure well below the national average.

For the three sons that I sent to Catholic school, I knew, along with learning the three Rs, their spirits would be nurtured. This is the same Catholic spirit I learned in school: a spirit of tolerance, of compassion, and service to our fellow man; a spirit that translates so easily to the secular world of public service this Chamber honors.

I am pleased to add my voice to the chorus of those celebrating the wonderful achievements of these wonderful American institutions.

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

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding time to me. I thank our ranking member and everyone that is a part of this tribute to Catholic schools and the education, the superb education that they provide for students across our country.

This Congress I stand to education and to improvement in our public education system. This is something that is a value of the American people; and they want it implemented in classrooms across the country, so I am proud to have the effort to improve public education.

In our country, we also have other institutions of learning. Certainly, Catholic schools have given their best and produced students for the betterment of our Nation. I am a product of a Catholic education, and I am proud of that. I know that my teachers, along with my parents, helped shape me to be who and what I am today.

I am very proud of my children being graduates of Catholic schools. My daughter Karen today is the head of the middle school, St. Joseph’s, in Atherton, California. Her husband, Jim, my wonderful son-in-law, is part of a high school faculty at Convent of the Sacred Heart.

So I want to pay tribute to all of the lay people that are part of Catholic education across our Nation, and to the great orders, the sisters. I am a product of the Sisters of Notre Dame de Namur, and my mother was a member of the Religious of the Sacred Heart. To the brothers, to the priests, to the nuns that have made Catholic education what everyone in this country has come to believe it represents, our thanks. They have contributed mightily to the betterment of our Nation and have deepened our spirituality and shaped citizens for decade after decade after decade.

I am very proud that the House of Representatives has chosen for the third year in a row to make this a tradition in the House where we pay tribute to Catholic schools and all that they have done. I thank everyone that is part of this effort.

Mr. PAUL. Mr. Speaker, I am pleased to join the sponsors of the H. Res. 335 in honoring the success of Catholic Schools in providing a quality education to millions of children around the country. However, I am concerned that this resolution also contains language that violates the establishment clause of the first amendment, thus insulting the millions of religious Americans who are struggling to educate their children free from federal control and endangering religious liberty.

The success of Catholic schools has been remarkable. Catholic schools operating in the inner-city have been able to provide an excellent education to students written off by the educational establishment as “unteachable.” Contrary to the claims of their critics, Catholic schools do not turn away large numbers of children so as to enroll the “best and the brightest.” In fact, a few years ago the Archdiocese of New York offered to enroll all students who had been expelled from New York’s public schools! Mr. Speaker, I have introduced legislation, the Family Education Freedom Act (H.R. 368) which would help more parents afford to send their children to Catholic, or other religious schools, by providing them with a $3,000 tax credit for K–12 education expenses.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Ms. ESHOO).
that should be insulting to all believers no mat-
ner their faith. After all, despite what a few of
my colleagues seem to think, Mr. Speaker, we
in Congress are neither omnipotent nor divine.

In conclusion, Mr. Speaker, I join the spon-
sors of H. Res. 335 in their admiration for the
work of Catholic schools. However, I also have
have reservations about the language singling
out the religious goals of one faith for praise.

Ms. JACKSON-LEE of Texas. Mr. Speaker,
I rise in support of this measure to recognize
the role Catholic Schools have played in the
development of American Children.

This week Catholic elementary and sec-
ondary schools nationwide celebrate the 28th
annual Catholic Schools Week. Saint Philips
High School and Saint Pius High School in my
District will be celebrating this week. This
event was established to increase support for
private Catholic schools and to recognize their
accomplishments and contributions to the coun-
try.

“Catholic Schools Week” celebrates edu-
cation that goes beyond preparation for a sec-
ular life; it is an education that prepares stu-
dents to think. Parents who choose to send
their children to Catholic Schools do so be-
cause they not only want their children to
have an excellent education in reading, writing
and arithmetic, they also want them to have a
Christian education.

Although public schools can prepare chil-
dren for a secular life through a good edu-
cation, they are Constitutionally bound to not
extend their role as educators into the area of
religious education. I encourage parents who
would like the benefits of public education and
the rewards of faith based education to make
a commitment to work with those religious
communities that share their beliefs in the de-
velopment of after school and weekend para-
chial programs.

This bill states that Congress supports the
goals of Catholic Schools Week, an event
sponsored by the National Catholic Edu-
cational Association and the U.S. Catholic
Conference, and congratulates Catholic
schools, students, parents, and teachers for
their contributions to education.

Catholic Schools Week recognizes a diverse
group of students, 24 percent of whom are minorities.
Moreover, only three percent of Catholic high
school students drop out of school and 83 per-
cent go on to attend college.

Finally by providing an intellectually stimu-
lating environment rich in moral guidance, Catholic
schools produce students and, ulti-
ately, citizens who are strongly dedicated to
their faith and communities.

I offer my heart felt thanks to the Catholic
Schools and other religious schools across the
nation for their dedication to excellence in the
classroom as they prepare young people to
achieve excellence in life.

Mr. UNDERWOOD. Mr. Speaker, I rise
today in support of H. Res. 335, which cele-
b rate s the significant contributions that
Catholic schools make each and every day
throughout the nation. I would like to take
this opportunity to thank my colleague Mr. SCHAF-
FER for continuing in the tradition of recog-
nizing the role of Catholic schools in our na-
ton and around the globe.

My district of Cincinnati is nearly half a
world away from Washington, D.C. and is home
to more than 100,000 Roman Catholics, who en-
compass an overwhelming majority of the resi-
dent population. Guam has a centuries-old
history and tradition of Roman Catholicism
since the island was discovered by Ferdinand
Magellan in 1521. Magellan, who was
voyaging around the world, was the first Euro-
pean to land on Guam. He was accompanied by
several of his chaplains when he stepped
ashore in the southern village of Umatac. Cen-
turies later, local residents continue to cele-
brate the history of the discovery of Guam
with a re-enactment of Magellan’s landing.

The year 1662 ushered in the first of multiple
arrivals of Spanish missionaries to the island.
Over time, various types of Catholic teachings
have provided Guam’s children with edu-
cational skills. The first missionaries began the
tradition of “ Eskuelan Pa’lae,” or Catholicism
classes, which taught basic reading and com-
prehension skills and religious doctrines.
Today Guam’s Catholic schools strive for aca-
demic excellence and continue to instill moral
values in their students.

Several religious orders and countless cad-
dres of lay teachers have provided educational
guidance and have broadened opportunities
for Guam’s school children since the end of
World War II. Catholic school system was
established. The School Sisters of Notre Dame, Sisters of Mercy, Dominican Sis-
ters, the religious orders of Capuchin, Francis-
ciscans, Jesuits, and Marists have all served to
educate Guam’s school children.
The three Catholic high
school education in Guam. These include:
Notre Dame High School in Talotofo, which is
Guam’s only co-ed Catholic High School; the
Academy of Our Lady of Guam in Hagatna;
and Father Duenas Memorial School in
Mangilao, which together serve an enrollment
of approximately 1,100 students. There are
seven elementary and middle schools, includ-
ing: Bishop Baumgartner Memorial School in
Sinajana; Our Lady of Mt. Carmel School in
Agat; Saint Anthony School in Tamuning;
Saint Francis School in Yona; San Vicente
School in Barragada; Santa Barbara School in
Dededo and Dominican School in Vigo, which
together serve an enrollment of 2,300 stu-
dents. Finally, four Catholic nursery schools
in Guam bridge the continuum of education from
kindergarten through grade 12. The Catholic,
the Dominican Child Care Center in Ordot; the
Infant of Prague in Mangilao; Maria Artero in Agana
Heights; and Mercy Heights in Tamuning.

As a former educator who was raised in the
Catholic faith, I certainly appreciate the edu-
cation provided by Catholic schools. Three of
my five children have attended Catholic
schools in Guam and in Virginia and 10 of my
16 staffers in both my District and D.C. offices
are products of the Catholic school system in
Guam and the Philippines. Additionally, my
aunt, Mary Underwood, was instrumental in
the establishment of the Catholic school sys-
tem after World War II. She was also the
first native of Guam to commit her life as a nun to
the devotion and service of the Catholic
church.

Catholic schools continue to provide a
broad, value-added education and to shape the
life-long development of moral, intellectual,
physical and social values of students. This
week marks National Catholic Schools Week,
which is the culmination of an annual celebra-
tion of the significant educational role of
Catholic education throughout the nation and
around the globe.

At this time, I would like to commend the
contributions of all Catholic schools, students,
parents, teachers and administrators in Guam
and across the nation. I would also like to rec-
ognize the important contributions of the Arch-
diocese of Hagatna, which oversees the ad-
ministration of all of Guam’s Catholic schools,
and, particularly, to applaud the service of
Archbishop Anthony Apuron, for continuing in
the tradition of fostering excellence in edu-
cation and moral well-being of the children
of Guam.

I stand in support of this resolution and urge
my colleagues to join in support of the pas-
sage of H. Res. 335.
home. But that does not mean that our schools don’t have a role to play in helping parents instill in their children a sense of right and wrong. Schools can help parents, or they can help undermine their efforts. I am proud that Catholic schools are working every day to help parents to instill decency, fair play, and respect. Parents know their job is not an easy one these days. Their moral lenses are constantly being undermined by contradictory messages that bombard our kids from every possible direction. It’s very reassuring to parents of Catholic school students to know that at least they child’s school can be counted upon to be an ally in this struggle.

Lastly, in honoring the contributions of Catholic schools, we must not forget or neglect the vital role of our public school system. Both school systems assist and teach each other. Many troubled children have transferred out of the public school system and have been turned around in a Catholic school. This symbiotic relationship strengthens both systems.

Mr. Speaker, I ask that all members lend their support to H. Res. 335, and pass it unanimously.

Mr. CROWLEY. Mr. Speaker, as we celebrate Catholic School Week, I rise today to express my support for H. Res. 335, honoring the contributions of Catholic schools to our children and our country.

For centuries Catholic schools have been a gift to the nation as well as to the Catholic church. They have helped millions of children become informed and caring citizens. In New York, His Eminence Edward Cardinal Egan, Archbishop of New York and Bishop Thomas V. Daily, Diocese of Brooklyn and Queens are part of a long standing American tradition of providing quality religious instruction to New York City children, where the Catholic schools are older than the public schools, dating back to the year 1800. I am particularly proud of St. Joseph’s in Astoria, whose supportive and dedicated parents I was happy to write a letter in praise of earlier this week.

Mr. Speaker, from Head Start to high school, Catholic schools prepare our children to be positive influences on the lives of others, particularly the young in our inner city areas. They promote academic excellence and spiritual enrichment. Their values-centered instruction produces students strongly dedicated to their faith, their families, and the communities. They provide hope and promise to those who may be at risk. Perhaps most importantly, they have created opportunities to integrate the families and children of many nationalities and cultures into America and into New York.

Mr. Speaker, more than 24 percent of school children enrolled in Catholic schools, such as St. Bartholomew’s in Elmhurst are minorities, many new to our country and the English language.

In my district alone, roughly 30 schools serve over 8,000 students. 74 percent of which are minorities, many of whom are immigrants. To these children, Catholic schools perform the tireless work of uplifting all boats, and ensure that no child in their care is left behind. Their value to our education system and to society as a whole is—literally and figuratively—beyond measure. I know these things because myself am a product of Catholic schools. The teachers at Power Memorial High School, and the principles of the Church that guided them helped me become the man I am today. In addition three of my relatives received the divine calling to dedicate themselves to the Lord’s work. My Uncle, Father John Crowley is currently the Pastor of St. John of the Cross Church in Vero Beach, Florida. Another Uncle, Father Paul Murphy is a Catholic priest in Philadelphia and my Aunt, Sister Mary Rose Crowley, is a member of the Sisters of Notre Dame, in West Palm Beach.

Mr. Speaker, Catholic school and the Church had a profound influence on my family and myself in the way we learned to see the world. But the world today is a lot different than the one most of us grew up in. So perhaps the most significant contribution of Catholic schools remains their dedication to lend purpose and guidance to those lost in poverty and tough neighborhoods.

In my district, Catholic schools initiate school enrichment, in particular “user-friendly” after-school and special education programs benefiting youngsters throughout the Bronx and Queens, providing direction to children who might otherwise be lost to the streets. These programs and the strong support parochial schools provide to children surrounded by urban challenges provided wholesome influences and much needed structure, making an invaluable difference in countless lives.

Mr. Speaker, I ask that you please join me in honoring the 200,000 Catholic educators in our country. They serve the 2.6 million students attending approximately 8,200 Catholic elementary and secondary schools in America. We thank them for their dedication, their service, and their commitment to our children.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H. Res. 335 that honors the contributions of Catholic Schools throughout our country. Whatever our religious affiliations we can all admit that for many generations, our parochial schools have achieved positive results in providing an excellent education.

The graduation rate of Catholic school students is 95 percent, 83 percent of Catholic high school graduates go on to college, and only 3 percent of Catholic high school students drop out of school. The Catholic schools throughout New Mexico have mirrored these national statistics by providing a high standard of excellence in the way they educate their students.

For example, the LaSallian Christian Brothers founded St. Michael’s High School, in my Congressional District, in 1859. One hundred and forty-three years later, St. Michael’s continues to provide many of the families of northen New Mexico with a parochial education that emphasizes both its religious, academic, and social goals.

Catholic schools, such as St. Michael’s, promote positive values, a sense of spirit and support by educating each student in the spirit of faith and of academic excellence. I encourage my colleagues to support this resolution that honors the contributions Catholic schools have made to our society.

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

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

The SPEAKER pro tempore. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. Accordingly (at 2 o’clock and 57 minutes p.m.), the House stood in recess until 5 p.m.

MESSAGE FROM THE SENATE

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

S. CON. RES. 95. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ELECTION OF MEMBER TO COMMITTEE ON ARMED SERVICES

Mr. ARMEN. Mr. Speaker, I offer a resolution (H. Res. 337) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 337

Resolved. That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Armed Services: Mr. WILSON of South Carolina.

The SPEAKER pro tempore. Is there objection to thegentlemen from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENT RESOLUTION OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 95) providing for a conditional adjournment or recess of the Senate and...
Resolved by the Senate (the House of Representa-
tives concurring), That the Senate recesses or adjourns at the close of busi-
ness on Tuesday, January 29, 2002, and stand adjourned until noon on Mon-
day, February 4, 2002, to stand adjourned until noon on Mon-
day, February 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever oc-
curs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2002, it adjourns to meet at 12:30 p.m. on Wednesday, February 6, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to re-
cess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whenever it occurs first; and that whenever, in their opinion, the public inter-
test is noted.

The SPEAKER pro tempore. The gen-
sentiment is noted.

Ms. ROYBAL-ALLARD. Mr. Speaker, due to personal business, I was inadvertently detained. Had I been present, I would have voted "aye."

Mr. TIAHRT. Mr. Speaker, on rollcall No. 5 the rules were suspended and the resolution was agreed to. So (two-thirds having voted in favor thereof) the rules were suspeded and the resolution was agreed to.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 5, H. Res. 335, Hon-
oring the contributions of Catholic schools.

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall vote No. 5 on Tuesday, January
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Sweeney), The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o’clock and 30 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2051

AFTER RECESS

The recess having expired, the House was called to order at 8 o’clock and 51 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 299 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President and the United States into the Chamber:

The gentleman from Texas (Mr. Arney); The gentleman from Oklahoma (Mr. Watts); The gentleman from California (Mr. Cox); The gentlewoman from Ohio (Ms. Pryce); The gentlewoman from Illinois (Mrs. Biggert); The gentleman from Missouri (Mr. Gephardt); The gentlewoman from California (Ms. Pelosi); The gentleman from Texas (Mr. Frost); The gentleman from New Jersey (Mr. Menendez); and The gentlewoman from California (Ms. Millender-McDonald).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from South Dakota (Mr. Daschle); The Senator from Nevada (Mr. Reid); The Senator from Maryland (Ms. Mikulski); The Senator from North Dakota (Mr. Dorgan); The Senator from Massachusetts (Mr. Kerry); The Senator from West Virginia (Mr. Rockefeller); The Senator from Washington (Mrs. Murray); The Senator from Illinois (Mr. Durbin); The Senator from California (Mrs. Boxer); The Senator from Louisiana (Mr. Breaux); The Senator from Mississippi (Mr. Lotty); The Senator from Oklahoma (Mr. Nickles); The Senator from Texas (Mrs. Hutchison); The Senator from Idaho (Mr. Craio); The Senator from Tennessee (Mr. Frist); The Senator from Texas (Mr. Gramm); The Senator from Kentucky (Mr. McConnell); and The Senator from Maine (Ms. Collins).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Robie Olhaye.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court.

The Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker’s rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker’s rostrum.

At 9 o’clock and 11 minutes p.m., the Speaker called the order of business. The members of the House of Representatives, and the Members of the Senate, gathered in the Hall of the House of Representatives, and stood at the Clerk’s desk. (Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Thank you very much.

Mr. Speaker, Vice President Cheney, Members of Congress, distinguished guests and fellow citizens:

As we gather tonight, our Nation is at war, our economy is in recession and the civilized world faces unprecedented dangers. Yet the state of our Union has never been stronger.

We last met in an hour of shock and suffering. In 4 short months, our Nation has comforted the victims; begun to rebuild New York and the Pentagon; rallied a great coalition; captured, arrested, and rid the world of thousands of terrorists; destroyed Afghanistan terrorist training camps; saved a people from starvation and freed a country from brutal oppression.

The American flag flies again over our embassy in Kabul. Terrorists who once occupied Afghanistan now occupy cells at Guantanamo. And terrorist leaders who urged followers to sacrifice their lives are running for their own.

America and Afghanistan are now allies against terror. We will be partners in rebuilding that country, and this evening we welcome the distinguished interim leader of a liberated Afghanistan, Chairman Hamid Karzai.

The last time we met in this Chamber, the mothers and daughters of Afghanistan were captives in their own homes, forbidden from working or going to school. Today, women are free and are part of Afghanistan’s new government, and we welcome the new Minister of Women’s Affairs, Dr. Sima Samar.

Our progress is a tribute to the spirit of the Afghan people, to the resolve of our coalition, and to the might of the United States military. When I called our troops into action, I did so with complete confidence in their courage and skill; and tonight, thanks to them, we are winning the war on terror. The men and women of our Armed Forces have delivered a message now clear to every enemy of the United States: even 7,000 miles away, across oceans and
continents, on mountaintops and in caves, you will not escape the justice of this Nation.

For many Americans, these 4 months have brought sorrow and pain that will never completely go away. Every day a retired warrior returns to Zero to feel closer to his two sons who died there. At a memorial in New York, a little boy left his football with a note for his lost father: “Dear Daddy, please take this to heaven. I don’t want to play football until I can play with you again.”

Last month at the grave of her husband, Michael, a CIA officer and Marine who died in Mazar-e Sharif, Shannon Spann said these words of farewell: “Semper Fi, my love.” Shannon is with us tonight.

Shannon, I assure you and all who have lost a loved one that our cause is just, and our country will never forget the debt we owe Michael and all who gave their lives for freedom, priority one.

Our second priority must always be the security of our Nation, and that will be reflected in the budget I send to Congress. My budget supports three great goals for America: we will win this war, we will protect our homeland, and we will revive our economy.

September 11 brought the best in America, and the best in this Congress, and I join the American people in applauding your unity and resolve. Now Americans deserve to have this same spirit directed toward addressing problems here at home. If a proud member of my party, yet as we act to win the war, protect our people, and create jobs in America, we must act first and foremost not as Republicans, not as Democrats, but as Americans.

It costs a lot to fight this war. We have spent more than a billion dollars a month, over $30 million a day, and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, and the best training, and they also deserve another pay raise. My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high. Whatever it costs to defend our country, we will do it, and we will do it better.

The next priority of my budget is to do everything possible to protect our citizens and strengthen our Nation against the ongoing threat of another attack. Time and distance from the events of September 11 will not make us safer unless we act on its lessons. America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad and increased vigilance at home.

My budget nearly doubles funding for a sustained strategy of homeland security, focused on four key areas: bioterrorism, emergency response, airport

Afghanistan

our war against terror is only beginning. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making anthrax and nerve gas and nuclear bombs, set to go off without warning. Through the world like ticking time bombs, set to go off without warning.

What we have found in Afghanistan confirms our worst fears and showed us the true scope of the task ahead. We have seen the depth of our enemy’s hatred in videos where they laugh about the loss of innocent life. And the depth of their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making anthrax and nerve gas and nuclear bombs, set to go off without warning.

What we have found in Afghanistan confirms that, far from ending there, our war against terror is only beginning. Most of the 19 men who hijacked planes on September 11 were trained in Afghanistan’s camps, and so were tens of thousands of others. Thousands of dangerous killers, schooled in the meth of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning.

Thanks to the work of our law enforcement officials and coalition partners, hundreds of terrorists have been arrested. Yet tens of thousands of trained terrorists are still at large. These enemies view the entire world as their battlefield, and we must pursue them wherever they are. So long as training camps operate, so long as nations and networks of terrorists, freedom and security is high.

Our Nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will hunt down these last camps, disrupt terrorist plans and bring terrorists to justice. Second, we must prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.

Our military has put the terror training camps of Afghanistan out of business; yet camps still exist in at least a dozen countries. A terrorist underworld, including groups like Hamas, Hezbollah, Islamic Jihad, and Jaish-i-Mohammad, operates in remote jungles and deserts and hides in the centers of large cities.

While our most visible military action is in Afghanistan, America is acting elsewhere. We have now troops in the Philippines helping to train that country’s armed forces to go after terrorist cells that have executed an American and still hold hostages. Our shopping with the Bosnian Government, seized terrorists who were plotting to bomb our embassy. Our Navy is patrolling the coast of Africa to block the shipment of weapons and the establishment of terrorist camps in Somalia.

My hope is that all nations will heed our call and eliminate the terrorist parasites who threaten their countries, and our own. Many nations are acting forcefully. Pakistan is now cracking down on terror, and I admire the strong leadership of President Musharraf. But some governments will be timid in the face of terror. And make no mistake about it: if they do not act, America will.

Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction. Some of these regimes have been pretty quiet since September 11, but we know their potential. They are regimes that are arming with missiles and weapons of mass destruction, while starving its citizens.

Iran aggressively pursues these weapons and exports terror, while an unselected few repress the Iranian people’s hope for freedom.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens, leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections, then kicked out the inspectors. This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the world.

By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.

We will work closely with our coalition to deny terrorists and their state sponsors the materials, technology and expertise. The United States will not permit the world’s most dangerous regimes to threaten us with the world’s most destructive weapons.

Our war on terror is well begun, but it is only begun. They can never be finished on our watch; yet it must be, and it will be waged on our watch.

We cannot stop short. If we stopped now, leaving terror camps intact and terror states unchecked, our sense of security would be false and temporary. History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom’s fight.

Our first priority must always be the security of our Nation, and that will be reflected in the budget I send to Congress. My budget supports three great goals for America: we will win this war, we will protect our homeland, and we will revive our economy.

September 11 brought the best in America, and the best in this Congress, and I join the American people in applauding your unity and resolve. Now Americans deserve to have this same spirit directed toward addressing problems here at home.

My budget nearly doubles funding for a sustained strategy of homeland security, focused on four key areas: bioterrorism, emergency response, airport
and border security, and improved intelligence. We will develop vaccines to fight anthrax and other deadly diseases. We will increase funding to help States and communities train and equip our heroic police and firefighters. We will improve public health, strengthen police and fire departments, and streamline safer neighborhoods, and stricter border enforcement will help combat illegal drugs.

And as government works to better secure our homeland, America will continue to depend on the eyes and ears of our citizens. On that Christmas, an airline flight attendant spotted a passenger lighting a match. The crew and passengers quickly subdued the man, who had been trained by al Qaeda and was armed with explosives. And I went to the scene that day and stood with General Richard Myers: a signal of alert citizens. A few days before Christmas, an airline flight attendant on a flight took off and was going to land at Washington, D.C. And there was a question about the cargo. The flight pups were at the cargo, and they couldn’t find anything suspicious. And then the flight attendant looked up, and there was a passenger lighting a match. And the flight attendant quickly subdued that passenger, and we learned that the terrorist groups had put together a terrorist team to get into the United States and commit acts of terrorist.

But when the checks arrived in the mail, most Americans thought tax relief was just about right. Congress listened to Americans and responded to their concern by reducing tax rates, doubling the child credit, and ending the death tax. For the sake of long-term growth and to help Americans plan for the future, let us make these tax cuts permanent.

The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment, and by speeding up tax relief so people have more money to spend. For the sake of American workers, let’s pass a stimulus package.

Good jobs must be the aim of welfare reform. As we authorize these important reforms, we must always remember that we have a responsibility to the children of the nation, and to the children of the world.

Americans have lost their jobs, their homes, and their health care. We, the government, need to be there to support, to help extend unemployment benefits and direct assistance for health care coverage. Yet American workers want more than unemployment checks, they want a steady paycheck. When America works, America prospers, so my economic security plan can be summed up in one word: jobs.

Good jobs begin with good schools, and here we have made a fine start. Reforms that Democrats and Republicans worked together to achieve historic education reform so that no child is left behind. I was proud to work with Members of both parties, Chairman John Boehner and Congressman George Miller, Senator Patty Murray, and so many others. And I was so proud of our work I even had nice things to say about my friend, Ted Kennedy. I know the folks at the Crawford coffee shop could not believe I would say such a thing, but our work on this bill shows what is possible if we set aside partisanship and focus on results.

There is more to do. We need to prepare our children to read and succeed in school with improved Head Start and early childhood development programs. We must upgrade our teacher colleges and teacher training and launch a major recruiting drive with a great goal for America: a quality teacher in every classroom.

Good jobs also depend on reliable and affordable energy. This Congress must act to encourage conservation, promote technology, build infrastructure, and it must act to increase energy production and we have to do that. This nation is less dependent on foreign oil.

Good jobs depend on expanded trade. Selling into new markets creates new jobs, so I ask Congress to finally approve trade promotion authority. On these two key issues, trade and energy, the House of Representatives has acted to create jobs, and I urge the Senate to pass this legislation.

Good jobs depend on sound tax policy. The goal is to reduce dependency on government and offer every American the dignity of a job.

Americans know economic security can vanish in an instant without health security. I ask Congress to join me in signing the Patients Bill of Rights, to give uninsured workers credits to help buy health coverage, to approve an historic increase in spending for veterans’ health, and to give seniors a sound and modern Medicare system that includes coverage for prescription drugs.

A good job should lead to security in retirement. I ask Congress to enact new safeguards for 401(k) and pension plans that have worked so hard and saved all their lives should not have to risk losing everything if their company fails. Through stricter accounting standards and tougher disclosure requirements, corporate America can make Social Security financially stable and allow personal retirement accounts for younger workers who choose them.

Members, you and I will work together in the months ahead on other issues: productive farm policy; a cleaner environment; broader home ownership, especially among minorities; and ways to encourage the good work of charities and faith-based groups. I ask you to join me on these important domestic issues in the same spirit of cooperation we have applied to our war on terrorism.

During these last few months, I have been humbled and privileged to see the true character of this country in a time of testing. Our enemies believed America was weak and materialistic, that we would splinter in fear and selfishness. They were as wrong as they are evil.

The American people have responded magnificently, with courage and compassion, strength and resolve. As I have met the heroes, hugged the families, and talked to the men and women in the service of our neighbors and your Nation.

And I hope you will join me in expressing thanks to one American for the strength, and calm, and comfort that can vanish in an instant without the dignity of a job.

The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment, and by speeding up tax relief so people have more money to spend. For the sake of American workers, let’s pass a stimulus package.

Good jobs must be the aim of welfare reform. As we authorize these important reforms, we must always remember that we have a responsibility to the children of the nation, and to the children of the world.

Americans know economic security can vanish in an instant without health security. I ask Congress to join me in signing the Patients Bill of Rights, to give uninsured workers credits to help buy health coverage, to approve an historic increase in spending for veterans’ health, and to give seniors a sound and modern Medicare system that includes coverage for prescription drugs.

A good job should lead to security in retirement. I ask Congress to enact new safeguards for 401(k) and pension plans that have worked so hard and saved all their lives should not have to risk losing everything if their company fails. Through stricter accounting standards and tougher disclosure requirements, corporate America can make Social Security financially stable and allow personal retirement accounts for younger workers who choose them.
need mentors to love children, especially children whose parents are in prison, and we need more talented teachers in troubled schools. USA Freedom Corps will expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 volunteers.

And America needs citizens to extend the compassion of our country to every part of the world. So we will renew the promise of the Peace Corps, double its volunteers over the next 5 years, and ask its work to extend not just the freedom and development and education and opportunity in the Islamic world.

This time of adversity offers a unique moment of opportunity, a moment we must seize to change our culture. Through the gathering momentum of millions of acts of service and decency and kindness, I know we can overcome evil with greater good.

And we have a great opportunity during this time of war to lead the world toward an era that will bring lasting peace. All fathers and mothers in all societies want their children to be educated and to live free from poverty and violence. No people on Earth yearn to be oppressed or aspire to servitude or early death at the midnight knock of the secret police.

If anyone doubts this, let them look to Afghanistan, where the Islamic street greeted the fall of tyranny with song and celebration. Let the skeptics look to Islam’s own rich history, with its centuries of learning and tolerance and progress.

America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. No nation owns these aspirations, and no nation is exempt from them. We have no intention of imposing our culture, but America will always stand firm for the nonnegotiable demands of human dignity, the rule of law, the equality of all persons, the respect for women, private property, free speech, equal justice, and religious tolerance.

America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.

In this moment of opportunity, a common danger is erasing old rivalries. America is working with Russia and China and India in ways we have never before to achieve peace and prosperity. In every region, free markets and free trade and free societies are proving their power to lift lives. Together with friends and allies from Europe to Asia from Africa to Latin America, we will demonstrate that the forces of terror cannot stop the momentum of freedom.

The last time I spoke here, I expressed the hope that life would return to normal. In some ways, it has. In others, it never will. Those of us who have lived through these challenging times have been changed by them. We have come to know truths that we will never question: evil is real, and it must be opposed. Beyond all differences of race or creed, we are one country, mourning together and facing danger together. Deep in the American character, there is honor, and it is stronger than cynicism. Many have discovered again that even in tragedy, especially in tragedy, God is near.

In a single instant, we realized that this will be a decisive decade in the history of liberty. We have been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential.

Our enemies send other people’s children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice, made long ago on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

Standing in our purpose, we now press on. We have known freedom’s price. We have shown freedom’s power. And in this great conflict, my fellow Americans, we will see freedom’s victory. Thank you all. May God bless.

(Appplause, the Members rising.)

At 10 o’clock and 4 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order: the members of the President’s Cabinet, the Associate Justices of the Supreme Court, the Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o’clock and 7 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BLUNT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPPERT) for today.

Mr. CAPUANO (at the request of Mr. GEPPERT) for today on account of personal reasons.

Ms. CARSON of Indiana (at the request of Mr. GERHARDT) for today on account of official business in the district.

Mrs. NAPOLITANO (at the request of Mr. GERHARDT) for today on account of illness.

Mr. ORTIZ (at the request of Mr. GERHARDT) for today on account of important business on behalf of the district.

Mr. SPRATT (at the request of Mr. GERHARDT) for today on account of illness.

Ms. WATERS (at the request of Mr. GERHARDT) for today on account of official business in the district.

Mrs. ROUKEMA (at the request of Mr. ARMET) for today on account of illness.

ENROLLED BILLS SIGNED

Mr. Blunt, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 400. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Homes National Historic Site, and for other purposes.


H.R. 193. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 95. An act to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title: S. 1762. An act to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes.

ADJOURNMENT

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

The motion was adopted.

The SPEAKER. Pursuant to Senate Concurrent Resolution 95 of the 107th Congress, the House stands adjourned until noon, Monday, February 4, 2002.

Thereupon (at 10 o’clock and 8 minutes p.m.), pursuant to Senate Concurrent Resolution 95, the House adjourned until Monday, February 4, 2002, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

Senate of the United States

5239. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Reporting Fraud, Waste, and Abuse to the Office of Inspector General, received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5240. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Cooperation with the Office of Inspector General, received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5241. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Las Vegas, Nevada) [MM Docket No. 99-12, RM-10029] received January 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


5243. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Moberly, Missouri) [MM Docket No. 99-10, RM-9965] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5244. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.622(b), Table of Allocations, FM Broadcast Stations (Kailua-Kona, Hawaii) [MM Docket No. 99-9, RM-9972] received January 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5245. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Soperton, Georgia) [MM Docket No. 99-8, RM-9969] received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


5247. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Humboldt, Marysville & Burlington, Kansas, Humboldt, Marysville & Burlington, Kansas, & Auburn, Nebraska) [MM Docket No. 99-6, RM-9967] received January 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5248. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (St. Augustine and Neptune Beach, Florida) [MM Docket No. 99-5, RM-9966] received January 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


5250. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Kailua-Kona, Hawaii) [MM Docket No. 99-3, RM-9964] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5251. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Soperton, Georgia) [MM Docket No. 99-2, RM-9963] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5252. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Pittsburg, Kansas) [MM Docket No. 99-1, RM-9962] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5253. A communication from the President of the United States, transmitting notification terminating the suspensions pertaining to the export of bomb containment and disposal units for use in the prevention of terrorist bombings, pursuant to Public Law 101-182, section 6(b), to the Committee on International Relations.

5254. A letter from the Secretary, Department of Transportation, transmitting the Export Administration’s annual report for fiscal year 2001, pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

5255. A letter from the Office of Government Ethics, transmitting the Office’s final rule—Standards of Ethical Conduct for Employees of the Executive Branch; Definition of Potential Prohibitions; Provisions On Acceptance of Compensation in Connection with Certain Teaching, Speaking and Writing Activities (RIN: 3339-AA04) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.


5257. A letter from the Secretary, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Subsistence Management for Subsistence Hunting and Fishing on Public Lands in Alaska, Subpart C and Subpart D—2002 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1019-AH77) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.


5279. A letter from the Secretary, Department of Agriculture, transmitting the FY 2000 activities report on environmental assessment, restoration, and cleanup activities required by Section 120(a)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act; jointly to the Committees on Agriculture and Energy and Commerce.

5280. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ‘‘Study of Intravenous Immune Globulin Administration Options: Safety, Access and Cost Issues’’ submitted in response to requirements of Public Law 106–113; jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

H. R. 3640. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that individual account plans protect workers from reducing the amount of employer stock each worker may hold and encouraging diversification of investment of plan assets, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:
H. R. 3640. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that individual account plans protect workers from reducing the amount of employer stock each worker may hold and encouraging diversification of investment of plan assets, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:
H. R. 3641. A bill to amend the September 11 Victims Compensation Fund of 2001 to delete the collateral compensation limitation; to the Committee on the Judiciary.

By Mr. BONIOR:
H. R. 3641. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require plan administrators of 401(k) plans to provide semiannual reports to participants and beneficiaries fully and accurately disclosing the financial health of the plan sponsor and promoting diversification of investment of their plan assets; to the Committee on Education and the Workforce.

By Mr. COLLINS (for himself and Mr. BISHOP):
H. R. 3643. A bill to designate the Federal building and United States Courthouse located at 120 12th Street in Columbus, Georgia, as the ‘‘J. Robert Elliott Federal Building and United States Courthouse’’; to the Committee on Transportation and Infrastructure.

By Mr. CONyers (for himself, Mr. GEHRARDT, Mr. WATT of North Carolina, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MARKEY, Mr. SANDERS, and Mr. STUPAK):
H. R. 3644. A bill to amend title 18, United States Code, to eliminate the securities fraud exception from the civil remedy for racketeering violations; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. FURNER, Mr. GUTierrez, Ms. BROWN of Florida, Mr. REYES, Ms. CARSON of Indiana, Ms. LYNCH, Mr. SANDERS, Ms. KAPITUL, Mrs. JONES of Ohio, and Mr. DINGESS):
H. R. 3645. A bill to amend title 31, United States Code, to provide for improved procedures for the Department of Veterans Affairs in procuring health-care items; to the Committee on Veterans’ Affairs.

By Mr. HILLIARD:
H. R. 3646. A bill to amend the Small Business Act to increase the maximum amount for which a loan can be made under the Microloan Program; to the Committee on Small Business.

By Mr. LAHOOD:
H. R. 3647. A bill to extend the temporary suspension of duty on nicosulfuron formulated product (‘‘Accent’’); to the Committee on Ways and Means.

By Mr. LAHOOD:
H. R. 3647. A bill to extend the temporary suspension of duty on DPX-E9260; to the Committee on Ways and Means.
H104
CONGRESSIONAL RECORD—HOUSE
January 29, 2002
By Mr. LAHOOD:
H. R. 3659. A bill to extend the temporary suspension of duty on DPX-E6758; to the Committee on Ways and Means.

H. R. 3650. A bill to extend the temporary suspension of duty on Carbamic Acid (U-9069); to the Committee on Ways and Means.

By Mr. LAHOOD:
H. R. 3651. A bill to suspend temporarily the duty on mixtures of N-(4,6-Dimethoxy-2-methyl-1-yl)aminocarbonyl]-2-(ethylsulfonyl)-2-thiophenecarboxylate; and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:
H. R. 3652. A bill to suspend temporarily the duty on mixtures of Methyl 2-([(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]-sulfonlyl]-2-thiophenecarboxylate; and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:
H. R. 3653. A bill to suspend temporarily the duty on mixtures of Methyl 2-([(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl]-3-ethoxyiuol]-2-thiophenecarboxylate; methylamine; and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:
H. R. 3654. A bill to suspend temporarily the duty on mixtures of Methyl 2-([(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl]-3-ethoxyiuol]-2-thiophenecarboxylate; methylamine; and application adjuvants; to the Committee on Ways and Means.

By Mr. LEACH:
H. R. 3655. A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. BONIOR, Mr. FROST, Mr. COTHRAN, Mr. BROWN of Ohio, Mr. BARRETT, Ms. LEK, Mr. STARK, Mr. FRANK, Mr. OWENS, Mr. MCCOWN, Mr. TIERNEY, Mr. ANDREWS, Ms. MCCOLLUM, Ms. WOOLSEY, Ms. SOLIS, Ms. LAFALCE, Mr. HOLT, Mr. EDIE, EBERLY JOHNSON of Texas, Mr. WYNN, Mrs. TAUSCHER, Mr. WATSON, Mr. CLARKE, Ms. BERKLEY, Mr. ACEVEDO-VILA, Mr. HONDA, Mr. PASTOR, Mr. STUPAK, Ms. BALDWIN, Mr. SABO, Ms. MILLER-MCDONALD, Mrs. DAVIDSON of California, Ms. SCHAKOWSKY, Mr. PHILPS, Mr. OLVER, Mr. BACA, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. SAWYER, Mr. FARR of California, Mr. HINCHRY, Mr. HILLARD, Mr. SANDLIN, Ms. LAUGHTER, Mr. LANTOS, Mr. FALCONEVARGAS, Ms. KAPTUR, Mr. BLAJOVIC, Mr. DUNN, Mr. DAVIS of Texas, Ms. MACKAY, Ms. NORTON, Ms. RIVERS, and Mr. DINKELLI):
H. R. 3657. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for improved disclosure, diversification, account access, and accountability under individual account plans; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself and Mr. MCCOY):
H. R. 3658. A bill to direct the Consumer Product Safety Commission to promulgate a consumer products safety standard that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product to the Committee on Energy and Commerce.

By Mr. MURTHA (for himself, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. MORAN of Virginia, Mr. UPTON, Mrs. MORELLA, Mr. ANDREWS, Mr. NOBOWD, and Mr. DOYLE):
H. R. 3658. A bill to provide disadvantaged children with access to services to the Committee on Energy and Commerce.

By Mr. NADLER:
H. R. 3660. A bill to control the sale of gun kits; to the Committee on the Judiciary.

By Mr. NEY:
H. R. 3661. A bill to amend the National Housing Act to improve the requirements for FHA mortgage insurance for single family homebuyers; to the Committee on Financial Services.

By Mr. ROGERS for himself, Mr. OWENS, Mr. SMITH of New Jersey, Ms. PAYNE, Ms. CARSON of Indiana, and Mrs. CLAYTON:
H. R. 3662. A bill to amend the Electronic Fund Transfer Act to ensure the convenience of automated teller machines and the safety of the machine owners by establishing security measures for the machines, and for other purposes; to the Committee on Financial Services.

By Mrs. ROUKEMA:
H. R. 3663. A bill to repeal the provision of the September 11th Victim Compensation Fund Act of 2001 that requires the reduction of a claimant’s compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIMKEUS:
H. R. 3664. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991, relating to a rural access project in Mt. Vernon, Illinois; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:
H. R. 3665. A bill to amend the September 11th Victim Compensation Fund Act of 2001 to ensure equity for victims; to the Committee on the Judiciary.

By Mr. THUNE:
H. R. 3666. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and to provide assistance to displaced workers; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. S LAUGHTER (for herself, Mr. HOEPFEL, and Mr. SMITH of New Jersey):
H. Res. 337. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. NADLER (for himself, Mr. ISRAEL, Mr. ENGEL, Mrs. McCARTHY of New York, Mr. MALONEY of New York, Mr. OWENS, Mr. M MCNULTY, Mr. RANGEL, Mr. SERRANO, Mr. ACKERMAN, Ms. SLAUGHTER, Ms. HENRY, and Ms. VALAZZEO):
H. Res. 338. A resolution recognizing the tragic effects of the September 11 attacks on the World Trade Center in New York State and New York City and expressing the renewed commitment of the House of Representatives to rebuild New York; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. S LAU GHTER:
H. Con. Res. 309. Concurrent resolution recognizing the courage and sacrifice of Operation Enduring Freedom; to the Committee on Armed Services, and in addition to the Committees on Armed Services, and on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. NORTHUP, Mr. TIMBER, Mr. BURTON of Indiana, Mr. BURTON of Ohio, Mr. OXLEY, Mr. SMITH of New Jersey, Mr. BROWN of Ohio, Mr. CRAMER, Mr. KING, Mr. DELAHUNT, Mr. DEMINGS, Mr. COSTELLO, Mr. HALL of Ohio, Mr. LA TOURETT ET, Mr. BOHNER, Mr. KAP TUE, Mr. CHABOT, Mr. TRAFICANT, Mr. GILLMOR, Mr. PORTMAN, Mr. PICKERING, Mr. PHELPS, Mr. SAWYER, Mr. HOBSON, Mr. CAMP, Mr. SEKIN, Mr. STRICKLAND, Mr. MATHERSON, Mr. MATSU, Mr. KUCICINCH, Mrs. MORELLA, Mr. NEY, and Mr. WELDON of Florida):
H. Res. 336. A resolution honoring the life of Rex David “Dave” Thomas and expressing the thoughts and condolences of Representatives to his family on his death; to the Committee on Government Reform, considered and agreed to.

By Mr. ARMSTRONG:
H. Res. 340. A resolution recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the nation and women of the Armed Forces and to participating nations for their dedication and sacrifice in Operation Enduring Freedom; to the Committee on Armed Services, and in addition to the Committees on Armed Services, and on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GELL:
H. Res. 339. A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections; to the Committee on International Relations.

By Mr. SM EWERNEY:
H. Res. 341. A resolution recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the nation and women of the Armed Forces and to participating nations for their dedication and sacrifice in Operation Enduring Freedom; to the Committee on Armed Services, and in addition to the Committees on Armed Services, and on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:
H. Res. 342. A resolution expressing the support of the House of Representatives for President Bush’s tax cut for families and small businesses as embodied in Public Law 107-167; to the Committee on International Relations.

By Mr. S LEE:
H. Res. 343. A resolution recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the nation and women of the Armed Forces and to participating nations for their dedication and sacrifice in Operation Enduring Freedom; to the Committee on Armed Services, and in addition to the Committees on Armed Services, and on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILL AND RESOLUTIONS
Under clause 3 of rule XII,
The Senate met at 10:30 a.m. and was called to order by the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska.

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

Almighty God, Sovereign of America, source of our unity, and strength of our lives, we praise You for the privilege of living in this land of freedom and opportunity. On this day of the State of the Union Address by President George W. Bush, we ask for Your continued blessing on him. We thank You for him, his firm faith in You, his courageous leadership in the battle against terrorism, and his commitment to seek what is best for America.

Today, we renew our loyalty to our President as Commander in Chief, our attentiveness to listen to his vision, and our thoughtful reflection on his convictions on issues. Most of all, when he stands before the joint session of Congress and the Nation, may he feel our friendship, esteem, and encouragement. Bless the First Lady, Laura Bush, Vice President CHENEY, the President's Cabinet, and all who work with him in confronting the crises of our world in this turbulent, terrorist-troubled time. Be with the Senators as they affirm their primary commitment to You, their patriotism for America, and their creative debate on the soul-sized issues before our Nation. God, bless America and both Houses of Congress on this important day. Amen.

PLEDGE OF ALLEGIANCE
The ACTING PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

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

The legislative clerk read the following letter:

U.S. SENATE.
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

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

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

SCHEDULE
Mr. REID. Mr. President, as the Presiding Officer indicated, we will be in a period of morning business until 11 o'clock this morning. At 11 a.m. the Senate will resume consideration of H.R. 622, the economic stimulus bill, with the Durbin unemployment insurance amendment pending. There will be 30 minutes of debate for that amendment, and at 11:30 we will vote.

The Senate will recess from 12:30 until 2:15 today for weekly party conferences. I advise Members there are some amendments pending. The next two amendments in order will be those from this side of the aisle. I say to anyone who has any debate they want to have in relation to these amendments or the bill itself, this afternoon would be a good time. The leader has not announced whether there will be more votes this afternoon, but there very likely could be more. As we know, this afternoon we have a number of other things going on here.

Tonight is that time of the year when we will have the President coming from 1600 Pennsylvania Avenue to give his State of the Union Address. We anticipate that with relish. We look forward to that, as well as seeing how we can help him in his battle against terrorism and working to defeat the economic crisis we have at home.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I join with the Senator from Nevada in urging people to come to the floor with amendments. I am pleased we have had the opportunity to present amendments. I think the bill initially was not adequate. We do need to do that, and we are going to have an opportunity. I urge all Members to do that. We need also, of course, to give some thought to our spending. It looks as if it will be a real issue. We will be spending out of control if we are not careful. I yield the floor.

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for up to 10 minutes each.

RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE
Mr. REID. I ask consent the Senate proceed to Calender No. 307, H.R. 400.
The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 400) to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 400) was read the third time and passed.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

HISTORY STANDARDS IN NEW JERSEY TEXTBOOKS

Mr. BENNETT. Mr. President, yesterday there was an article in the newspapers that caught my attention. I hope sincerely that the article was incorrect. All Members have had the experience of being quoted in the newspaper and wondering where the reporter got the information that was the basis of the story. I hope that is the case with this article.

It was reported in the State of New Jersey a new set of history standards have been adopted and that textbooks in New Jersey high schools dealing with American history will now fail to mention the names of George Washington, Benjamin Franklin, or Thomas Jefferson. Further, it said the word “war” had been removed from the textbooks and in its place we have the word “conflict,” and there would be no discussion of wars.

Mr. President, I hope this is incorrect. It indicates that at least someone in New Jersey is prepared to make that State an isolated island of ignorance about American history. To think we can bring citizens into maturity in this country without their having any understanding of, indeed, no mention of, the names of George Washington, Benjamin Franklin, Thomas Jefferson, and the other Founding Fathers is absurd.

One of the best-selling books currently in the marketplace is the history of John Adams by David McCullough. On the jacket of the book, McCullough says, accurately, we as Americans cannot know too much about our Founding Fathers. We must never forget them. We must always learn as much as we possibly can about them.

I would say to those who are supporting this position in New Jersey schools, how are you going to explain to your students the fact that the Fourth of July as a holiday in this country if you are not going to tell them anything about the Revolutionary War? If you cannot even use the word “war,” how are you going to explain to these students that the country honors those who founded it and who fought that war; if you can’t tell them the name of the commander of the Continental Army and the forces on the American side of that war because you think that name somehow no longer matters?

How are you going to describe what happened on the Fourth of July if you cannot use the name of Thomas Jefferson, the author of the Declaration of Independence, that was proclaimed to the country on that day? How are you going to explain to high school students who decide they are going to enter public service, and take an oath of office, that they are swearing to uphold and defend the Constitution of the United States when you will not have been able to describe the Constitutional Convention, the President of which was Washington, and one of the leading figures in which was Benjamin Franklin, if you have exorcized the names of Washington and Franklin from your textbooks? What does it mean to me if you admit that the Constitution came from or describe the convention that created it?

How are you going to describe some of the major problems that have existed in this country in the great battle that was the Civil War, that went across five Aprils, and divided this country in a fundamental way that has taken us a century or more to heal?

No, we cannot discuss that. We can talk about conflicts, but we will not discuss the leaders of that war. We will not discuss many of the problems of that war because it isn’t politically correct to raise those issues anymore. We have talked about history in this Chamber before. There have been those who have been trying to rewrite our history, trying to change it and shape it and slice it and dice it in ways that become politically correct in today’s mode of conversation. You cannot do that and be accurate to the requirement of telling the truth about what really happened.

That is Orwellian. We read the novel by George Orwell, “1984,” in which the hero of the novel spent all of his time at his job changing the past. He worked for the Ministry of Truth and his job was to go back and correct the record so as to rob the present society of a true understanding of the past in the name of the state, thus the adjective “Orwellian” entered our language.

What is being proposed in New Jersey is Orwellian. It is stupid and it needs to be condemned.

I yield the floor.

THE ACTING PRESIDENT pro tempore. The Senator from Minnesota.

UNEMPLOYMENT BENEFITS EXTENSION

Mr. DAYTON. Mr. President, I rise today to speak on behalf of the amend-
increase the amount of money that those who are receiving unemployment benefits will get during those 13 weeks because, again, we are talking about people who, through no fault or choice of their own, are thrown out of the workforce.

In many States, those unemployment benefits are not even enough to reach a bare minimum poverty level. We can afford to be generous. We can’t afford not to be generous for people in that circumstance. I commend Senator DURBIN for this important addition to Senator DASCHLE’s amendment. I hope we will receive today the kind of compassion and support the President purportedly will be calling for tonight, and that we can do, in advance of his speech, what we should have done months ago, which is to provide this extension and include others in it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The quorum call will now be rescinded. The clerk will call the roll.

Mr. DURBIN. Mr. President, it is my understanding, under a previous unanimous consent request, I am recognized now between 11 and 11:30 to share time with those in support and in opposition to my amendment, and at 11:30 there will be a vote on my amendment No. 2714.

The ACTING PRESIDENT pro tempore. The Senator is correct.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. CLINTON). Morning business is closed.

HOPE FOR CHILDREN ACT—Resumed

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:


Pending:

Daschle/Baucus amendment No. 2697, in the nature of a substitute.

Durbin amendment No. 2714 (to amendment No. 2696), to provide enhanced unemployment compensation benefits.

Nickles (for Bond) amendment No. 2717, to amend the Internal Revenue Code of 1986 to provide for a temporary increase in the alternative minimum tax.

Reid (for Baucus/Torricelli/Bayh) amendment No. 2718 (to amendment No. 2696), to provide for an additional special allowance for certain property acquired after December 31, 2001, and before January 1, 2004.

Reid (for Harkin) amendment No. 2719 (to amendment No. 2698), to provide for a temporary increase in the Federal medical assistance percentage for the Medicaid program for fiscal year 2002.

Allen amendment No. 2702 (to the language proposed to be stricken by amendment No. 2696), to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel.

Reid for the Baucus amendment No. 2721 (to amendment No. 2698), to provide emergency agriculture assistance.

Bunning/Inhofe modified amendment No. 2699 (to the language proposed to be stricken by amendment No. 2698), to provide that the exclusion from gross income for foster care payments shall also apply to payments by public or private placement agencies.

Domenici amendment No. 2723 (to the language proposed to be stricken by amendment No. 2698), to provide for a payroll tax holiday.

Allard/Hatch/Allen amendment No. 2722 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

AMENDMENT NO. 2714

The PRESIDING OFFICER. Under the previous order, there shall be 30 minutes of debate on the pending Durbin amendment No. 2714, to be equally divided in the usual form.

Mr. DURBIN. Madam President, this is an amendment to the economic stimulus bill, and it relates to unemployment compensation. There are many arguments that I will make about the justice and fairness of this amendment, but that is not where I am going to start. I want to start with the economics of this amendment.

This is an economic stimulus bill. It is not designed first and foremost to be a bill for restoring justice to unemployment compensation, although I think this amendment achieves that. The first thing it is supposed to do is help the economy move forward. If there is a problem in America’s economy today that is easily defined, it is the fact that we have an overcapacity and overproduction of goods and services and limited demand. As a result, businesses across America have said: People are not buying as much as they used to, so we are going to cut back on production. We are going to lay off workers.

That has had a ripple effect in the wrong direction. It has created a recession, which has created unemployment, which has lessened business activity. First and foremost, whatever we do in an economic stimulus package should attack this problem. First and foremost, it should stimulate demand and spending for goods and services. And in stimulating that demand, I believe it will increase the demand for production, and it will increase employment in production industries and start this economy back on a sound path.

Here is something that should be kept in mind. For every dollar we put into the economy, we get an impact. We don’t know what the impact might be until we see who receives the dollar.

If you happen to be a person of great wealth, who, frankly, doesn’t take each dollar you receive and put it into a purchase, then what they call the multiple effect might not be a dollar for a dollar. This dollar may go into a savings account or into an investment. It won’t go into the actual demand for goods, and services that creates the jobs I mentioned.

We know dollars given to unemployed people are dollars that are spent and spent in a hurry. In fact, the Labor Department has come out with a study that says for every dollar in unemployment benefit we put into the economy, it increases the gross domestic product, the sum total of goods and services in America, by $2.15. These funds are spent and turned over several times in the economy. So if we want to really get the engine roaring when it comes to demand, give the money to the people who are struggling on a daily basis. They will spend it in a hurry. They need to spend it on the obvious necessities of life.

First and foremost, this is an economic stimulus amendment. Let me speak to the justice and fairness of this amendment. It is a sad reality that only 33 percent of the people who are unemployed receive unemployment insurance. This was not always the case. In fact, not too long ago, 75 percent of unemployed people were receiving unemployment insurance. That was in 1975, 27 years ago. Now it is down to 33 percent. Why the difference? Why is it if you were unemployed in 1975, you were much more likely, more than twice as likely to receive unemployment insurance? Because the nature of employment has changed in America. It is no longer the full-time employee, the 40-hour-a-week employee, who is unemployed. More and more, it is the part-time employee, often with children, taking a job and only working 4 days a week and who doesn’t get any benefits on the job, who finally loses that job and then, unemployed, turns to a system which says: No, the door is closed. We don’t have unemployment insurance for part-time workers.

My amendment seeks to do two things: first, to increase unemployment insurance benefits by providing additional relief to those who have less than a dollar. It isn’t a huge sum, but it can be helpful to people who are unemployed. Sadly, the unemployment insurance payments to individual workers across America have been falling behind. Take Illinois, for example. The average benefit is only $1,065 a month. The average rent for a two-bedroom apartment is $776 a month. A family couldn’t even pay the rent on that money, never mind food, clothes, utilities, and all other family expenses.

Since 1990, we have seen the percentage of lost income replaced by unemployment benefits falling 5 percent. The decline has had a serious impact...
on a lot of families. Benefits vary by State, but the maximum benefits are as low as $190 a week. Think about keeping a family together with an unemployment payment of $190 a week. What we are trying to do is to give a slight increase, a deserved increase in unemployment benefits.

Secondly, we expand coverage. As I mentioned, take a look at unemployed Americans today compared to 25 years ago. You will find more and more unemployed part-time workers. Because of the partial unemployment insurance benefits, they ignore the 6 months before a person loses the job. So many people who have only had a job for a short period of time qualify for nothing. So you have fewer and fewer people with this coverage.

We have to supplement this current unemployment insurance program to provide coverage for welfare-to-work people, women and others who played by the rules and paid into the system. Secondly, the UI fund is being drained many, many times, and so we ought to help them in the bad times.

Women comprise 70 percent of the part-time workforce, 65 percent of service sector workers. They work in the industries hardest hit by the downturn. Last year, only 23 percent of unemployed women in America qualified for unemployment insurance benefits.

Remember what we are telling women. We are saying to women: We really would like you to stay home with the kids more. That is kind of our message. Yet many women find they can't keep their family together unless they give a helping hand. Some of them are single mothers. They take a part-time job, maybe the best they can get, maybe all they want, so they can spend more time with the kids. Then they lose their job. Then they get no help from unemployment insurance because they don't qualify.

This amendment extends unemployment insurance benefits to cover those part-time workers, particularly helping those women who are disproportionately share of workers affected by it. According to the GAO, low-wage workers are half as likely to receive benefits than other unemployed workers, even though they are twice as likely to be unemployed. So those are the things we do. We increase the benefits under unemployment insurance. We expand the program so that temporary and part-time workers will at least get a helping hand.

The $15 billion that we estimate this will cost will come entirely out of the unemployment insurance funds in Washington. There is no burden placed on employers or States. It is money collected. It is temporary. It is a kind of helping hand which will stimulate the economy. No. 1, and No. 2, do the right and fair thing for workers across America.

What does it mean in a few States? Let me give an example. In Illinois, it means that 590,000 unemployed Illinoisians, because of this amendment, will get a helping hand.

Let me pick another State. Let's try Iowa: 157,000 workers in Iowa, under the Durbin amendment, will receive benefits or increased benefits that they otherwise would not have received. Take a look at the part-time workers in the State of Iowa: 11,000 people, unemployed part-time workers in that State will now receive some benefit from unemployment insurance. In my State of Illinois, it is 54,000, a larger State.

I can go through the list, and I am going to put it on the table when we vote. Look at the real numbers of real people who are suffering in your States because of being unemployed and falling through the cracks. This Durbin Amendment tries to close the cracks. I thank Senator WELLSTONE of Minnesota, Senator DAYTON as well, and Senator LANDRIEU and those who have cosponsored this amendment. I will yield to the Senator from Iowa.

Mr. GRASSLEY. The Senator from Minnesota want some time?

Mr. GRASSLEY. First of all, I need to know how much time our side has.

Mr. GRASSLEY. Madam President, I will yield to the time as much as I might consume. If anybody on my side would like to have some time, I will be glad to share some time with them.

First, I have a philosophical comment based on the history of unemployment compensation. We have set some national policy, but the details of our unemployment compensation regime historically—and I think I would be referring to six or seven decades of American history—have been left to the States to fill in the details. That is because we were then and still are a Nation that is very geographically vast and a country where our population is very heterogeneous—more so now than 70 years ago—to a point where Members of Congress and legislatures in many cases would not have the opportunity to make these decisions. If unemployment insurance is not being set on a State to State basis, it is not an incentive to keep people of my State, the elected legislators, to make that determination? Why is not important. The fact is they did it. They did it because Congress, over several decades, has said we are going to leave that decision to the State legislatures.

Why do we think that we have all the answers here in Washington, DC? So it is fair to say that part-time workers are already eligible for unemployment benefits because there are no States which would not cover part-time workers merely because they work part time. The issue is whether part-time workers should be allowed to collect unemployment benefits while refusing to accept a full-time job. If a job is available, why should any worker collect unemployment instead of going back to work? Part-time workers—in other words, if there is a job available—should not be on unemployment compensation. Unemployment compensation is not an incentive not an incentive to keep you out of the workforce. It is historically—and rightfully so—to tide you over from a period of being disconnected with one job until you get back to that job, or until you have an opportunity to take a job someplace else.

Part-time workers are not entitled to benefits simply because their employer paid unemployment taxes. Employers pay unemployment taxes on numerous categories of workers who are not entitled to benefits, for that matter. Such categories would include police officers, full-time students, professional athletes, workers who quit their jobs, workers who are not seeking work,
work that are not available for work, and workers who even refuse suitable work. There are a number of States that allow workers to limit their job search to part-time employment and still collect unemployment compensation. This is what I think that State decides it wants to do, let that State do it accordingly.

However, this is voluntary State decision. The Federal Government has never dictated such eligibility standards to the States. There is no need for Congress to preempt State decisions on this matter. Expanding eligibility on the basis of part-time work would create new administrative burdens on the respective States. The States would have to decide what hours of the day and what days of the week are suitable for part-time work. As an example, if a worker loses his Monday, Tuesday, Wednesday, noon to 3 p.m. cashier job, can that person still collect unemployment benefits if he refuses to accept a Thursday, Friday, Saturday 3 p.m. to 6 p.m. cashier job?

So State unemployment agencies, right now, lack the resources that it takes to investigate contested claims, like 3 p.m., or whatever. There are too many to be described at this point. Thus, it is for that administrative body to make accurate determinations so that you have the enforcement of the unemployment compensation laws, and that is the way. That is why it is wrong. It seems to me, to establish this policy, as if Congress knows what is best for the 50 States and knows that it can be enforced in a certain way, or let the individual State legislatures make the determination on how they want to expand their unemployment compensation laws, and at the same time they will know whether or not they have the administrative capability of enforcing the law the way the State legislature put it.

Case by case, part-time workers is going to take years to develop. It is not going to take years in Iowa because we have that decision made and there is a lot of case law there right now. Most part-time workers live with other workers. Thirty-five percent are married with a working spouse. Thirty percent of these part-time workers are children with working parents. Most of the time when workers live with another worker, they will have less incentive to leave employment—a factor that should be taken into consideration when you start to cover a new class of people at the Federal level without letting the States make that determination. One of the premises of unemployment compensation for any body is that you be actively seeking a job, that you are out there going door to door to put in your application, asking if there are any vacancies, and try to benefit yourself during a process in which you are being helped by the unemployment compensation program to make sure that you have basic necessities while you are trying to make this determination. It is not meant to pay people who are not actively seeking jobs.

So there ought to be some relationship between those and the extent to which we include part-time workers. Without the State making that determination, there might not be that continued relationship. That is a basic philosophical underpinning of our unemployment compensation laws. It seems to me that if we allow this disincentive in accepting new employment, this will lead to more frequent spells of unemployment, more Government spending, and, in the process, reduced economic growth because economic growth is directly related to the productivity of the workers.

Moreover, the provision we are discussing will allow full-time workers to switch to part-time status for unemployment purposes. This will result in even more unemployment and further loss of economic output. At this point, I am going to yield the floor for colleagues, but I have only spoken to one part of the Durbin amendment, that part dealing with covering part-time workers. There are other parts to it, but I think my underlying philosophical objection will apply to all parts: that all knowledgeable asking unemployment compensation does not rest in the Congress of the United States. We have had this seven-decade tradition of leaving it to the States to fill in the details. This amendment departs from that tradition. Why should we depart from that tradition? We are departing during a time of 5.8-percent unemployment. We did not depart to this extent when we had 10- and 12-percent unemployment, or at least on all these parts that the Senator from Illinois will try to change. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Madam President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I cannot do this in a minute, but I will try.

My colleague from Iowa is grasping at straws. This is not about States rights; it is about workers' rights. This is about helping in Minnesota 217,218 workers. This is about helping working poor-part-time workers.

My phone is not ringing off the hook. In fact, we talked to people back home due to anything they have done but due to the terrorist attacks and other factors that have affected our economy. I urge my colleagues to support this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time do we have remaining on this side?

The PRESIDING OFFICER. Four minutes eighteen seconds.

Mr. NICKLES. Madam President, I think my colleagues, Senator Grassley, for his statement. I will make a couple of points and echo some of the things he said.
One point my colleague did not mention was how much this is going to cost. I have heard some people say this will cost $8 billion. I have heard other estimates that it will cost $10 billion.

I ask my colleague from Illinois, is that $15 billion in addition to the underlining amendment or $15 billion total? He is indicating it is in addition. Am I correct, in addition?

I do not know, and I will ask my colleague if we have a CBO estimate on the cost of the amendment. I have not seen it.

Mr. DURBIN. Will the Senator yield for a moment? I was wrong; it is $15 billion total, not in addition to the underlying amendment.

Mr. NICKLES. If my memory serves me correctly, the Daschle amendment has an unemployment extension of 13 weeks, and that is about $8 billion. I believe. The cost of this is $15 billion. This is going to cost a lot, as can be expected, because when we hear people say it is going to benefit thousands of our constituents, from where is the money coming? It is coming from the Government.

This is primarily a State program. We have to decide: Are we going to have the Federal Government take over State management of this program? That is what we are doing with this amendment.

This amendment determines what quarter or what eligibility period. In the past, States have always determined that. So we are going to tell every Governor: You are going to have to use the last quarter. We have not done that in the past. We are going to tell them: This is the quarter to use to determine eligibility and, incidentally, States, you could have provided assistance to temporary workers if you so chose, but now we are telling you you have to provide that assistance.

How do we define “temporary”? My daughter is a senior at Oklahoma State University. She works X number of hours a week. Is temporary it is not 40 hours a week; it is less than 40 hours. Is she eligible? I think she would be. She might be very displeased with my vote in just a moment.

This amendment costs a lot of money. A temporary worker is going to be eligible to receive the same weekly benefits as a full-time worker. Weekly benefits in New York are a whole lot more than in Oklahoma or a whole lot more than in North Dakota.

In addition, unemployment benefits are as low as $105 and some are $400. I believe New York is closer to $400, and I believe some States are only over $100. Yet we are going to tell those States not only that they have to increase benefits by at least 15 percent and/or $25, whichever is greater but, yes, now it applies to temporary employees. Do those temporary employees work 10 hours a week, 20 hours a week, 4 hours a week? How far are we going to go in micromanaging who is eligible?

We are going to take a program primarily financed by the States—States have always determined eligibility; States have always determined benefits—and we are going to adjust those figures and say Uncle Sam is going to pick it all up and it is going to cost $15 billion.

I have serious reservations about that. I do not know that my daughter who is working part time to go to school should be qualifying for unemployment compensation. I do not think that is right. If the Federal Government assists her to get a student loan to go to school, that is one way. I do not think the unemployment system is the way we should be financing full-time students through part-time work. I think she would be eligible under this proposal. I do not think that is right.

I do not think it is right for us to use the guise of a so-called stimulus package and say let’s just expand the program greatly beyond what most States have done. Most States do not pay unemployment compensation for part-time workers. They decided that. They have a State legislature. They meet on this issue. They know how much it costs, and yet we are going to do it very quickly and there are probably not three Senators who know how much this will cost.

We are going to tell the States they have to do it.

I think it is a serious mistake. I urge my colleagues to vote no on the amendment.

To alert my colleagues, I am going to make a budget point of order after the conclusion of the debate.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining?

The PRESIDING OFFICER. Two and a half minutes.

Mr. DURBIN. How much time is remaining on the other side?

The PRESIDING OFFICER. There is no time remaining.

Mr. DURBIN. Madam President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. I will be brief.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, since September 11, our Nation’s workers have come together in the face of new challenges. Today, more than 8 million of these workers are unemployed. The unemployment rate is 5.8 percent and expected to climb to 6.5 percent.

We need an effective economic recovery package to bring the unemployment rate down and help laid-off workers across the Nation.

Employment compensation for part-time workers is the way we should be financing families.

In communities throughout Massachusetts and the Nation, workers like Christina and Selma are running out of unemployment benefits while competing for the dwindling number of open jobs. How long are we going to wait before we help them? The time to do it is now.

We are going to take a program primarily financed by the States—States have always determined eligibility; States have always determined benefits—and we are going to adjust those figures and say Uncle Sam is going to pick it all up and it is going to cost $15 billion.

Even if those predictions come true, the consequences will linger for working families.

The unemployment rate will continue to rise. Laid-off workers will still have great difficulty finding new jobs, and other workers may still be facing layoffs.

More than 58,000 laid-off Massachusetts workers have exhausted their benefits in the last twelve months. The underlying amendment includes work for Christina Young of Billerica, MA. Christina was laid off at the end of June and, since then she has been looking for a new job. She recently learned that she is pregnant. Christina’s unemployment benefits, her husband’s income and their savings were keeping them afloat, paying the mortgage, the expensive winter heating bills, their bills for health care and groceries. But Christina’s unemployment benefits are going to expire and now she can’t afford her pre-natal care.

Selma Burgert of Malden, MA was laid off by Polaroid in May and her unemployment benefits ran out last month. She has been looking for work for months. But when she applies for a job, she finds herself competing with two hundred to three hundred other applicants. She is fortunate to have savings to get by. Selma knows many people who aren’t as fortunate, and have had to sell their homes or cut down on the food they provide for their families.

The American people strongly support our efforts to give workers the support and assistance they deserve. Unemployment benefits were among our top priorities in Congress. We have staked out our efforts to help these courageous workers. Democrats have proposed an effective and balanced plan to stimulate the faltering economy, but our opponents have used procedural maneuvers to block the measure. When House and Senate negotiators tried to reach a compromise, our opponents delayed it at every turn.

They were unwilling to support any recovery package unless it contained tax breaks for wealthy individuals and corporations, including $250 million in tax breaks for Enron. It makes no sense to hold laid-off workers hostage to such irresponsible and costly tax breaks.

We have consistently offered plans that failed the nation’s workers. They offered a plan to extend unemployment benefits, but only to laid-off workers in a few states. They offered a plan to use National Emergencies Grants for unemployment insurance, health care and job training, guaranteeing that few funds would actually go to unemployment insurance.
They offered a plan to provide Reed Act distributions that would primarily be used for State tax cuts and could go into State unemployment trust funds, instead of offering new or extended benefits.

Our amendment demonstrates our commitment to helping workers. It updates the unemployment insurance system to meet the urgent needs of the economy. By improving unemployment insurance, our amendment both helps the families of workers and helps the families who need help the most. Every dollar invested in unemployment insurance boosts the economy by $2.15. Unemployment insurance also helps to prevent the loss of even more jobs during a recession.

The amendment makes three important changes. First, it extends unemployment benefits for 13 weeks for laid-off workers across the nation. Second, it expands the coverage to include laid-off part-time and low-wage workers who would currently not receive benefits. Third, it increases meager unemployment benefit levels. These changes will help nearly four-fifths of laid-off workers who currently are not receiving benefits.

Even during good times, about a third of those receiving unemployment insurance exhaust their benefits. During recessions, the number rises. That’s why Congress has provided federally-funded extended benefits repeatedly during recessions in the past.

Today, more than two million laid-off workers have already exhausted their benefits. How much longer are we going to wait before we help those workers? The time to help them is now. Although part-time and low-wage workers are least likely to have savings and other safety-nets to help them, few are eligible for unemployment benefits. Laid-off part-time and low-wage workers have paid into the system, and they often fail to receive the benefits they need. Recent data suggest that only 18 percent of unemployed low-wage workers were collecting benefits. Expanding coverage will benefit more than 600,000 additional unemployed part-time and low-wage workers. The time to do it is now.

It is also time to increase weekly unemployment benefits by the greater of $25 a week, or 15 percent.

This increase in benefits, an average of $125 a week, will be an immediate stimulus to the economy. Unemployed households will spend it to pay the rent or a medical bill, buy groceries, keep the family car running, or hire a babysitter during job interviews.

Currently, unemployment benefits do not replace enough lost wages to keep workers out of poverty. In 2000, the national average unemployment benefit only replaced 33 percent of workers’ lost income, a major reduction from the 46 percent of workers’ wages replaced by jobless benefits during the recessions of the 1970’s and 1980’s. During an economic crisis, unemployed workers have few opportunities to rejoin a declining workforce. They depend on unemployment benefits. Adding $150 a month to unemployment benefits will stimulate the economy and help these laid-off workers support their families while they look for a new job.

More than three hundred thousand laid-off workers in Massachusetts would benefit from this amendment. At least thirteen million laid-off workers would benefit nationwide.

The American public is ready for honest action that genuinely helps these deserving workers. We passed an airline security bill, without providing any help for workers. We adjourned for the recess without providing any help for workers. We owe it to the millions of Americans who have lost their jobs to act now to provide the support they need and deserve.

In conclusion, Madam President, at the time of September 11, I think most of us believed there was a new spirit in America and a new atmosphere in this country. We have tried to respond to those who lost loved ones. We have seen generosity in reaching out to families all over this country. There is a new spirit in America for people who are hurting and in need.

What we are talking about today are men and women who have lost their jobs, often as a result of the terrorist acts. There are other incidents where they might not be directly related, but by and large, they were a result of the terrorist attack. In this Senate, we hear Members nickel and dime American workers who work hard, play by the rules, put in a good day’s work, and as a result of economic conditions have lost their jobs.

There is $38 billion that has been paid into a fund that otherwise would have gone to workers’ salaries. That fund is out there, and we are using $15 billion. We used it four times in the 1990s, with seldom less than 90 votes—or 80 votes in the Senate. We are reaching out to part-time workers and low-income workers. They, too, have paid into that fund. The money is there for this kind of circumstance. It is there for the Federal Government to act.

Why? Because in many of these States there is an economic pinching. They cannot afford to take the kind of economic action, and that is why this program was developed. Now is the time to take the action. Let us not nickel and dime America’s workers who have suffered as a result of the kinds of attacks we saw on this country. That is what this is about. Are we going to stand up for those men and women who want to work and should be able to work? This is what the Durbin amendment is about, and I look forward to supporting it.

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

Mr. NICKLES. Madam President, I raise a point of order under section 302(f) of the Congressional Budget Act against the pending amendment No. 2714 for exceeding the spending allocations of the Senate Committee on Finance.

Mr. DURBIN. Madam President, I further announce that if present and voting the Senator from Montana (Mr. BURNS) and the Senator from Oklahoma (Mr. INHOFE) would each cast their nays as yeses.

Mr. DURBIN. This is not a State rights issue. It is all Federal money. The Governor of Oklahoma can decline the money. They do not have to help the 78,000 unemployed workers in Oklahoma who would be benefited by this. They can exert their State rights. They would be fools to do it because they know these people need a helping hand in Iowa, in Oklahoma, and in Illinois.

Mr. DURBIN. Madam President, I am also aware of the stereotype that unemployed people are lazy. Could any of us live on $1,000 a month? That is what these people are struggling to get by with. To give them $25 a week is the breaking point for too many. Senator, why not $25 a week? This is not even nickels and dimes.

These are women trying to keep their families together. These are mothers and fathers down on their luck. And this Senate cannot spare $25 a week? That is what this vote is all about. I hope the Members of the Senate will support the people who want to get back to work but need a helping hand and support the Durbin amendment.

Mr. NICKLES. Madam President. I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I raise a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. ONEILL. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. NICKLES. Madam President, I rise to a point of order under section 302(f) of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.
The PRESIDING OFFICER (Mrs. CARNAHAN). On this vote, the yeas are 57, the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, just as a note to all Senators, we expect to have another vote very soon.

I would be happy to yield to my friend from Illinois.

Mr. DURBIN. I thank the Senator from Nevada. I would like to announce to the Senator that 57 votes were cast on this last amendment. Three members on the Democratic side were absent because of business they had to attend. It is my intention to reoffer this amendment later in the debate on this economic stimulus package.

Mr. REID. Madam President, I also want to extend my appreciation to the minority. We could have, through procedural means, gotten another vote on the Senate this afternoon. The point of order is sustained, and the amendment falls.

Mr. REID. Madam President, I amend my unanimous consent request to allow the Bond proponents to have 20 minutes and the opposition to have 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Madam President, I ask my colleagues who said they wanted to speak on the amendment, we will now have a vote on the Bond-Collins amendment at 12:35. If they still wish to speak, they need to be coming to the Chamber shortly. I thank my friend from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. COLLINS. Madam President, I yield myself 5 minutes from the time allotted on the amendment on this side.

Ms. COLLINS. Madam President, I ask unanimous consent that the Senator from Kansas, Mr. BROWNBACK, be added as a cosponsor to this amendment.

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

Ms. COLLINS. Madam President, I am very pleased to join the Senator from Missouri in strong support of this amendment to help our small businesses. Over 95 percent of the businesses in this Nation qualify as small businesses. They are the businesses that are creating the vast majority of new jobs. Small businesses are the engine of our economy and the backbone of virtually every community in our country. Yet the economic stimulus package put forth by the majority leader does virtually nothing to stimulate this essential part of our economy. The Bond-Collins amendment would rectify this omission by allowing small businesses to expense up to $40,000 worth of new equipment that they placed in service this year, or will next year. That would give a real boost to the economy, and it would encourage those small companies that have put investment plans on hold, in the wake of the attacks on our Nation and the economic downturn, to proceed with their investment plans. That, in turn, would stimulate the production of more equipment and the creation of new jobs.

Let me give you an example from my home State of Maine of the positive impact that this amendment would have.

Terry Skilllin, of Skilllins Greenhouses, is a fourth-generation Maine family business, founded in 1885. Skilllins employs between 70 and 120 employees, depending on the season, for its landscaping, greenhouse, and floral business.

Terry Skilllins told me that his company is looking to expand but to do so takes money. From tractors to conveyor belts to machines that could flowerpots automatically, the equipment that he needs to buy is expensive.

Terry said that raising the small business expense limit to $40,000 would help enormously, by allowing him to go ahead with a planned expansion.

I yield the balance of my 5 minutes, reserving time for our side.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Madam President, I have spoken to the chairman of the Finance Committee. Senator NICKLES indicated there were people from the other side who wanted to speak for maybe more
than the 20 minutes. We have 10 minutes. At this date we don’t find anyone in opposition to the amendment. So if you need more time, we will be happy to give you some of ours.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Madam President, seeing no one ready to speak from the other side, I will yield myself such time as I may consume. I urge my colleagues who want to speak on the amendment to hurry up and get down here. We have lots of work to do, and we are going to be able to finish debate on this amendment fairly expeditiously. Anybody who wants to say anything about it, we invite them to come.

As my colleague and strong ally, the Senator from Maine, has said, this amendment is very important to help small businesses in their recovery. We know the entire economy took a severe hit on September 11, on top of a recession that has really taken its toll on many small businesses. How we get out of this recession is to encourage small businesses to lead us out.

Small businesses are the dynamic engine that drives the economy. They provide all new jobs. You are the ones that grow when the rest of the economy is stagnant. There is no better vehicle than a stimulus package to include a provision to encourage small businesses to purchase more equipment. This amendment provides a direct stimulus to that small business sector by allowing them to write off new equipment purchases immediately.

If you have ever run a small business, as I have, you know the truth of having to set up a depreciation schedule for a tractor or a piece of equipment and figure out how to depreciate it over several years is a daunting task. If you are a small business person, you don’t want to have to have an accountant on retainer. It is usually you and your wife in your pocket who are running the business. If you are an individual proprietor or even if you have several employees, you don’t want to go through the time and expense of hiring somebody to set up a depreciation schedule. So direct expenses would allow small businesses to avoid the complexity of depreciation rules as well as the unrealistic recovery period for most assets.

For example, under current law, if you buy a computer, it has to be depreciated over 5 years. People who are very active users of computers tell me that the useful life is 2 to 3 years at best. Something new and something better has come out, but you are still depreciating the old equipment purchased. You haven’t been able to write it off on your taxes.

This amendment has several important advantages, especially in light of the current economic conditions. By allowing new equipment purchased to be deducted currently, right now, the year they are put in service, it will provide much-needed capital for small businesses. With that freed up capital, a business can invest in new equipment which will benefit the small enterprise, but in turn it will stimulate other industries that are producing and selling the equipment they are going to put in service.

Moreover, new equipment will contribute to continued productivity growth in the business community which Federal Reserve Chairman Greenspan has repeatedly stressed is essential to the long-term vitality and health of our economy.

That is what allows us to hire more people and pay better wages—to increase productivity. A healthy and growing business keeps its employees working, and we hope it will lead to new employees being added to the payroll.

Finally, the amendment will simplify the tax law for countless small businesses. Greater expensing means less equipment subject to onerous depreciation. Under this amendment, any business that would be able to claim the full $40,000 in expensing if it purchased and put in service no more than $325,000 of property during the year is that is to make sure it applies primarily to small business.

In short, this amendment’s equipment expensing changes are a win-win for small business consumers, employees of small businesses, equipment manufacturers, and our national economy.

Some have contended that maybe we ought to think about this only for 1 year. We need to give small businesses not only an initial boost, but we need to keep the support coming to sustain the recovery. If we use the last recession of 1991 as an example, it took 21 months before the unemployment rates started to drop consistently. That is nearly 2 years for small businesses and others to hire the people back who were unemployed in the recession. Small businesses represent 99 percent of all employers. They provide about 75 percent of the net new jobs. And with people unemployed, we need to get those producers of the new jobs, small businesses, into business.

Based on this unemployment data, limiting the amendment or any other small business stimulus to 1 year would not suffice. We need to keep the small business stimulus going for at least 2 years to ensure the recovery in the small business sector and the jobs market is sustained.

Madam President, I ask my colleagues to support the amendment and urge them, if they want to support the amendment Senator Collins and many other Senators and I have supported, to come to the Chamber. If they have arguments against it, we will be interested in hearing those as well.

I yield such time as he may require to the distinguished minority whip.

Mr. NICKLES. Madam President, I wish to compliment my colleagues, Senators Collins and BOND, for their leadership and persistence in saying, let’s get something in this bill to help create jobs. Both Senators BOND and Collins have spoken of the growth in small business and the need for small business to be able to grow. This particular provision will create jobs. I compliment them.

I don’t see much in the underlying proposal that will create jobs. This one will create jobs because small business will be able to expense more items up to $400,000. For a period you have a small business that may have a few employees, that is a big deal. I used to have a janitor’s service. It was my wife and myself and a few other people. If you allow me to expense everything, I don’t have to amortize all the equipment I am purchasing because, frankly, it is less than $40,000.

You get to expense it. You get to write it off when you write the check. Instead of spreading it out over several years, instead of taking 3, 5, 8 years to recoup your investments, you can recoup it in the year you made the investment. That is a big deal for small businesses. Most of the jobs that will be created this year will be small business. Most of the jobs that will be created this year will be in small businesses. It is not going to be General Motors or in the big corporations, it is going to be in small business. You are saying, let’s expense up to $40,000, an improvement from $24,000.

It is an excellent amendment. It will help small business. By helping small business, we will be able to create more jobs.

I thank both of my colleagues for their leadership. I believe this amendment is going to pass. I compliment them for that. This is one of the few things we have seen that will actually stimulate the economy. We have seen a lot of proposals. Let’s write more checks, let’s give people money who didn’t pay taxes, expand unemployment compensation, pay people more checks, let’s give people money who aren’t working. This is a proposal that says, let’s create an environment that will create jobs so people won’t need unemployment compensation, so they won’t be asking more from the Government. They will be getting a job.

I thank my colleagues for their excellent proposal. I urge all my colleagues to support it.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COLLINS. Madam President, I thank the Senator from Oklahoma for his kind comments. The Senator from Oklahoma brought up a very important point. It is very burdensome record-keeping for small businesses to have to deal with depreciation schedules and sometimes very unrealistic recovery periods.

For example, most computers are required to be depreciated over a 5-year period, but we all know from our experience that the usual life of a computer is 2 to 3 years. The Senator from Oklahoma has raised an important point. Not only will this put more cash into the pockets of small businesses and
allow them to go ahead with investments that have been put on hold because of this tax incentive, but it will also relieve them from some very burdensome recordkeeping requirements. That simplification is another advantage of the Bond-Collins amendment.

I thank my colleague from Missouri who does such a great job as the ranking minority member of the Senate Small Business Committee. It has been a great pleasure to work with him on this amendment. I believe this is the one provision we have debated that will make a real difference to those entrepreneurs throughout our country, to those small mom-and-pop firms that are creating good jobs in communities throughout our country. So I hope we will have a strong show of support for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Madam President, I gather there are no more people seeking to speak on this amendment. Rather than wait, we can vote. But first, I thank my colleague from Oklahoma, Senator NICKLES, a real champion of making the economy grow by putting people back to work, and Senator COLLINS has been one of our great allies. Anytime I have a small business provision, she wants to be a champion of it because she knows small businesses are driving the Maine economy, as well as in the rest of the country.

We are prepared to yield back all time on this side. I ask for the yeas and nays on this amendment.

Mr. DAYTON. We yield back all our time.

The PRESIDING OFFICER. All time is yielded back. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GINGRICH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that if present and voting the Senator from Oklahoma (Mr. INHOFE) and the Senator from Montana (Mr. BURNS) would each vote “yea.”

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

The result was announced—yeas 90, nays 2, as follows:

<table>
<thead>
<tr>
<th>YEA'S—90</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allard</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Bankus</td>
</tr>
<tr>
<td>Bayh</td>
</tr>
<tr>
<td>Bennett</td>
</tr>
<tr>
<td>Biden</td>
</tr>
<tr>
<td>Bingaman</td>
</tr>
<tr>
<td>Bond</td>
</tr>
<tr>
<td>Brown</td>
</tr>
<tr>
<td>Brownback</td>
</tr>
<tr>
<td>Bunning</td>
</tr>
<tr>
<td>Byrd</td>
</tr>
<tr>
<td>Campbell</td>
</tr>
<tr>
<td>Cantwell</td>
</tr>
<tr>
<td>Carnahan</td>
</tr>
<tr>
<td>Carper</td>
</tr>
<tr>
<td>Conrad</td>
</tr>
<tr>
<td>Corzine</td>
</tr>
<tr>
<td>Craig</td>
</tr>
<tr>
<td>Cranop</td>
</tr>
<tr>
<td>Daschel</td>
</tr>
<tr>
<td>Dayton</td>
</tr>
<tr>
<td>DeWine</td>
</tr>
<tr>
<td>Domenici</td>
</tr>
<tr>
<td>Dorgan</td>
</tr>
<tr>
<td>Durbin</td>
</tr>
<tr>
<td>McConnell</td>
</tr>
<tr>
<td>Mikulek</td>
</tr>
<tr>
<td>Markowitz</td>
</tr>
<tr>
<td>Murray</td>
</tr>
<tr>
<td>Nelson (FL)</td>
</tr>
<tr>
<td>Nelson (NE)</td>
</tr>
<tr>
<td>Nickles</td>
</tr>
<tr>
<td>Reed</td>
</tr>
<tr>
<td>Roberts</td>
</tr>
<tr>
<td>Rockefeller</td>
</tr>
<tr>
<td>Santorum</td>
</tr>
<tr>
<td>Sessions</td>
</tr>
<tr>
<td>Shelby</td>
</tr>
<tr>
<td>Smith (NJ)</td>
</tr>
<tr>
<td>Smither</td>
</tr>
<tr>
<td>Snedeker</td>
</tr>
<tr>
<td>Snowe</td>
</tr>
<tr>
<td>Specter</td>
</tr>
<tr>
<td>Stabenow</td>
</tr>
<tr>
<td>Stevens</td>
</tr>
<tr>
<td>Thomas</td>
</tr>
<tr>
<td>Thurmood</td>
</tr>
<tr>
<td>Torricelli</td>
</tr>
<tr>
<td>Tourschin</td>
</tr>
<tr>
<td>Warner</td>
</tr>
<tr>
<td>Wellstone</td>
</tr>
<tr>
<td>Wyden</td>
</tr>
</tbody>
</table>

NAYS—2

<table>
<thead>
<tr>
<th>NAYS—2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chafee</td>
</tr>
<tr>
<td>Akaka</td>
</tr>
<tr>
<td>Boehner</td>
</tr>
<tr>
<td>Burns</td>
</tr>
<tr>
<td>Inhofe</td>
</tr>
<tr>
<td>Thompson</td>
</tr>
<tr>
<td>Stevens</td>
</tr>
<tr>
<td>Thomas</td>
</tr>
<tr>
<td>Thurmood</td>
</tr>
<tr>
<td>Torricelli</td>
</tr>
<tr>
<td>Tourschin</td>
</tr>
<tr>
<td>Tourschin</td>
</tr>
<tr>
<td>Warner</td>
</tr>
<tr>
<td>Wellstone</td>
</tr>
<tr>
<td>Wyden</td>
</tr>
</tbody>
</table>

The amendment (No. 2717) was agreed to.

Mr. REID. I move to reconsider the vote on the table. The motion to lay on the table was agreed to.

HOPE FOR CHILDREN ACT—Continued

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

AMENDMENT NO. 2718, AS MODIFIED

Mr. BAUCUS. Mr. President, I call up my amendment and send a modification to that amendment to the desk. The PRESIDING OFFICER. The Senator has a right to modify the amendment.

The amendment, as modified, is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004, and to increase the Federal medical assistance percentage under the Medicaid program for calendar years 2002 and 2003)

Strike titles II and III and insert the following:

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS


(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which the property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(C) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i) to which this section applies which has a recovery period of 20 years or less, or which is water utility property,

“(ii) which is computer software (as defined in section 167(f)(3)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(iii) which is qualified leasehold improvement property, or

“(iv) which is eligible for depreciation under section 167(g).”

“(ii) the original use of which commences with the taxpayer after December 31, 2001,

“(iii) which is—

“(I) acquired by the taxpayer after December 31, 2001, and before January 1, 2004, but only if no written binding contract for the acquisition was in effect before January 1, 2002, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2001, and before January 1, 2004, and

“(iv) which is placed in service by the taxpayer before January 1, 2004, or, in the case of property described in subparagraph (B), before January 1, 2005.

“(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified property’ includes property—

“(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

“(II) which has a recovery period of at least 10 years or is transportation property, and

“(III) which is subject to section 263A by reason of clause (i) or (ii) of subsection (f)(1)(B) thereof.

“(II) ONLY PRIOR TO JANUARY 1, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis attributable to the manufacture, construction, or production before January 1, 2004.

“(III) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term ‘transportation property’ means tangible personal property used in the trade or business of transporting persons or property.

“(C) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall
not include any property to which the alternative depreciation system under subsection (g) applies, determined—

(1) without regard to paragraph (1) of subsection (a) relating to election to have system apply, and

(2) after application of section 280F(b) (relating to listed property with limited business use).

(ii) Election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this section shall not apply to all property in such class placed in service during such taxable year.

(ii) Self-constructed property. —In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer’s use or sale (whether as a principal activity or not), property (including any leasehold improvement property) which such property is used under the lease shall be treated as a lease, for purposes of section 280F—

(A) DEFINITIONS.—(i) Binding commitment to lease treated as lease.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

(ii) Related persons.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, related persons are treated as members of an affiliated group (as defined in section 1564), and

(iii) Improvement for which the expenditure is attributable to—

(A) natural minimum tax.—(i) In general.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:—

(B) Elections during calendar year.—(i) Definitions.—For purposes of paragraph (a)(2),—

(A) In general.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive calendar quarters ending on or after April 1, 2001, and ending with the second calendar quarter before the beginning of the calendar quarter following such period, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) Average weighted unemployment rate defined.—For purposes of subparagraph (A), the “average weighted unemployment rate” for a period is—

(1) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period, divided by

(2) the sum of the civilian labor force in each State and the District of Columbia for the period.

(C) In increase in cap on Medicaid payments to territories.—Notwithstanding any other provision of law, with respect to—

(i) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(ii) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.)

(b) State eligibility.—A State is eligible for an increase in its FMAP under subsection (d) or (e) or an increase in a cap amount under subsection (d) only if the eligibility under such State plan under title XIX of the Social Security Act (including any waiver under such title or under such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(1) Definitions.—In this section:

(FMAP).—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) State.—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).
Mr. BAUCUS. Mr. President, I ask Senator HARKIN be allowed to call up his amendment at this time.

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

AMENDMENT NO. 2719

Mr. BAUCUS. Mr. President, I ask Senator HARKIN to be allowed to call up his amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is on the calendar, pending.

The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry: I want to make sure what the business is before the Senate.

The PRESIDING OFFICER. The pending business is the consideration of Calendar No. 218, S. 1630; that the amendment No. 2719.

Mr. HARKIN. That is the amendment which this Senator offered yesterday; is that correct?

The PRESIDING OFFICER. It was offered by Senator REID on behalf of the Senator from Iowa.

Mr. REID. Mr. President, if the Senator will withhold just for one brief comment, the minority did not have a manager here. This has been cleared. The unanimous consent we just got has been cleared with Senator GRASSLEY. I had also talked to those—I thought—on the other side who knew what we were doing.

If the Senator will withhold proceeding until we make sure someone, a manager on the other side, is here because we don't want to take advantage of them because we got a unanimous consent agreement when no one was on the floor. If the Senator will withhold, the staff has gone to seek someone on the other side.

Mr. HARKIN. I withhold.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1630

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 218, S. 1630; that the bill be read three times and passed, and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. CARNAHAN. Mr. President, I am disappointed to hear objection to passing a bipartisan bill to help family farmers. We spent a great deal of time last year trying to pass a farm bill. I support that effort. I support reviving that effort again this year.

The legislation that I am trying to pass today is also aimed at helping all family farmers. The bill would extend chapter 12 of the bankruptcy code for 6 additional months. Chapter 12 offers expedited bankruptcy procedures for family farmers in an effort to accommodate their special needs. It was first enacted in 1986. It has been extended several times since then—most recently earlier this year.

The provisions of chapter 12 allow family farmers to reorganize their debts as opposed to liquidating their assets. These provisions can be invaluable for farmers struggling to stay in business during difficult times. Unfortunately, chapter 12 expired on October 1 last year.

My bill seeks to extend these provisions for six additional months and to reinstate them retroactively to the date when they expired. Retroactivity will ensure that there are no gaps in availability of these procedures. I hope this will be the last extension that is necessary.

The larger bankruptcy reform bill that is currently pending before a House-Senate conference committee includes a permanent extension of chapter 12. Nevertheless, American family farmers should not have to wait for us to complete our work on the bankruptcy reform bill. The very least we can do to assist farmers now is to reenact these noncontroversial procedures. That is why I am so puzzled by this anomalous objection.

Legislators extending these provisions passed the House of Representatives by a vote of 408 to 2 last year and subsequently passed the Senate by unanimous consent. The Judiciary Committee unanimously reported the bill I am seeking to pass today on a voice vote. Furthermore, the bill has several bipartisan cosponsors, including my colleague from Missouri, Senator KIT BOND; the chairman of the Judiciary Committee, Senator LEAHY; and the lead sponsor of the Senate bankruptcy reform bill, Senator GRASSLEY.

I urge any Senator who has any concern about this bill to speak with me. I will be more than happy to work to address any issues my colleagues may have in an effort to secure expedited passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

HOPe FOR CHILDREN ACT—Continued

AMENDMENT NO. 2719

Mr. HARKIN. Mr. President, as I understand it, the pending business before the floor is amendment No. 2719, offered yesterday by Senator REID on this Senator's behalf. I rise to speak for a few minutes on that amendment.

I thank the Senator from Montana for giving me the courtesy of going first because it is the time schedule I have this afternoon.

Senator BAUCUS and Senator DASCHLE have provided great leadership on this important issue of the stimulus. There is one part of the amendment that is before us that is vitally important to all of our States as we are facing this downturn in the economy. That part of the amendment deals with the Federal share for Medicaid payments to the States.

Under the provision in the underlying Daschle amendment, and under the leadership of Senator BAUCUS, they provided for that. They provided a 1.5-percent increase to every State in their 2002 Federal match for Medicaid. That would provide about $3.5 billion in additional Federal Medicaid payments to the States.

I have a chart which shows what that would mean for every State and what my amendment would mean for every State. I ask unanimous consent that this chart be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. HARKIN. Senator BAUCUS and Senator DASCHLE, by their amendment, put in a 1.5-percent increase to all States.

The second part was, because of unemployment measures previously calculated, some States were scheduled to go down in 2002 in their Federal match. The amendment before us under Senator BAUCUS and Baucus holds those States harmless. That is about 29 States that would have lost money this year. And under the Baucus amendment, they are held harmless.

The third part is that States with high unemployment would receive an additional 1.5 percent in their 2002 Federal match. This would provide assistance to about 16 States that have very high rates of unemployment. This policy proposal is extremely important for those States.

The pending amendment I have offered would only change one part of that. It would take the 1.5-percent increase for all States and increase it to 3 percent. In other words, it would add 1.5 percent to the Federal match for all States. I believe that is important because when the committee developed this bill and the stimulus package, the National Association of State Budget Officers had predicted a $15 billion shortfall for the States for 2002. That was last fall. By the end of the year, the National Association of State Budget Officers had updated their prediction for the shortfalls in our State budgets to $38 billion—in other words, double. I have heard from my Governor and I know others have heard from their Governors and their legislators—about the cuts they are going to have to make in their State budgets.

The problem is, one of the places where they have to cut, because that is the biggest pot for most States, is Medicaid. If a State cuts $1 out of their budget on Medicaid, they may lose $2 or $3 or $4 of Federal money. I don’t
know what it is for the Presiding Officer's State, and I don't know what the Medicaid match is there. I do know in Iowa it is about 3 to 1. So that for every dollar the State would not have in their budget for Medicaid, they would lose $3 of Federal money. It isn't only that the State loses the Medicaid budget by $1 and hurts one Medicaid recipient. If it cuts Medicaid by $1, it is hurting three or four times as many people. It has that kind of a multiplier effect.

While I am very supportive of what Chairman BAUCUS and Senator DASCHLE have done, we recognize now that these new projections of the shortfalls in our State budgets command us to put more into the program of reaching these States for their Federal match.

On the other two aspects of the amendment, on the one that holds States harmless, that is still in my amendment. And on the other one that provides permanent increases to the States with unusually high unemployment, that is there also. I wanted to make sure that every State received the amount of Federal matching money they need.

Any other reason why this is so important is because most States have a requirement in their Constitution that they have to balance their budgets. It is a constitutional requirement. They can't get around it. When they start cutting, they do across-the-board cuts, which seems at first blush to be the most logical, they just do a straight percentage across-the-board cut, Medicaid, being the biggest part of the State budget, gets whacked the most. Then they lose the Federal dollars that come in as a match.

I believe this is critically important for our States. I also believe State fiscal relief is one of the best ways to stimulate the economy. The Federal dollars we send out for Medicaid help to avert State budget cuts or tax increases that could be detrimental to the States in any economic recovery.

People in my State of Iowa and all across the Nation have enough trouble finding affordable, quality health care. They need our help and support during this recession. When it comes to protecting the vulnerable in these difficult times and getting our economy back on track, putting Iowans and all Americans back to work, it is critically important that we make sure that those who are out of work—they may have lost their jobs; Medicaid may be the only source of health care for them and their kids during this period of time, and then looking at the States and facting the budget cuts they have—it became clear that we had to add a little bit more money to this effort.

Again, I thank the chairman for focusing on this issue as he has done and for the work he has done in putting in that 1.5 percent. It has become clear in the last few weeks that the States are going to need more than 1.5 percent. That is why I have offered this amendment in a friendly manner to ensure that we meet our obligations to the States to get the money out there so that these people who are the most vulnerable don't fall through the cracks.

Mr. President, I ask for the yeas and nays on my amendment. The PRESIDENT OF THE UNITED STATES.

The yeas and nays were ordered. The PRESIDING OFFICER. The Senate will now proceed to a consideration of the Appropriate Committees.

Mr. President, I rise to support the Harkin amendment. Mr. Harkin: 3% all + 1.5% high unemployment + hold harmless.

The PRESIDENT OF THE UNITED STATES.

The yeas and nays were ordered. The yeas and nays were ordered. The PRESIDING OFFICER. The Senate will now proceed to a consideration of the Appropriate Committees.

Mr. President, I will support the Harkin amendment. Mr. BYRD. Mr. President, I will support the Harkin amendment. Mr. President, I will support the Harkin amendment. I do not see anybody else wanting to speak on this amendment. The Senate may want to speak some more. Maybe he does not want to speak some more. If not, I ask unanimous consent that, whatever the appropriate order, the amendment be set aside and voted on at the appropriate time and that the pending business be the regular order.

The PRESIDENT OF THE UNITED STATES.

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will support the Harkin amendment. Mr. President, I will support the Harkin amendment. Mr. President, I will support the Harkin amendment. Mr. President, I will support the Harkin amendment. Mr. President, I will support the Harkin amendment. Mr. President, I will support the Harkin amendment.

The PRESIDENT OF THE UNITED STATES.

Without objection, it is so ordered.

Mr. President, I have been asked to consider the Harkin amendment. Mr. President, I have been asked to consider the Harkin amendment. Mr. President, I have been asked to consider the Harkin amendment. Mr. President, I have been asked to consider the Harkin amendment. Mr. President, I have been asked to consider the Harkin amendment. Mr. President, I have been asked to consider the Harkin amendment.

The PRESIDENT OF THE UNITED STATES.

Without objection, it is so ordered.
PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 95, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 95) providing for a conditional adjournment or recess and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The concurrent resolution (S. Con. Res. 95) was agreed to, as follows:

S. CON. RES. 95

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Tuesday, January 29, 2002, it stand recessed or adjourned until noon on Monday, February 4, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2002, it stand adjourned until noon on Monday, February 4, 2002, or until Members are notified to reassemble pursuant to section 2 of the concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

HOPE FOR CHILDREN ACT—Continued

AMENDMENT NO. 278

Mr. BAUCUS. Mr. President, there was a vote earlier on a small business amendment offered by the Senator from Missouri, Mr. BOND. It was adopted. That shows we are starting to make progress toward an agreement on a bill to stimulate economic recovery. That was the small business expensing amendment which increased the ceiling amount available for business as to expense.

We now have an opportunity to make even more progress by adopting the Baucus-Smith amendment. This amendment makes two important improvements. First, it strikes a balance on the bonus depreciation issue with a 2-year compromise provision. Second, it will help States by increasing the Federal matching payments for Medicaid. As a bonus depreciation, this assistance will be provided for 2 years. Essentially, I am offering an amendment, joined by my good friend from Oregon, Mr. SMITH, to provide for a 2-year bonus period, as well as a 2-year FMAP payment. I will speak first about bonus depreciation.

I think we all agree that a strong stimulus bill must create tax incentives for business to invest in new equipment. I do not think there is much doubt about that. This amendment creates jobs, lifts the economy, and also increases productivity in the long run. Chairman Greenspan and others have talked a lot about productivity. There is not much doubt that this amendment will help us move in that direction.

Everyone agrees on the concept. The debate, however, has been over the details. The proposal before us is a 10-percent bonus. We have agreed to increase that to 30 percent. Now the question is how long should the incentive last.

The Democratic proposal was 1 year; the Republican proposal was 3 years. Our bipartisan compromise amendment, that is the amendment of Senator SMITH and myself, is 2 years. This is not simply an effort to split the difference. Instead, if one steps back and thinks about it, a 2-year incentive makes good sense. Three years is too long. It will not encourage business to invest quickly enough. As a result, it will not stimulate businesses to act when we most need them to act.

On the other hand, in the debate last week, Senator SMITH and others made a very good point. They said that a 1-year bonus period might not be long enough because it does not give businesses enough time to make sound investment decisions. Let’s not forget the investment to qualify has to be in place, in service within the requisite period.

We have to assume this legislation will not be enacted before March. If we were to stick to the 1-year period, companies would only have a few months left at that point to make purchases and get assets in place, as we are dealing with the calendar year. That is not time enough, especially if we think about the kinds of investments we want to encourage, which is airplanes, heavy machinery, equipment used in manufacturing, locomotives, pipelines, and refineries. In many cases, these assets would only have a few months to make their purchases and get assets in place under the 1-year period.

To address this, our amendment gives companies until December 31, 2003, to make their purchases and get assets in place. Even after that, companies would have an extra year to put the assets in place if they take more than a year to build, so long as they get a bind certificate to act.

The amendment will provide economic stimulus. It will work quickly, and it recognizes business realities and gives companies the time they need to make sound investment decisions. That is the first part of the amendment.

The second part relates to the States. The technical term is FMAP. What it is about is helping States by temporarily increasing the rate at which we match State payments under Medicaid. Let me explain why this is important. Rising Medicaid costs are already contributing to the States’ fiscal crisis. Health care costs are increasing rapidly, while rising unemployment is increasing the number of people eligible for Medicaid services. Medicaid spending grew by 11 percent last year. It is likely to increase even faster this year if current economic and budgetary conditions persist.

Many States have already implemented or are now considering implementing significant cuts in Medicaid and the State Children’s Health Insurance Program, otherwise known as CHIP, in 2003.

These cuts would affect thousands of children, elderly, and disabled people. For example, Oklahoma and New Mexico may eliminate their CHIP-funded Medicaid expansions to children entirely.

CHIP—that is the State Children’s Health Insurance Program—has been very popular. It helps low-income kids get health insurance, health insurance they did not previously have. I think it would be very unfortunate if, due to State budget constraints, they either choose to or believe they are forced to cut back and, in some cases, eliminate the programs that provide health insurance for children.

Tennessee has proposed cutting Medicaid eligibility for 180,000 low-income people in its TennCare Program. Other States will no longer cover disabled working parents or children with breast and cervical cancer. These budget cuts and these tax increases are based on revenue forecasts that do not assume enactment of bonus depreciation provisions. Because most States tie their own tax collections to the Federal tax system, the additional loss of revenues in 2003 that would result from a lengthy bonus depreciation period would increase the likelihood and severity of State actions to cut programs and raise taxes.

The underlying amendment would address this problem by providing a temporary 1-year increase in the Federal matching rate under Medicare. Our amendment goes a bit further by extending the period for 2 years to match the depreciation period.

By doing so, the amendment ensures the amount of aid provided both to States generally and to individual States in particular if the recession proves deeper than currently projected. That is the second part of the amendment.

All told, the amendment will help businesses, it will help workers, it will help States and it will help families maintain Medicaid coverage.

The PRESIDING OFFICER. The Senator from Utah.
Mr. HATCH. Mr. President, I have not fully read the FMAP part of the distinguished Senator's amendment, but I am interested in helping the States at this particular time because many of them are experiencing budget crunches, and it is really causing them a lot of difficulty.

With regard to the CHIP program, which was a Hatch-Kennedy bill that was enacted over 4 years ago, my home State of Utah has now achieved the goal of insuring 27,000 children of people who work but do not have enough money to pay for their children's health insurance. In Utah, we have covered 27,000 kids, but there are at least 3,000 more who need to be covered. Due to State budget concerns, Utah has had to cap its CHIP program at 27,000.

Now that is not right. I cannot blame my State leaders. They have to balance the budget, but it is not right that any child in our society should go without basic health care. The very poor in our society are covered by Medicaid. What we did with the CHIP bill was try to take care of those 7 million young people in the United States who are children of the working poor. The parents of these children work but do not earn enough money to pay for health insurance but make too much money to be eligible for the Medicaid program. CHIP has worked well. It has been one of the most successful health care programs in the country.

I have worked on a number of important issues throughout my Senate career, and I think that passage of the CHIP Act was one of my top achievements as a United States Senator. Providing access to affordable and quality health coverage to the medically uninsured continues to be a high priority for me. So while I have to read the amendment language, I believe it is an important amendment, and I intend to support it as of this juncture.

With regard to bonus depreciation, I was the first Senator to file a bonus depreciation bill. My bill provided for a 50-percent bonus depreciation deduction rather than the 30 percent in this amendment. But remember, some of the other bills were only at 10-percent bonus depreciation, and I am pleased to see that this amendment would now bring it to 30 percent. I am very happy to see the work of Senator Smith and the distinguished chairman of the Finance Committee. I have four amendments on which I will be very brief. My intention is, if there is no objection, to offer the four amendments, debate one of them at a time, and if someone else comes and wants to offer another amendment, they can put my amendment aside.

What is the position of the chairman on that suggestion?

Mr. BAUCUS. Mr. President, the Senator from Nevada, Mr. Reid, is organizing the sequence of amendments. I think it is fine for the Senator from New Hampshire to offer his package of amendments with the understanding they come up one at a time, and if there is an amendment on this side in the interim, that amendment would be offered and we would go back to one of Senator Smith's amendments. That is fine.

Mr. SMITH of New Hampshire. I thank the chairman.

AMENDMENTS NOS. 2732 THROUGH 2735, EN BLOC

Mr. SMITH of New Hampshire. Mr. President, I send four amendments to the desk, and I ask unanimous consent that they be called up and temporarily set aside for consideration at the appropriate time.

The PRESIDING OFFICER. The amendments (Nos. 2732 through 2735), en bloc, are as follows:

AMENDMENT NO. 2732

(Purpose: To provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001, and for other purposes)

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

SEC. 2. WAIVER OF EARLY WITHDRAWAL PENALTY FOR DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY DURING THE NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON SEPTEMBER 14, 2001.

(a) WAIVER FOR CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following:

‘‘(w) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—In the case of an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001,’’

(2) EFFECTIVE DATE.—Section 6654(e)(3) of such Code (relating to waiver in certain cases) is amended by adding at the end the following:

‘‘(1) INDIVIDUAL RETIREMENT ACCOUNTS.—Section 401(k) of such Code, as modified by section 102 of the Balanced Budget Act of 1997, is applied to distributions made to an individual after September 13, 2001.

(b) CATCH-UP CONTRIBUTIONS ALLOWED.

(1) INDIVIDUAL RETIREMENT ACCOUNTS.—Section 219(b)(5) of the Internal Revenue Code of 1986 (relating to deductible amount) is amended by adding at the end the following:

‘‘(B) CATCH-UP CONTRIBUTIONS ALLOWED.—In the case of an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001,’’

(2) EMPLOYER PLANS.—Section 414 of such Code (relating to treatment of contributions) is amended by adding at the end the following:

‘‘(w) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—In the case of an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001.’’

(3) ELECTION TO TREAT AS CATCH-UP CONTRIBUTIONS.—Any contribution described in paragraph (8) and by inserting after paragraph (8) and by inserting after paragraph (8) and by inserting after paragraph (8) the following:

‘‘(7) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—Any contribution described in section 219(b)(5)(D) shall not be taken into account for purposes of paragraph (2).’’

(3) EMPLOYER PLANS.—Section 414 of such Code (relating to definitions and special rules) is amended by adding at the end the following:

‘‘(W) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—

‘‘(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan makes an additional elective contribution to make additional elective deferrals in any plan year.”
“(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFEerrals.—
   “(A) IN GENERAL.—A plan shall not permit additional elective defeerrals under paragraph (1) for any year in an amount greater than the lesser of—
   “(i) the applicable dollar amount, or
   “(ii) the excess (if any) of—
      “(I) the participant’s compensation (as defined in section 415(c)(3)) for the year, over
      “(II) any other elective defeerrals of the participant for such year which are made without regard to this subsection.
   “(B) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph, the applicable dollar amount with respect to a participant shall be an amount equal to—
   “(i) the aggregate amount of distributions described in section 72(t)(2)(G) (not attributable to earnings) made with respect to such participant, over
   “(ii) the aggregate amount of such distributions (not attributable to earnings) previously taken into account under this subsection or section 219(b)(5)(B).
   “(3) TREATMENT OF CONTRIBUTIONS.—Rules similar to the rules of paragraphs (3) and (4) of subsection (v) shall apply with respect to contributions made under this subsection.
   “(4) DEFINITIONS.—For purposes of this subsection, the term ‘applicable employer plan’ and ‘elective deferral’ have the same meanings given such terms in subsection (v).”

(Explanation: The amendment makes a technical correction to the definition of “elective deferral” to ensure that it is consistent with the definition of “elective contribution.”)

(Effective Date: The amendment is effective for elections made by plans after the date of enactment.)

AMENDMENT NO. 2739

(Amendment is not fully visible.)

AMENDMENT NO. 2740

(Purpose: To prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State.)

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

SEC. 116. PROHIBITION ON IMPOSITION OF INCOME TAXES BY STATES ON NONRESIDENTS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new subsection:

“(116) Prohibition on imposition of income taxes by States on nonresidents

“Except to the extent otherwise provided in any voluntary compact between or among States, any political subdivision thereof may not impose a tax on income earned within such State or political subdivision by nonresidents of such State.”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following new entry:

“116. Prohibition on imposition of income taxes by States on nonresidents.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

AMENDMENT NO. 2735

(Purpose: To allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions.)

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

SEC. 2735. REAL PROPERTY TAX DEDUCTION ALLOWED WITHOUT LIMITATION OR NOT TAX PAYER ITEMIZES OTHER DEDUCTIONS.

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following:

“(19) Real property taxes.—The deduction allowed by section 164(a)(1).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any payment due after December 31, 2000.

Mr. SMITH of New Hampshire. Mr. President, these amendments I have offered encompass a number of important issues, including property taxes, commuter taxes, tip taxes for those who work as waiters and waitresses for the poorest and, respectively, for the lower income levels. Therefore, this will help stimulate the economy by encouraging home purchases and home ownership for those at the lower income levels. This is very important to our economy.

As we all know, property taxes tend to fund local education. So providing this tax deduction makes it easier for a local taxpayer to afford the quality education. As a former teacher and a parent, I believe it is very important to our economy.

It is important to understand, if a citizen makes enough money to have enough deductions to itemize taxes,
they can deduct property taxes. But what about the senior citizen who has property that has gained in value, they don’t want to sell their home, and they are on a fixed income? They could be forced to sell their home to pay the property taxes which go up every year, usually because of the schools or other costs in the community.

This gives immediate tax relief to every working American or senior citizen or anyone else who owns property, pays property taxes, but does not itemize. There is a direct stimulus to the economy. Imagine being able to deduct $2,000 or $3,000 in property taxes and having that cash on hand to be used for something else, whether the purchase of a refrigerator or whatever.

If we want to stimulate the economy and help those who need it most, this is the kind of legislation that does it. I hope my colleagues will look seriously at the merits of passing it and using an amendment to the stimulus package.

AMENDMENT NO. 2738

The second amendment I will speak to, No. 2733, involves a commuter tax. This prohibits the imposition of a non-resident income tax unless two States agree that it will be permitted. This happens in New Hampshire; it occurs in other States. A State does not have an income tax and a person who lives in a State with no income tax works in another State. That State taxes the income. It is taxing without representation. It is not fair.

This prohibits this tax from being implemented. In the long run, it is fair, and it is best for all people, no matter in what State you live. Even if you are in a State that collects those taxes, it is the issue of fairness. Is it fair for you to collect an income tax from a person who works in your State who gets no benefit? It does not mean only the interstate exchange of goods and services, it also means the exchange of labor.

One of the best ways to stimulate economic growth is allow people to work wherever they want in whatever State they want. Why make it a disincentive for the person living on the border of one State to go to another State. That is what we are doing. It is especially unfair in States such as New Hampshire, where there is no income tax, and there is no reciprocating. In the State of New Hampshire, $2 or $3 million goes out of that State into several of the surrounding States.

We all have constituents who work in neighboring States. In most cases, these constituents pay income taxes to those States; they are called commuter taxes. This is called taxation without representation, where I went to school. This is one of the issues that the colonists in our country fought over when they began to remove themselves from the authority of the King. The Declaration of Independence lists the reasons our country broke away from the Crown, and one of them was imposing taxes without our consent. That is exactly what happens in every State in America where there is an income tax for a person, say, living in Montana, who works in a neighboring State, and they have to pay the tax of that neighboring State.

It is not fair. I understand where politically it is easier for a State legislator to support an income tax on citizens who cannot vote them out of office. There is no way you can vote these people out of office for imposing these taxes, but it goes against the very principles on which our country was founded.

My amendment says if the State consents to allow its citizens to be taxed by a neighboring State, that is OK because now the constituents have an opportunity to either support or not support the legislators who imposed that. It is a very important distinction as to this amendment. If a State consents to allow citizens to be taxed by a neighboring State, it is fine. But right now that is not the case. They could sign an interstate compact, which would be fine, but it should be up to the States. My amendment preserves the right of citizens to be governed by their own States, not by the tax-hungry legislators of another State.

If you examine this issue, it is a States rights issue, and I urge its adoption.

AMENDMENT NO. 2734

Mr. President, the attacks of September 11 have caused an outpouring of devastation in their wake. Thousands perished during the attacks while tens of thousands of friends and family members are left to grieve for their loved ones. But the economic impact of those attacks continue to be felt throughout the Nation. With more than 1.6 million working men and women laid off last year, we need to look for ways to provide assistance to working individuals and their families.

The service industry, particularly the travel industry, are bearing the brunt of the burden. With airline travel and hotel bookings down sharply, communities which largely depend on tourism and travel as their chief source of revenue will soon, if not already, be in the red and may soon be forced to cut vital services. It is, therefore, imperative that we pass a strong, sensible economic stimulus package that will provide immediate relief to all Americans. I believe my amendment would help millions of hard-working Americans.

By passing my amendment, the Federal Government will provide direct relief to at least 2.3 million low to middle income individuals who depend on tips to make ends meet. Industry statistics show that most of the employees that will be helped by my amendment are either students, single mothers, or employees at the beginning of their careers. My amendment would provide millions of Americans directly, substantially, and quickly, while lifting some of the heavy burden of Government off of thousands of small businesses. My amendment eliminates the current practice of the income tax law which imposes taxes on workers, and tips cannot possibly be reported accurately. Hard working, law-abiding citizens who are given tips as a result of their extra effort do not wish to be labeled cheaters by the IRS which does not understand the realities of their work. It is time to change the tax law covering income from tips. My amendment caps the tax-free earnings at $10,000 for the small percentage who make a career of waiting on tables in high-end restaurants and resorts. For States that have a tip credit rule, this bill will not impact the employee’s and employer’s obligations and contributions up to the minimum wage.

Congress should show the hard working men and women of America that the Federal Government is not out of touch, and that it has some compassion for the struggle facing the millions of citizens in the service industry. By passing my amendment, we pass a common sense proposal that will directly help millions of hard-working Americans.

To reiterate, the third amendment is No. 2734, known as the tip tax. This amendment would consider tips to be gross income. This is reasonable and would provide a great amount of much needed relief and stimulus to the hospitality and other service sectors of our economy by eliminating the tax burden imposed on these tips.

I want to talk about the types of people who hold these jobs. There are many single mothers, working women, working hard. You have all been to restaurants and you see how hard waiters and waitresses work. Frequently these are single-income mothers who have children and are trying to work hard. This would exempt the first $10,000 of those tips from Federal income tax. That is a pretty good incentive and would help
every waitress, every waiter, every person who receives gratuities as the primary source of their income. It would help them tremendously to exempt the first $10,000. We treat the tip income the same way as the first $10,000 a year tax free. It is good policy and good stimulus, and I urge its adoption.

In summary, again, if you work as a waitress or waiter, the first $10,000 of the money you earn in tips would be exempted from Federal taxes.

AMENDMENT NO. 2792

After the treacherous attacks of September 11, the need to increase security around the country was and continues to be imperative.

Much of the security needs were filled by National Guard and Reserve units. Many were forced to leave high or higher paying jobs than the military was able to pay. In some cases, this caused a financial burden on the men and women who were called to duty.

In conclusion—I may want to speak further. Unless Senator SMITH combines those into one amendment, we will spread those out, having four amendments, and alter—nate back and forth. Is that your goal?

Mr. REID. Yes. It doesn’t matter to me how the manager of the bill handles that. It is strictly up to him.

Mr. GRASSLEY. Mr. President, if the Senate is saying that when it comes to a Member who offered four amendments, we would only vote on one of his amendments and alter—nate back and forth. Is that your goal?

Mr. REID. I ask the Senate to support the amendment yesterday. I withdraw my objection to Senator SESSIONS’ amendment.

I ask unanimous consent that the Senate vote at 3:45 on or in relation to the present amendment, there be no amendments in order prior to that time, and the time be equally divided.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for his courtesy which he displays so often.

The American Family Security and Stimulus Act is a stimulus package that I offered along with Senator ALLEN and Senator SMITH. Several other Senators also support it. It is designed to provide a stimulus to this economy and to work for working Americans, by emphasizing help to families who tend to be hurt most in an economic slowdown and by trying to get money into this economy in a way that can move us out of here. It is time for us to quit dawdling about and get moving on something that can be reached. I know the great leadership on both sides of the aisle has worked really hard. Sometimes I have been quoted to call our bodies of the universe, as they told us they were going to work out something. Sooner or later, they were going to get an agreement. But time has gone by and no agreement has been reached. So I suggest the plan that we would offer today—Senator ALLEN and I—is a bipartisan plan that can include much of what is in other people’s plans. It also includes some items that would provide stimulus to the economy that are not special interest oriented but family oriented. So everybody should be able to rally behind them.

I will make a few brief remarks and then I will allow Senator ALLEN to
make some comments. I hope I might be able to speak on it as the day goes by.

The components of this plan include a number of items. I believe one of them that has not been given sufficient thought in this process is the requirement for 50 percent payments now—it has been 60 percent—their $27,000 to $67,000; they would receive a 2-percent break on their tax return. For example, a small temporary reduction in sales taxes can bring about huge increases in computer sales. In Pennsylvania, they had a sales tax holiday on computers. In South Carolina, they didn't get through advanced payment on the; it is 5 percent—most of their hard-earned money stays in their wallets, and they spend it as they see fit. There is the additional $150 a month in the hands of working Americans; we would increase the child tax credit. That is really an immediate 50 to 60 cents per hour pay raise for workers in the lowest income levels.

Mr. ALLEN, Mr. President, I hope the Senate will support this idea of empowering parents, helping with technology, and helping out our economy.

We would extend the unemployment benefit by 13 weeks and provide the option for States to provide unemployment benefits if they choose, for part-time workers.

I think that goes beyond Senator DASCHLE's proposal and, I believe, would be very much a compromise that would be acceptable across the aisle. We would provide $5 billion for national emergency grants to States for people who are hurting and provide temporary business relief by allowing an additional 2-year depreciation deduction of 30 percent of the adjusted basis of certain properties. That is projected at an approximate $38 billion cost, and it would have a cost this year when the money is pumped into the economy. But by allowing people to take that depreciation deduction early, it would be something not available to them in the future, thereby saving Government expenditures or costs in income in the future.

That is a good package. I know Senator ALLEN wants to talk about it. I believe it is a step in the right direction. There is nothing in this that is not bipartisan. There is nothing in that that is special interest. Every bit of it is fair and just, which stimulates the economy, over $100 billion worth, without creating a bureaucracy, without creating a welfare program, and actually doing the things we want it to do. I thank the Chair and yield the floor.

Mr. ALLEN. Mr. President, I commend Senator Sessions for his leadership and echo all of the comments he made in support of this measure. I strongly support, as a cosponsor, this amendment which is entitled the American Family Economic Security and Stimulus Act.

This amendment, due to the great leadership of Senator Sessions, as well as his ingenuity, has provided us with a very common sense, compassionate, pro-family package that will help stimulate the economy and help American families and businesses get through the current economic recession.

When one thinks of stimulus or stimulus policy—I know the Presiding Officer remembers the discussion on the concept of stimulus—it should be a change in policy which will induce or spur economic activity, whether it is investment or whether it is spending, that would not not occur but for the change in policy.

This amendment represents a very worker-oriented, pro-family economic aid and stimulus package that will provide immediate financial relief to working families. It will ensure more of their hard-earned money stays in their wallets, and they spend it as they see fit. There is the additional $150 a month in the hands of working Americans; we would increase the child tax credit. That is really an immediate 50 to 60 cents per hour pay raise for workers in the lowest income levels.

It increases the child tax credit to $1,000, with the current fiscal year, and it accelerates the rate reduction for the 28 percent tax bracket to 25 percent.

I thank Senator SESSIONS for including the educational opportunity tax credit in this important legislation. This is a concept that I ran on in my campaign. It is one many have heard me discuss. What I am doing in adapting this idea, the education opportunity tax credit, to a stimulus package is to create an immediate incentive for families, parents of children who are in kindergarten through 12th grade, to buy computers, educational software, or computer peripherals. It is a technology-related amendment.

Specifically, what this amendment, the Sessions-Allen amendment, would do is provide parents who have children in kindergarten through 12th grade with an immediate $2,500 tax credit to buy computers, educational software, or peripherals. It would be for only 3 months. It would provide those families with the financial means necessary to provide their children with greater educational choice and opportunities best suited to their individual needs.

Parents know the needs of their children better than anyone. We know in studies about the digital divide that youngsters who have computers at home do better in school. They stay in school. They don't drop out. This is an important way of empowering parents to provide computers and educational software and peripherals to their children.

As far as the economic stimulus of it, if the idea of education and empowering parents is not sufficient to convince my colleagues, let's recognize what this will do for the economy. We can look at the States as our laboratories for a lot of good ideas. Experience shows in the States that even a small temporary reduction in taxes can bring about huge increases in computer sales. In South Carolina, they had a sales tax holiday on computers for only 3 days. What was the result? Computer sales increased more than tenfold, over 1,000 percent, in those 3 days. In Pennsylvania, they eliminated the sales tax on computers for 1 week. CPU sales increased sixfold in that time.

The PRESIDING OFFICER. All time controlled by the minority has expired.

Mr. ALLEN, Mr. President, I hope the Senate will support this idea of empowering parents, helping with technology, and helping out our economy.
as well. It is a good, commonsense approach. I thank the Presiding Officer for giving me the additional 30 seconds.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I believe unanimous consent from the other side to let the Senator from Virginia speak longer.

Mr. ALLEN. I would appreciate that, Mr. President.

Mr. GRASSLEY. I ask unanimous consent to give the Senator 3 additional minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized for an additional 3 minutes.

Mr. ALLEN. Mr. President, as I was stating, the educational opportunity tax credit, empowering parents with a $500 tax credit for a 3-month period to buy their children’s educational software and peripherals for their children, as we see from the States, works very well. It is not just the computers themselves. Again, South Carolina realized about a 604 percent increase in monitor sales and a 700 percent increase in printer sales, with only a 5 percent tax break. Pennsylvania had a similar experience.

The impact of this will be at least $5 billion of stimulus into this sector of the economy while also helping out the education of children in this country.

We know that this will have much more of an impact than that because whoever is fabricating the chips, the semiconductor chips, whoever the contractors and vendors may be, whoever the sales folks are, all of them, the computer software writers, all of those people will benefit from more business investment, more sales in the tech sector. That is supported by Information Technology Industries: Global Learning System; ITIC, which is the Information Technology Industry Council; John Chambers with CISCO, who is well known for his efforts in education and technology. Gateway Computing.

I think we have had an impact of this in the States, the Consumer Electronics Association, Radio Shack, and Circuit City.

This is a good, balanced, pro-family, pro-taxpayer, pro-jump starting, and stimulating this economy to create more jobs idea. I hope we will find bipartisan support for this idea that will really allow families to keep more of their money, help educate their children, and also provide the job placement and financial assistance needed to workers during this economic downturn while also making sure that businesses have the capabilities to make investments with accelerated depreciation.

I look forward to working with my colleagues as we move this country forward in a way of trusting free people and free enterprise.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, if I may, I ask unanimous consent to add as cosponsors of the Sessions-Allen amendment Senator Tim Hutchinson of Arkansas and Senator Bob Smith of New Hampshire.

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

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment of the Senator from Virginia be set aside.

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

AMENDMENT NO. 2700

Mr. GRASSLEY. Mr. President, on behalf of Senator McCain, I call up amendment No. 2700, and I ask unanimous consent that it be explained and then laid aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. Grassley), for Mr. McCain, for himself, Mr. Allard, Mr. Lieberman, Ms. Snowe, Mr. Levin, Mr. Murkowski, Mr. Cleland, Mr. Enhoff, Ms. Landrieu, Mr. Borns, Mr. Durenh, Mr. Sessions, Mr. DeWine, Mr. Shelby, Ms. Hagedoorn, Mr. Lugar, Mr. Kennedy, Mr. Warner, Ms. Collins, Mr. Hatch, Mr. Helms, Mr. Allen, Mr. Kerry, Mr. Fitzgerald, Mr. Stevins, Mr. Reid, Mr. Miller, Mr. Roberts, Mr. Bayh, Mr. Ensign, Mr. Bunning, Mr. Campbell, Mr. Nelson of Nebraska, Mr. Dodd, Mr. Jeffords, Mr. Brownback, Mr. Biden, Ms. Stabenow, and Mr. Cochran, propose an amendment numbered 2700 to the language proposed to be stricken by amendment No. 2698.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence)

At the appropriate place insert the following:

SEC. __. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.

(a) in general.—Section 121(d)(4) (relating to special rules) is amended by adding at the end the following:

(9) Members of uniformed services and foreign service—

"(a) in general.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual’s spouse is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service.

"(b) qualified official extended duty.—

For purposes of this paragraph—

(1) in general.—The term ‘qualified official extended duty’ means any period of official extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government formed and Foreign Services are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am proud to announce that Secretary of State Colin Powell fully supports this legislation and this legislation enjoys overwhelming support by the senior uniformed military leadership—the Joint Chiefs of Staff—as well as the Office of Management and Budget Director Mitch Daniels, the 31-member associations of the Military Coalition, the American Foreign Service Association, and the American Bar Association.

The average American participates in our Nation’s growth through home ownership. Appreciation in the value of a home because of our country’s overall economic growth allows everyday Americans to participate in our country’s prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes.

The 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services, which is bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Owning a home provides Americans with a sense of community and adds stability to our Nation’s neighborhoods. Home ownership also generates valuable property taxes for our Nation’s communities.

The amendment creates a new tax benefit. Let me say that again: this bill will not create a new tax benefit, it merely modifies current law to suspend the time members of the Uniformed and Foreign Services are away from home on active duty. In short, the amendment would not allow members and foreign service officers fairly, by treating them like all other Americans.
The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors, and businesses. It was also one of the most complex tax laws enacted in recent history.

As with any complex legislation, there are winners and losers. But in this instance, there are unintended losers: service members and Foreign Service Officers.

The 1997 act gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefitted elderly taxpayers, while not providing any relief to younger taxpayers and their families.

The 1997 act addressed this issue. Under this law, taxpayers who sell their principal residence on or after May 7, 1997, are not taxed on the first $250,000 of profit from the sale; joint filers are not taxed on the first $500,000. Further, they may make one move before losing their principal residence. The taxpayer must meet two requirements to qualify for this tax relief. The taxpayer must, first, own the home for at least 2 of the 5 years preceding the sale; and, second, live in the home as their main home for at least 2 years of the last 5 years.

I applaud the bipartisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great and it is. Unfortunately, the second part of this eligibility test unintentionally and unfairly prohibits many of our men and women in the Armed Forces and Foreign Services from qualifying for this beneficial tax relief.

Constant travel across the United States and abroad is inherent in the military and Foreign Services. Nonetheless, some service members and Foreign Service Officers choose to purchase a home in a certain locale, even though they will not live there much of the time. Under the new law, if a service member does not have a spouse who resides in the house during his or her absence or the spouse is also in the military and also must travel, that service member will not qualify for the full benefit of the new home sales provision, because no one “lives” in the home for the required period of time.

The law is prejudiced against dual-military couples who are often away on active duty, because they would not qualify for the home sales exclusion because neither spouse “lives” in the house for enough time to qualify for the exclusion.

This amendment simply remedies an inequality in the 1997 law. It amends the Internal Revenue Code so that the 5-year time period is suspended while the service member or Foreign Service Officer is ordered, I underscore ordered, away from their primary home of residence. In short, active and reserve service members will still be required to live in their primary residence for 2 years, but the 5-year time period is suspended while they are stationed to such places like Afghanistan, the Philippines, Bosnia, the Persian Gulf, in the “no man’s land,” commonly called the DMZ between North and South Korea, or anywhere else on active duty orders.

In 1998 alone, the United States had approximately 37,000 men and women deployed to the Persian Gulf region, preparing to go to combat, if ordered. There were also 8,000 American troops deployed in Bosnia, and another 70,000 U.S. military personnel deployed in support of other commitments worldwide. That is a total of 108,000 men and women deployed outside of the United States, away from their primary homes, protecting and furthering the freedoms we Americans hold so dear. Since the September 11th attacks on the United States we have asked well over 110,000 service members to deploy abroad to seek out and destroy the terrorists and their supporting organizations responsible for this barbaric deed.

We cannot afford to discourage military service by penalizing military personnel with higher taxes merely because they are doing their job. Military and Foreign Service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not allow the Tax Code to heap additional burdens upon our men and women in uniform.

In my view, the way to decrease the likelihood of further inequities in the Tax Code, otherwise, is to adopt a fairer, flatter tax system that is far less complicated than our current system. But, in the meantime, we must insure that the Tax Code is as fair and equitable as possible.

The Taxpayer Relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including our men and women in uniform. It is true that there are winners and losers in any tax code, but this inequity was unintended. Enacting this narrowly-tailored remedy to grant equal tax relief to the members of our Uniformed and Foreign Services restores fairness and consistently to our increasingly complex Tax Code.

I ask unanimous consent that the letters of support from the American Foreign Service Association, the Joint Chiefs of Staff, American Bar Association, the Military Coalition, the Office of Management and Budget, and the Secretary of State be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:
DEAR SENATOR MCCAIN: Your consistent support for the quality of life enjoyed by our U.S. Military members is greatly appreciated. I would like to extend my support for the legislation that you intend to introduce to correct an inequity in the tax law that the members of the Uniformed Services who are deployed or are employed on extended duty outside the U.S. and their families face. I appreciate your commitment to the quality of life of our men and women in uniform and their families. Thank you for your leadership and support.

Sincerely,

JOHN P. JUMPER,
General, USAF, Chief of Staff.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET

DEAR GRANT: Thank you for your letter regarding Senator McCain's tax relief proposal. After careful review, there is a case to be made that a military member who is not a resident of the U.S. at the time of a property sale must be provided a tax relief system that recognizes military service. The military system poses a burden on servicemen and women and foreign service officers. These men and women spend much of their careers being assigned overseas and moving from post to post. We should not penalize these Americans in effect for serving their country.

The Office of Management and Budget supports Senator McCain's proposal which would allow military and foreign service personnel equitable capital gains tax treatment. I appreciate your persistence on this matter as we continue to ensure that our Foreign Service Officers and Military Service members and women enjoy such benefits especially during these difficult times.

Sincerely,

ROBIN CLEVELAND,
Director, National Security Programs.

THE MILITARY COALITION

DEAR SENATOR MCCAIN: The Military Coalition pledges to work with you to seek inclusion of your bill in the pending economic stimulus package so military members can once again enjoy the same capital gains tax relief already provided to all other Americans.

Sincerely,

THE MILITARY COALITION.


The Hon. John McCain, Senate Russell Building,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 25,000 active-duty and retired members of the Foreign Service which the American Foreign Service Association (AFSA) represents, thank you for your leadership and support with your soon-to-be introduced bill extending to the Uniformed Services and Foreign Service the tax treatment enjoyed by all other Americans when they sell their principal residence.

As you know this is an important active-duty issue for the Uniformed Services and the Foreign Service. Your bill, amending section 121(d) of the Internal Revenue Code of 1986, addresses an inequity faced by our members because of the particular nature of our profession. As you are well aware, our careers require us to live for years at a time away from our homes in duty posts around the world in service to our nation. In the case of the Foreign Service, our duty assignments range from 2–4 years. Back-to-back assignments abroad are common. It is not unusual for a member of the Foreign Service to spend six or more years abroad before returning to Washington for an assignment here. With the current two-in-five year occupancy test, many of our members in both the Uniformed Services and the Foreign Service find that we do have the same flexibility in serving our homes as enjoyed by our fellow Americans. After several years abroad, there are many reasons why we may wish to sell our homes upon returning home. As with other Americans, we would like our homes to reflect and be suited-to the changes in our lives—the increase or decrease in the size of our families, divorce, retirement, promotions and the ability to pay more for a house, the schools our children will attend, etc. Yet because of current law, we cannot sell our principal residences without living in them again for two years or else pay a serious tax penalty. Your bill, graciously, addresses these problems.

The members of the Uniformed Services and the Foreign Service have been faced with this problem since the change in the tax code in 1997. We hope that your provision can become law soon. If we can be of any assistance, please do not hesitate to contact me or Ken Nakamura, AFSA’s Director of Congressional Relations at (202) 944-5517 or by e-mail at nakamuraafs@aol.com.

Sincerely,

JOHN K. NALAND,
President.
Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The time has arrived for the vote with respect to the amendment of the Senator from Iowa.

Mr. BAUCUS. Is the Chair about to put the question for a vote?

The PRESIDING OFFICER. The Senator is correct.

That is the case from Iowa.

Mr. GRASSLEY. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act against the pending amendment, which is No. 2719, for exceeding the spending allocations of the Senate Committee on Finance.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, pursuant to your reading of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. REID. I ask unanimous consent that the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend from Virginia, if he could couple his winds, I ask him to be allowed to interrupt him to enter the unanimous consent agreement when that is ready. Mr. ALLEN. You have my agreement.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2702

Mr. ALLEN. Mr. President, I wish to speak to my amendment, the Terrorist Zone Tax Exemption Act, which I believe will be the next measure on which we will be voting.

Last fall the attack on our country represented the worst of mankind, but at the same time it demonstrated the best of the American spirit.

While we as a nation are united and resolved to combat terrorism, unfortunately other things have changed as a result of these attacks. As my colleagues know, this war on terrorism has changed our way of life. For terrorism targets not only military personnel and equipment but innocent men, women, and children at work in office buildings and, as we have seen, on civilian aircraft. So it is also with those tasked to respond to these attacks. Under the threat of terrorism, not only are military personnel tasked to locate and eradicate potential terrorist threats, but civilian fire, police, and rescue personnel are charged with maintaining public safety after a terrorist attack. We read about and heard about the heroic acts of firefighters, rescue personnel, and police officers—whether at the Pentagon or at the World Trade Center—who risked their lives to save others.

The PRESIDING OFFICER. The yeas and nays resulted—yeas 54 nays 41, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—54

Baucus
Bayh
Biden
Bingaman
Boker
Breaux
Byrd
Campbell
Campbell
Carnahan
Carper
Cleland
Clinton
Collins
Corzine
Daschle
Dayton
Dorgan
Baucus
Durbin
Edwards
Feinstein
Graham
Harkin
Hatch
Hutchinson
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lugar
Lincoln
Mikulski
Miller
Markowaki
Murray
Nelson (FL)
Nelson (NE)
Nichkles
Roberts
Santorum
Smith (MD)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

NAYS—41

Allard
Allen
Bennett
Bond
Brownback
Bunning
Chafee
Cochran
Conrad
Craig
Crapo
DeWine
Domenici
Enzi
Akaka
Burns
Borum
Aikin
Gregg
Miller

Not Voting—5

Akaka
Burns
Dodd
Enzi
Gregg

The PRESIDING OFFICER. The amendment of Mr. BAUCUS.

Mr. REID. Mr. President, for the information of Members, we are in the process of arranging a unanimous consent request to have a vote on or about 4:45 p.m. today on the Allen amendment, and the second would be on the Baucus amendment.

While we are doing that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.
Mr. ALLEN. Mr. President, does the Senator from Montana wish to discuss this amendment? I only have maybe 30 seconds, and I would be happy to yield to the Senator from Montana.

Mr. BAUCUS. I thank my good friend. I have looked at the Senator’s amendment. It is a good idea. I support it. There are a few little wrinkles that I want to look at to make sure the definitions coincide with the definitions for income taxes excluded for combat zones and make sure all those declarations of home and equitable. That is just a minor matter. We will work that out.

I commend the Senator for offering this amendment. It is a good idea.

Mr. ALLEN. Mr. President, I thank the Senator from Montana, Mr. BAUCUS, for his support. I look forward to further discussion. If there are some amendments that need to be made in the definitions, we have been working on this for several months, but nevertheless continue to work together on it. I conclude by saying very strongly that we need to adapt our tax policy and properly and logically provide similar tax benefits for the fire, rescue, and police personnel who are serving here in our homeland. This is where these terrorist attacks have occurred and we all agree that these heroes have responded in the true spirit of America. Please stand with our heroes, our firefighters, and police and rescue workers.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. ALLEN. The designation of a terrorist attack zone would be made by the President. Once you get past the rescue mission, the immediate response, and when the zone is designated a recovery scene, the tax exemption ends. The intent is for this to benefit those who rush in when there is still an opportunity to save a life; those first responders who themselves are endangered by the initial attack. I would not imagine that would last for anymore than a month. And again, it is validated on a monthly basis, like the combat zone tax exemption.

Mr. NICKLES. I thank my colleague.

Mr. REID. Mr. President, I appreciate the Senator from Virginia rushing through with his presentation. It was very articulate. I appreciate his recognizing that we are trying to get this agreement before the vote.

Mr. President, I ask unanimous consent that the time until 4:45 p.m. today be equally divided with respect to the Allen amendment No. 2702 and the Baucus amendment No. 2718, that no second-degree amendments be in order to either amendment prior to the vote in relation to each amendment; that the first amendment to the Allen amendment; and that regardless of the outcome there be 4 minutes equally divided prior to the vote in relation to the Baucus amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that Senator HELMS be added as a cosponsor of amendment No. 2702.

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

Mr. ALLEN. Mr. President, does the Senator from Montana wish to discuss this amendment? I only have maybe 30 seconds, and I would be happy to yield to the Senator from Montana.

Mr. BAUCUS. I thank my good friend. I have looked at the Senator’s amendment. It is a good idea. I support it. There are a few little wrinkles that I want to look at to make sure the definitions coincide with the definitions for income taxes excluded for combat zones and make sure all those declarations of home and equitable. That is just a minor matter. We will work that out.

I commend the Senator for offering this amendment. It is a good idea.

Mr. ALLEN. Mr. President, I thank the Senator from Montana, Mr. BAUCUS, for his support. I look forward to further discussion. If there are some amendments that need to be made in the definitions, we have been working on this for several months, but nevertheless continue to work together on it. I conclude by saying very strongly that we need to adapt our tax policy and properly and logically provide similar tax benefits for the fire, rescue, and police personnel who are serving here in our homeland. This is where these terrorist attacks have occurred and we all agree that these heroes have responded in the true spirit of America. Please stand with our heroes, our firefighters, and police and rescue workers.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. ALLEN. There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, we have two amendments pending and at least two votes at approximately 5:45. We have discussed the amendment offered by the Senator from Virginia, which I support.

I don’t know whether the Senator wishes to discuss the amendment. If he doesn’t, that is fine. Otherwise, I was going to ask my friend from Oregon, Senator SMITH, if he wishes to say a few words before the other votes that will occur following the vote on the amendment offered by the Senator from Virginia. That, of course, is up to my good friends from Virginia and Colorado.

Mr. ALLEN. Mr. President, I would rather make sure there is adequate discussion on the other votes. I believe there is complete agreement on my amendment.

I yield my time to the Senator so he may explain his amendment.

Mr. BAUCUS. I haven’t heard anybody speak in opposition to the Senator’s amendment. I think he is pretty close to his goal.

Mr. ALLEN. Ok. I had better sit down now.

Mr. BAUCUS. Mr. President, I see my friend from Oregon in the Chamber.

The PRESIDING OFFICER. Who is yielding time?

Mr. BAUCUS. I yield such time as my friend from Oregon would desire.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank the Chair and I thank the chairman of the Finance Committee for yielding time.

I learned as a little boy from my mother that if you at first don’t succeed you should try and try again.

I come to the Chair again today on the issue of accelerated depreciation. I am proud to be joined by Senator BAUCUS. This is the Baucus-Smith amendment now. The point is simply to try and bridge the difference between the two sides on the whole idea of how best to give a meaningful stimulus to business to take advantage of this accelerated depreciation, this bonus depreciation over a period of time that on the one hand will stimulate in a timely way the economy and on the other hand will help the States to be able to afford this action.

I believe the Baucus-Smith amendment is the compromise that will provide real stimulus to the underlying package that is offered by the majority and that we respectfully say again, is just simply too short a period of time to be meaningful to our economy.

The point was made that my amendment over 3 years was too much time. Then surely 2 years is enough. I believe the BAUCUS amendment is the compromise that will give business people time sufficient—I wish it were more—to be able to buy the equipment, to do the planning, to do the environmental studies, and make the investments that will allow employers to call employees back to work.

In addition, we are doing something that is very much needed by the States. That is, we will provide an increase in the Federal Medical Assistance Percentage known as FMAP. Most States, mine included, are struggling with how to continue to provide the resources for Medicaid. I understand that very well in my own State. Our State has a budget shortfall that approaches $1 billion. I have been reminded by people in my State that accelerated or bonus depreciation would only make that situation worse. I am not unmindful of that, and Senator BAUCUS and I have a way in this amendment to fix that, not just for my State but for every State.

Senator HARKIN’s amendment was just defeated. I suggest that what Senator BAUCUS and I are proposing is in the same spirit of that but within the realm of financial responsibility. It is the moderate view that I hope will find over 60 votes in the Senate. I certainly hope it will.

What this does specifically, the FMAP increase will provide immediate relief to States such as Oregon which are increasingly caught in the current recession as the demand for State social services rises but State revenues drop.
For example, this provision would bring an additional $97 million to Oregon in the first year. Depending on certain factors, they may get in excess of an additional $105 million in the following year, for a 2-year total of more than $205 million.

I can imagine that my State, as well as the State of the President, could use that assistance in this time of recession. Again, I remind both sides that whether it is former Treasury Secretary Robert Rubin or Chairman Greenspan, they both have laid out what will be helpful to stimulate the economy. It doesn’t go too far. It is not too long. I think for business people who are on their toes and trying to make plans, it will be enough time to have the economic incentives to improve our Nation’s economy.

America, moreover, is hungering for a sense that the Senate can get something done. Our proposal is that middle ground that allows us to make progress and that progress to the Nation tonight well on the way to passing a stimulus package. There is something for both sides. But more importantly, there is something for the American people that provides real health care dollars to people in need in States with shortfalls and real business stimulus to employers so that the best social welfare we could possibly foster will be available, and that is a private sector family wage job.

Again, I believe Senator BAUCUS and I have come upon the right formula to make better the underlying proposal and to find the bipartisan support which will ultimately be essential if we are to get beyond 60 votes and get something to conference and then to the desk of the President. The American people deserve that. We should do no less.

I yield back my time to the manager of this bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a good example of how we should pass legislation; that is, working together. Senator SMITH from Oregon and I have come together and crafted an amendment which directly meets concerns of Senators. We have done it together. Is it perfect in the minds of everyone on one side of the aisle? No. Is it perfect in the minds of all Senators on the other side? No. But is it good? Is it basically a good idea? I believe the answer is yes.

Essentially, we are going to provide for bonus depreciation for capital investment at 30 percent over a period of 2 years. The big question, I remind the Chair, is, should it be 1 year, 2 years, or 3 years? We have agreed on 30 percent for all intents and purposes. During private conversation on the floor on both sides of the aisle, somewhat presumptuously I will say that I heard, I believe, 2 years. But is it good? Is it what it should be. We debated 3 years. That did not pass. We, in effect, debated 1 year. It did not quite reach fruition, but that certainly is not going to pass.

The PRESIDING OFFICER. The time controlled by the majority has expired. Mr. BAUCUS. I thank the Chair. Might I ask who controls the remaining time?

The PRESIDING OFFICER. The Senator from Virginia or his designee. Mr. GRASSLEY. Mr. President, I grant the Senator from Montana 2 more minutes.

Mr. ALLARD. Mr. President, I have about 4 minutes to comment on Senator MCCAIN’s amendment. I was giving a speech and I could not be here when he brought it up. I would like to be able to use that time, if you don’t need all the time. Otherwise, I will wait.

Mr. BAUCUS. That would be fine. I just have 2 minutes. That would be fine with me.

Mr. ALLARD. I would like to have 4 minutes whenever it works out.

Mr. BAUCUS. Mr. President, again, to remind all Senators, this is a compromise. It is an effort on the part of Senator SMITH from Oregon and myself to find the proper amount of bonus depreciation. It is an effort to find the proper amount of reimbursement to States for lost Medicaid dollars. All Senators agree this is not only in the ballpark, it is probably so close to filling up the ballpark that it really cannot be improved upon a heck of a lot. I think it is a good amendment.

Further, I remind my colleagues, with the split in this body basically 50-50, this is the only way we are going to accomplish anything of consequence. That is, by sitting down and not engaging in rhetoric and preaching to people through the cameras, making them feel good, but, rather, working together to pass legislation that makes people’s lives better and significantly better. That is what we need to do.

If you were to ask voters, do you want your Senator to make speeches just for the sake of making speeches or do you want your Senator to get something done that really makes sense for us in the State, it may not be all we want but he has done a pretty good job, clearly the answer is the latter. They want us to do something that makes sense. That is what the Senator from Oregon and I are doing.

I strongly urge my colleagues to take a good, strong look at it. It is a bipartisan amendment. It has bipartisan support. More than that, it has the support of the people of the country.

I yield back the remainder of my time.

Mr. HATCH. I rise in support of this amendment, recognizing the need for Congress to undertake immediate corrective measures to help those who have suffered the adverse effects of the recent economic downturn. And while I do support this amendment, there are issues associated with it that are of serious concern, issues which I hope will be addressed in conference.

As we have heard throughout this debate, most states are experiencing serious budget shortfalls. In fact, in my own state of Utah, many vital state programs are slated for reductions this year. I am very concerned about that situation, and sympathetic to the need to work with the States to alleviate these concerns where we are able.

But it is also true that the Federal budget is under severe pressure because of the economic slowdown, and we must be very careful when we move to spending, especially in an entitlement program.

Obviously, we must carefully examine our budget constraints and balance the need to address the economy with the need to restrain the growth of spending.

But as I have said, I share the States’ concern about the budgetary impact of the economic downturn. Many important programs are being cut-back, a situation which no one who has worked so hard to weave a strong safety net.

In fact, the Utah CHIP program is no longer enrolling new children because it is running out of money. I cannot think what decision, however painful. But, perhaps if we are giving additional funds to the States to assist with the health care needs of the low income, those funds would be better used if they were provided to the CHIP program as well. Indeed, since in many cases a CHIP dollar can go so much further than a Medicaid dollar, I would also point out that increasing the Federal matching percentage for Medicaid is only a short-term solution to a long-term problem. Again, I heartily support efforts to provide greater assistance to families, especially low-income families, who are feeling the ill effects of the economic downturn. That being said, I do question whether expanding this entitlement program is the best way to address the health care needs of people who have been hurt by the economy.

There are literally millions of persons who have no access to health care at all, and their needs must also be factored in to our overall spending plans.

Let me take a moment to address the FMAP funding formula itself. The FMAP formula is an attempt to direct Federal resources to the States based on their populations in need. It is not a perfect formula, as many of us have widely acknowledged. These structural flaws must be addressed by
Congress, and I would not like to see action today which would lock into concrete, in reality or politically, a formula which needs to be reexamined. As a related issue, we need to look at the effect of providing a 1½-percent increase for FMAP increases in the states for a program which is certain to have a disproportionate impact in the various states given their differing matching percentages. For example, some states have a Federal matching percentage which is relatively high, as high as 76 percent. Others have a percentage as low as 50 percent. Obviously, a 1.5 percent increase is a substantially greater proportion of the 24 percent a state with the highest FMAP has to contribute, compared to 1.5 percent of the 50 percent a “richer” state must contribute.

The GAO has produced several reports which make recommendations on how this formula may be improved. Therefore, I believe that it would be prudent for Congress to carefully review the recommendations of the GAO before taking any final actions affecting FMAP policy.

In fact, I believe it might be prudent for the Finance Committee to hold a hearing on this very important issue, and I would hope that the chairman might schedule one in the near future.

In addition, while I have not seen any figures on areas which are the most hard hit by the recession, I want to make certain that the areas in which we are targeting the greatest assistance under this amendment are the areas of greatest need during the downturn. Because of the way the formula is structured, these additional FMAP dollars may not be targeted to those whose access to health care was affected by the recession and the events of September 11.

Finally, it is my hope that this amendment not follow the reg trend whereby Congress authorizes an extension for an entitlement program which for all intents and purposes becomes permanent. I certainly support the intention of this amendment, which is to provide temporary assistance to those who have suffered great hardships due to the recession and the terrorist attacks of last September. However, making these FMAP increases permanent would be a terrible mistake, especially since I believe that we would be, in essence, taking away dollars from other deserving Federal programs.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLEN. Mr. President, I am pleased to join Senator John McCain in sponsoring amendment No. 2700, the military homeowners tax equity amendment, to H.R. 622. This amendment will correct a serious, inadvertent oversight in the Taxpayer Relief Act of 1997 which provided enhanced tax equity to our members of the uniformed services and the Foreign Service. The content of this amendment is the exact language as S. 1678, which Senator McCain and I introduced last year.

The Taxpayer Relief Act of 1997 exempted up to $250,000–$500,000 per couple in capital gains from federal income tax on their homes as their principal residence for at least 2 of the last 5 years. Unfortunately, uniformed and foreign service members may have difficulty meeting the 2 year requirement. Service members are directed to move to meet the needs of the U.S. government and may be directed to move prior to owning a residence for 2 full years. Many service members keep their homes while reassigned overseas or elsewhere in hopes of returning to their residence. On occasions when this proves impossible, the members are subjected to substantial tax liabilities.

Prior to the 1997 law, service members who were assigned overseas or otherwise away from their principal residence for an extended period of time had a special provision that allowed them to “rollover” capital gains. The 1997 Taxpayer Relief Act made many improvements to the tax code by replacing the capital gain “rollover” rules with the tax exclusion, but failed to provide for those on military orders. This amendment will correct this oversight by providing that absences from the principal residence due to serving on a qualified official duty as a member of a uniformed service or for Foreign Service be treated as using the residence in determining the exclusion of gain from the sale of such residence.

In 1999 both the House and Senate passed the Taxpayer Refund and Relief Act which included language to correct this oversight, but that act was vetoed by then-President Clinton. S. 1678, which as I stated earlier mirrors our amendment, has support from all four services chiefs, the chairman of the Joint Chiefs of Staff, the 31 organization members of the Military Coalition, the American Bar Association, the American Foreign Service Association.

Our service men and women face enough challenges today. They should not have to face additional tax liabilities in return for serving their country.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. Without objection, the clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2702

Mr. ALLEN. Mr. President, I yield back whatever time remains so we can proceed with the vote on amendment No. 2702.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2702. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 92, nays 2, as follows:

<table>
<thead>
<tr>
<th>YEA—92</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allard</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Baucus</td>
</tr>
<tr>
<td>Bayh</td>
</tr>
<tr>
<td>Bennett</td>
</tr>
<tr>
<td>Boren</td>
</tr>
<tr>
<td>Bingaman</td>
</tr>
<tr>
<td>Bond</td>
</tr>
<tr>
<td>Breaux</td>
</tr>
<tr>
<td>Brownback</td>
</tr>
<tr>
<td>Burr</td>
</tr>
<tr>
<td>Campbell</td>
</tr>
<tr>
<td>Cantwell</td>
</tr>
<tr>
<td>Carnahan</td>
</tr>
<tr>
<td>Carper</td>
</tr>
<tr>
<td>Casey</td>
</tr>
<tr>
<td>Chafee</td>
</tr>
<tr>
<td>Coburn</td>
</tr>
<tr>
<td>Conrad</td>
</tr>
<tr>
<td>Corzine</td>
</tr>
<tr>
<td>Craig</td>
</tr>
<tr>
<td>Crapo</td>
</tr>
<tr>
<td>Daschle</td>
</tr>
<tr>
<td>Dayton</td>
</tr>
<tr>
<td>DeWine</td>
</tr>
<tr>
<td>Domenici</td>
</tr>
<tr>
<td>Durbin</td>
</tr>
<tr>
<td>Enzi</td>
</tr>
<tr>
<td>Feingold</td>
</tr>
<tr>
<td>Fleming</td>
</tr>
<tr>
<td>Franks</td>
</tr>
<tr>
<td>Frist</td>
</tr>
<tr>
<td>Gardner</td>
</tr>
<tr>
<td>Grassley</td>
</tr>
<tr>
<td>Graham</td>
</tr>
<tr>
<td>Grassley</td>
</tr>
<tr>
<td>Hagel</td>
</tr>
<tr>
<td>Harkin</td>
</tr>
<tr>
<td>Hatch</td>
</tr>
<tr>
<td>Hollings</td>
</tr>
<tr>
<td>Harkin</td>
</tr>
<tr>
<td>Hensley</td>
</tr>
<tr>
<td>Hollings</td>
</tr>
<tr>
<td>Hutchinson</td>
</tr>
<tr>
<td>Inhofe</td>
</tr>
<tr>
<td>Grassley</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Kennedy</td>
</tr>
<tr>
<td>Kerry</td>
</tr>
<tr>
<td>Kohl</td>
</tr>
<tr>
<td>Landrieu</td>
</tr>
<tr>
<td>Leahy</td>
</tr>
<tr>
<td>Lott</td>
</tr>
<tr>
<td>Lugar</td>
</tr>
<tr>
<td>McCaskill</td>
</tr>
<tr>
<td>McCain</td>
</tr>
<tr>
<td>Mcclave</td>
</tr>
<tr>
<td>McConnell</td>
</tr>
<tr>
<td>Menendez</td>
</tr>
<tr>
<td>Nelson (FL)</td>
</tr>
<tr>
<td>Nelson (NE)</td>
</tr>
<tr>
<td>Nickles</td>
</tr>
<tr>
<td>Reed</td>
</tr>
<tr>
<td>Reid</td>
</tr>
<tr>
<td>Roberts</td>
</tr>
<tr>
<td>Rockefeller</td>
</tr>
<tr>
<td>Santorum</td>
</tr>
<tr>
<td>Sarbanes</td>
</tr>
<tr>
<td>Schmeller</td>
</tr>
<tr>
<td>Sessions</td>
</tr>
<tr>
<td>Shelby</td>
</tr>
<tr>
<td>Smith (ND)</td>
</tr>
<tr>
<td>Smith (OK)</td>
</tr>
<tr>
<td>Snowe</td>
</tr>
<tr>
<td>Specter</td>
</tr>
<tr>
<td>Stabenow</td>
</tr>
<tr>
<td>Stevens</td>
</tr>
<tr>
<td>Thomas</td>
</tr>
<tr>
<td>Thurmond</td>
</tr>
<tr>
<td>Voinovich</td>
</tr>
<tr>
<td>Warner</td>
</tr>
<tr>
<td>Wellstone</td>
</tr>
<tr>
<td>Wyden</td>
</tr>
</tbody>
</table>

Mr. ALLEN. Mr. President, the amendment (No. 2702) was agreed to.

Mr. ALLEN. Mr. President, I thank my colleagues for their support of the amendment. I ask unanimous consent that Senators Collins, Helms, and John Warner be added as sponsors.

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

AMENDMENT NO. 2718

The PRESIDING OFFICER. There are now 4 minutes equally divided prior to a vote in relation to amendment No. 2718. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, could I have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support bonus depreciation. I support Medicaid assistance to the States. But I do
not support 2 years of bonus depreciation. I do not support 2 years of additional spending on Medicaid for the States.

The reason is very simple. On the question of bonus depreciation, the wholesale purpose of this package is to encourage economic recovery, additional economic activity now. A 2-year provision reduces the stimulus, reduces the incentive to act now. That is not only my opinion, that is the opinion of the Congressional Budget Office that every penny of these resources will come out of the childhood trust fund. For that reason, I will raise a budget point of order against this provision.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, on behalf of myself and also Senator SMITH of Oregon, let me make a couple of quick points.

No, we know our country needs a boost, a shot in the arm. It is not totally clear, but it is far better to provide a little insurance because the economy might go south in the next couple of months or years—or more than it has now. Various companies are going bankrupt. We all know about Enron, Kmart, and there will be other companies down the road. Many people are being laid off, particularly in the financial services industry, which we are going to find out about in February because of 2- or 3-month contracts and they will be laid off a lot later. This is very important.

Second, many States are losing revenue because their economies are down. They will also lose more revenue as a consequence of the 2-year bonus depreciation. It is only proper with the passage of the Medicaid reimbursement amendment States are made whole so they do not have to cut Medicaid payments, so they do not have to cut payments to hospitals, to providers.

This amendment will allow States to refrain from making those cuts to doctors, to hospitals, other providers, and to Medicaid beneficiaries, and also prevent them from having to otherwise cut their budgets.

At the same time, we get a 2-year shot in the arm with bonus depreciation. It is a very modest provision. We all know bonus depreciation should be somewhere between 1 year and 3 years. This is where we all know it makes the most sense, 2 years. It should definitely be enacted.

I yield the remainder of my time to my friend from Oregon.

The PRESIDING OFFICER. The Senator has 11 seconds.

Mr. SMITH of Oregon. I am proud to cosponsor this legislation. If you want the middle ground, we are talking about it right now. This actually does stimulate the economy; it is insurance.

The chair of the Budget Committee, my friend, clearly is concerned about the budget. But if you want to help the budget get back into surplus, let’s get our economy going. This is the most sure way to make this happen. What Senator BAUCUS and I have done is make sure that we do not leave the States high and dry.

The PRESIDING OFFICER. The time of the Senator is exhausted; 22 seconds remain.

Mr. NICKLES. I yield my colleague the remainder of my time, the 22 seconds in opposition to the amendment.

Mr. SMITH of Oregon. My last point was you can make these arguments against any expenditure. The point is, we can’t leave the States high and dry as we try to stimulate the economy.

This is about real people needing jobs and health care. It is a win-win for Republicans and for Democrats. I urge the overwhelming passage of the amendment.

Mr. NICKLES. I compliment my colleague for making the point of order, and I wish to join him in that point.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator DASCHLE has asked me to announce to the Membership that this will be the last vote of the evening prior to the State of the Union Message.

The leader has indicated there will be a sufficient second.

Mr. CONRAD. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for the purposes of the pending amendment, and I ask for the yeas and nays.

Mr. BAUCUS. Mr. President, on behalf of myself and Senator SMITH of Oregon, pursuant to section 904 of the Congressional Budget Office Act of 1974, I move to waive the applicable sections of the act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The time of the Senator is exhausted; 22 seconds remain.

Mr. NICKLES. I yield my colleague for making the point of order, and I wish to join him in that point.

The PRESIDING OFFICER. The amendment (No. 2718), as modified, was agreed to.

The question is on agreeing to amendment No. 2718, as modified.

The amendment (No. 2718), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

CONGRATULATING SENATOR BAUCUS AND THE MONTANA GRIZZLIES

Mr. HOLLINGS. Mr. President, I congratulate the Senator from Montana for his victory on a very important amendment. I also congratulate him on an even more important victory of the Montana team and its engagement in the 1 AA college finals last month with my Purple Paladins at Furman University, an outstanding university. In fact, the temptation is for me to challenge him to an academic final.

As far as the football final, I can tell you my colleagues, I watched the game and that is a monster team if I have ever seen one. It is well coached and had an outstanding performance.

I lost the bet. The bet was if I lost, I would sing “Up With Montana,” their song. Fortunately, the rules of the Senate say no singing.
In congratulating Senator BAUCUS, I will recite this song publicly in the Chamber of the Senate. I want everybody to listen to this:

Up with Montana, boys, down with the foe,
Good ol’ Grizzlies out for a victory;
We’ll shoot our backs round the foeman’s line;
Hot time is coming now, oh, brother mine.

Up with Montana, boys, down with the foe.
Good old Grizzlies triumph today;
And the squeal of the pig will float on the air;
From the tummy of the Grizzly Bear.

Isn’t that something? The Senator says they are reciting this after every game?
Mr. BAUCUS. That is right.
Mr. HOLLINGS. No wonder they play so hard.

The PRESIDING OFFICER. The Senator from Montana.
Mr. BAUCUS. Mr. President, may I say how gracious my good friend from South Carolina has been today. Before we knew the Furman Purple Paladins and the Montana Grizzlies were going to be playing in the 1AA playoff for the championship of the country, we made a little wager. The wager was whoever loses reads the other team’s fight song on the floor of the Senate. I say to my good friend, I have no idea what the Purple Paladins’ fight song is. Had the Grizzlies not won, I certainly would know their fight song.

For many days, the Senator from South Carolina has been talking about this song. He said: Egads, is this your fight song? Is this what I have to read this song. He said: Egads, is this your fight song? Had the Grizzlies not won, I certainly would know their fight song.

I cannot thank him enough. It was a great game. I watched it on television as well.
Mr. HOLLINGS. It was an outstanding game. I think this was the second year in a row they won the championship.
Mr. BAUCUS. That is right.
Mr. HOLLINGS. It is an outstanding college and outstanding team.
Mr. BAUCUS. I thank the Senator.

HOPE FOR CHILDREN ACT—Continued
Mr. BAUCUS. Mr. President, I thank Senator SMITH of Oregon on the success of the last amendment. Without his help, I doubt the amendment would have been successful. We joined together and, frankly, I urge more of reaching across the aisle and accomplishing objectives that are in the best interest of the country and putting partisan politics aside.

The PRESIDING OFFICER. The Senator from Arizona.
Mr. KYL. Mr. President, I congratulate the Senator from Montana and suggest that never, ever has the Montana fight song been read quite like it was just read on the Senate floor.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending business for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:
The Senator from Arizona [Mr. KYL], for himself, Mr. GRAMM, Mr. ENSHIN, Mr. NICKLAUS, and Mr. BURCROUNIS, proposes an amendment numbered 2758 to the language proposed to be stricken by amendment No. 2698.

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

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

The amendment is as follows:
(Purpose: To remove the sunset on the repeal of the estate tax)

At the end, add the following

SEC. 2. PERMANENT REPEAL OF ESTATE TAXES.
Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking ‘‘this Act’’ and all that follows through ‘‘2010.’’ in subsection (a) and inserting ‘‘this Act (other than title V)’’ shall not apply to taxable, plan, or limitation years beginning after December 31, 2010,’’ and

and

(2) by striking ‘‘estates, gifts, and transfers’’ in subsection (b).

Mr. KYL. Mr. President, since the sponsor of the legislation wishes to get on with the conclusion of business tonight, I will simply say this amendment, which I hope will be considered at the beginning of next week, calls for the permanent repeal of the death tax.

As all of our colleagues know, we did repeal the death tax after phasing it down over a period of years, but the repeal only lasted for 1 year before that legislation is sunsetted, and we go right back after 10 years to the death tax as it currently exists.

I do not think any of us who voted for its repeal really intended that effect. We want to make its repeal permanent, and this amendment will do that. We will have the opportunity to vote on that next week as part of the stimulus package. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

MORNING BUSINESS
Mr. NELSON of Nebraska. Mr. President, I rise today to express support for the Daschle consensus stimulus package, and I applaud the action of the Senate in passing the Baucus amendment to provide for accelerated depreciation over 2 years and 30 percent additional depreciation, as well as assisting and holding the States harmless for any lost revenue they might otherwise receive based on the support of the Medicaid Program at the State level.

I think it is clear to most everyone that we need to have some economic stimulus. What does not seem to be clear to everyone is of what that consensus consists. What seems to be unclear at times is whether we need to do it a certain way for a certain period of time.

I thank Senator DASCHLE for his efforts on this issue, not just for bringing forth the economic package but doing so in such a constructive way, trying to find that which was common among most of the proposals that have been offered and to bring together consensus where consensus can be achieved.

This legislation is, at the very least, a building block for a package with which most would be hard pressed to disagree. If each of us were to come up with what we thought was the best economic stimulus for the country and put together our own package, we would have had at least 100 different bills.

In fact, if I had my way, I would probably do some of this differently, but I think when a package is put together and we take a close look, as we are, at individual ideas that might differ with the package, that might be supplemental, we are certainly seeing what the Senate is all about, and that is diverse opinions being fully debated to try to help this country out of its economic doldrums. In fact, if I had my way, I would include a provision addressing the net operating losses, or the NOLs, for a longer period of time because I think by extending the period of time it would help business shoulder the burden of the current economic downturn. So I think it is important we consider an NOL extender as well.

Over the past few months, we have heard so much talk from both sides about the need for an economic stimulus. Recently, we had the Chairman of the Fed say perhaps it was not as necessary as it might have been before, and we have heard others say we should have done it last year.

As anyone knows, there were a handful of people here who wanted to do it last year, but that is not a reason not to do something this year in the context of where we are.
I think that is what Senator Daschle has offered us, an opportunity to revisit, to rethink, and to package together a stimulus package that would work for the future to help us, if not come out of the deepest of a recession, from falling further into a recession or, if we are already on the way out of the recession, to expedite the return to economic prosperity.

There will be those who will say this package is not perfect. There is not anyone who says that it is. Legislation is never perfect, it is as close to an agreement that has presented itself. I certainly hope to thank Senator Daschle for taking this action because, I think it will, in fact, help us enter a threshold of progress. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The Senator from Pennsylvania.

INTERROGATION OF AL-QAIDA AND TALIBAN WAR CAPTIVES

Mr. SPECTER. Mr. President, I am writing to the President of the United States today concerning what I consider to be a very important subject, and that is the interrogation of the al-Qaida and Taliban war captives, where an issue has been raised as to whether they are prisoners of war or what is their status, with some people objecting to what is going on in the way they are being handled. There is no doubt that the captives are entitled to humane treatment. There have been inspection tours by national observers and by the observers. The reports are uniform that the captives are being treated humanely. They are being fed and clothed. There is medical care. They are permitted to attend to their religious activities. All of this is totally separate and apart from the basic availability of those individuals to be questioned, where information which they might provide could shed light on the possibility of additional terrorist attacks.

Having some experience as an investigator and a prosecutor, I know firsthand the value of interrogation and intensive interrogation. We are facing at this moment an enormous threat from al-Qaida. We saw what happened on September 11. There have been three terrorist attacks in the United States. But if we have to take the fact is there are al-Qaida spread all over the face of the Earth. They are in Somalia, they are in the Philippines, in Malaysia, in the Sudan. We know their tactics are based on long-term planning projects. We know they have sleeper cells. There is concern to be concerned that at any moment there could be another al-Qaida attack. We do not know where. We do not know when. We do not know if. But we have to be very vigilant.

Where these interrogations of the al-Qaida and Taliban captives might lead to some information, then that ought to be pursued, and it ought to be pursued vigorously.

As a matter of international law, there is a mistaken notion you can only ask a prisoner of war his name, rank, date of birth, and serial number. The international law experts, and I have cited them in my letter to President Bush, are in agreement that other questions may be asked. Certainly there cannot be torture. Certainly there cannot be coercion—physical coercion or mental coercion. But there is no reason why those captives cannot be questioned.

The Supreme Court of the United States has upheld deviations from standard constitutional rights where there is an imminent threat of harm. For example, in the landmark case of Near v. Minnesota, 283 U.S. 697, the issue came up on the question of prior restraint to stop the publication of a newspaper. And albeit dictum, the Supreme Court of the United States said there could be a curtailment of that kind of a fundamental constitutional right if, for example, the publication of the sailing date of a troop ship would place that ship in jeopardy. The possibility of another attack on the United States, considering what happened on September 11, but we have much more serious than an attack on a troop ship.

The Supreme Court of the United States, in a celebrated case called New York v. Quairies, 467 U.S. 449, came to the conclusion that the constitutional rights of a suspect under the Miranda decision could be circumvented if there was an immediate threat of danger to a police officer or the public. That matter involved a rape. A police officer pursued the suspect, saw the suspect, went into his bedroom, after giving him “Miranda” warnings, asked where the gun was. The Supreme Court of the United States said that where there is an imminent threat to public safety, constitutional rights may be abrogated, and statements may be admissible into evidence.

But we know the very major difference between questioning for intelligence purposes and questioning for admissibility in court. I am not proposing that we continue for the purpose of obtaining evidence to use against these captives, but if there is any chance at all that this interrogation could lead to information which could thwart another terrorist attack, then it is the fundamental duty of the United States Government to pursue that kind of interrogation.

This matter is on the front pages today. It will be the subject of a lot of debate. I think it ought to be known generally that there are fundamental constitutional authority, to question prisoners of war beyond name, rank, and serial number. No torture. Obviously, humane treatment. But if we can get any information which would prevent a terrorist attack, it is our duty to do so.

That is why I am writing to the President and want to make this brief statement.

I yield the floor.

SALUTING COLONEL EDWARD A. RICE, JR.

Mr. DASCHLE. Mr. President, today I want to honor the commanding officer at Elsworth Air Force Base—has just returned home after directing Air Force operations over Afghanistan and will become a brigadier general this week.

This outstanding officer, Colonel Edward A. Rice, Jr., has demonstrated his leadership abilities in a number of settings, and my fellow Senators can extend ability of modern air power to new roles and responsibilities in our nation’s service.

As commander of the 28th Air Expeditionary Wing, Colonel Rice directed the main Air Force combat group operations over Afghanistan from late September until mid-January. This force of 1,800 personnel and 30 planes (including B-1 bombers, B-52 bombers, and KC-10 tankers), delivered most of the ordnance that was so effective in shattering the Taliban and al Qaeda forces.

All branches of the military played a role in this first victory in the war against terrorism, but as an Air Force veteran and a South Dakotan, I am particularly proud of the achievements of Colonel Rice and the forces under his command.

Our experience in Afghanistan extends a military trend that began in our war against Iraq—the unprecedented ability of modern air power to achieve strategic objectives. Clearly our planes and munitions were markedly more precise, quicker to hit emerging targets, and generally more effective than the Soviet forces of the 1980s. A recent book labeled this trend “The Transformation of American Air Power,” and I believe Afghanistan will become the most recent example, joining the impressive results of the Gulf War, Kosovo, and our other Balkan campaigns.

In addition, the 28th Air Expeditionary Wing broke new ground in several areas.

Its bombers were the first to deliver cruise missiles against precision targets in combat. These use navigational signals from GPS satellites to locate targets. They are much cheaper than laser-guided “precision” munitions and are not hampered by low-visibility weather conditions. Also, in coordination with ground spotters, the bombers were able to use advanced communications to reduce dramatically the time from target identification to target strike.

Despite its controversial and troubled early years, I am also pleased that the Air Force has continued this combat performance that began during Operation Desert Fox over Iraq and extended into the war in Kosovo. Its
range and expansive bomb bays allowed it to make a round trip of nearly 6,000 miles, and also loiter over the battlefield with a variety of munitions, waiting for targets to emerge. Throughout this demanding, round-the-clock operation, Colonel Rice reports, B-1s made all assigned flights, rendezvoused with all weapons successfully, and delivered ordnance with excellent accuracy.

Colonel Rice returned home from this mission about two weeks ago, just in time to be promoted to brigadier general. She has continued her assignment at Ellsworth, and moved to the front of the pack in Air Combat Command assessments of command, control and communication; bomb removal; and response to nuclear, biological, and chemical (NBC) hazards.

The men and women of Ellsworth have also benefited from the dedicated service of Colonel Rice’s wife, Teresa. When base personnel deployed for the war against terrorism, Teresa co-hosted a series of town-hall meetings with the acting base commander to update spouses and families on the status of their loved ones and to educate them on the role their family was playing to make America safe. In less stressful times, she volunteers twice a week in the base gift shop, has been active in the Officer Spouses Club, and has organized and attended holiday parties, retirement ceremonies, promotion celebrations and funerals—to many too many to count.

In closing, Mr. President, it gives me great pleasure to welcome Colonel Rice back home to Ellsworth after the successful execution of his mission in Operation Enduring Freedom. His remaining time in South Dakota grows short, but I know I speak for many South Dakotans when I say it has been an honor to work with him and Teresa and to call them neighbors. They are a credit to their country, and we wish them all the best.

AMERICANS WITH DISABILITIES ACT

Mr. CLELAND. Mr. President, I rise today to bring to the Senate’s attention a valuable report on the State of the Union for Americans with Disabilities. As a triple amputee, having lost my right arm and both legs in the war, I believe that the Americans with Disabilities Act has not only helped those with disabilities but has also enabled society to benefit from the skills and talents of individuals with disabilities. The landmark legislation has also allowed us all to gain from their increased purchasing power and ability to use it, and has led to fuller, more productive lives for all Americans. However, there is still much to be done so I am pleased to highlight the efforts of the National Organization on Disability.

Each week celebrates the progress of the nation and works to increase access, opportunity, and inclusion for people with disabilities. I ask unanimous consent to print for the RECORD a copy of the National Organization on Disability’s State of the Union 2002 for Americans with Disabilities which provides benchmarks for the current state of disability life in America, and calls for action on improvements that have still to be made.

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

THE STATE OF THE UNION 2002 FOR AMERICANS WITH DISABILITIES

On January 29, President George W. Bush will deliver the State of the Union Address. It is a time where we reflect on the progress that has been made and the goals that must still be met.

As a member of the Senate Committee on Finance, I am proud of the disability-related legislation that has been enacted since the World Trade Center bombing in 1993. The survival of the guide dog, which was caught in the building and was rescued by first responders, was a testament to how prepared and preparedness is—whether the emergency is natural, man-made or terrorist-driven. This has inspired a new focus in the disability community on preparedness.

According to a late 2001 Harris Poll survey released by the National Organization Disability (N.O.D.), 56 percent of people with disabilities say they would like to contact about emergency plans for their community in the event of a terrorist attack or other crisis. Sixty-one percent say that they have not made plans to quickly and safely evacuate their home. Among those who are employed full or part time, 56 percent say no plans have been made to safely evacuate their workplace.

All these percentages are higher than for those without disabilities. The country as a whole needs to be better prepared, but people with disabilities lag behind everyone else. This is a critical discrepancy, because those of us with disabilities must in fact be expected to be the first to respond and ready others to evacuate their workplace.

Intense national planning for emergencies is also needed. This requires the enthusiastic cooperation of the government, business, and communities. People with disabilities should not be considered only as beneficiaries of emergency preparedness, but they belong at the table, contributing their unique perspectives, insights and experiences. The result will be plans that ensure that everyone—people with disabilities and non-disabled alike—are given equal access to all services and community life.

The slowing economy was a significant issue before September 11, and this situation became more critical after the terrorist attacks. This is not an easy time for anyone to enter the workforce, but many people with disabilities are desperately trying to do.

Only 22 percent of Americans with disabilities of working age are employed full or part time. That number is in contrast to 81 percent of other Americans, according to the comprehensive 2000 N.O.D./Harris Survey of Americans with Disabilities. It is a national tragedy that, nearly a dozen years after the passage of the Americans with Disabilities Act, the vast majority of Americans with disabilities remain unemployed.

Mr. President, Bush has demonstrated a commitment to greater employment for people with disabilities in the New Freedom Initiative. We now call on the President and the Congress to keep employment high on the agenda and work together toward a national goal of 35 percent employment for people with disabilities by 2005, with continuing progress toward this percentage in the decade to follow.

Indeed, employment numbers should be increasing. If for no other reason than that
February 20, 2002
CONGRESSIONAL RECORD — SENATE

there are new ways for people to be employed. Technology offers real hope. Computers and the Internet are opening doors. People who are deaf use “instant messaging” to have accessible phone conversations; people who are blind use voice-synthesis technology to write the read aloud and websites. Information and people with limited ability to get to the Internet offer new ways to get to the Internet. Use of the Internet by people with disabilities is growing rapidly, in fact at twice the pace of other Americans. Technology offers new ways for people with disabilities to find jobs, they are low-level, low-paying jobs. Yet it is well documented that employers find employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group’s primary civil rights law, the Americans with Disabilities Act. Last February’s Garrett v. Allstate, for example, finds employees with disabilities excel at all levels and even in high-profile sectors, for example, there is room for many more people with disabilities.
against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

A REPORT ON OUR NATION’S GUN LAWS

Mr. LEVIN. Mr. President, the Brady Campaign to Prevent Gun Violence recently published a report highlighting the progress made in state laws to protect children from guns and gun violence. The evaluation focused on a number of laws addressing juvenile possession of guns, safe storage, childproof guns, background checks and carrying concealed weapons, among other issues. The nation as a whole received a grade of C+. However, 29 States received grades of D or F. The report reveals the fact that our Nation’s gun laws are a patchwork providing uneven and often ineffective protection for our Nation’s children. In fact, the death rate of youth in the 7 States that received an F grade was 33 percent higher than the average firearms death rate for the 10 States that received an A or a B. This discrepancy illustrates the need for common sense gun safety laws and is a strong argument for Federal action.

Last year, I cosponsored a bill introduced by Senator DURBIN, the Children’s Protection Act. Under this bill, adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition would be held liable if the weapon is taken by a child and used to kill or injure themselves or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent- teacher organizations, local law enforcement and community organizations. It is my hope that the President Bush signed into law during his tenure as the Governor of Texas. I support this bill and hope the Senate will act on it during this Congress.

ENDING THE WORST FORMS OF CHILD LABOR AND FORCED LABOR IN THE COCOA AND CHOCOLATE INDUSTRY WORLDWIDE

Mr. HARKIN. Mr. President, we all know that the majority of the world’s cocoa beans are grown in West Africa—land that is synonymous with deprivation and exploitation. As a result, West Africa is the epicenter of the worst forms of child labor and modern slavery. It is a large industry and every year, about 500,000 children are brought into the global market to work. The worst forms of child labor and modern slavery are not practices that are limited to just one country; they are widespread in the entire industry. This is why it is so important that we take action here in Congress.

The United States is the largest consumer of cocoa products. It is estimated that we use about 250,000 cocoa beans a year and we pay about $250,000 in dollars. This is a large sum of money and it is essential that we take steps to ensure that this money is being spent in a way that is fair and just. The Harkin-Engel Protocol on the Worst Forms of Child Labor in the Cocoa and Chocolate Industry was signed and announced publicly last October 1. This unprecedented framework agreement that will result in a credible, public certification system of industry-wide good labor standards will help to attest that cocoa beans and all of their derivative products have been produced without any of the worst forms of child labor as clearly defined in ILO Convention No. 182.

Let me be clear. The Harkin-Engel Protocol on the Worst Forms of Child Labor is a very good agreement, but it is not perfect. It is a breakthrough that sets out a specific, finite time-table during which something will be accomplished. However, we have also had some setbacks in the past. In my view, we need to take this opportunity to ensure that the protocol is enforced and that the companies involved are held accountable.

Accordingly, I called representatives of the major chocolate companies to a meeting early last July to underscore the seriousness of the forced child labor problem that had been exposed in their chain of production and to determine what they planned to do about it. At that meeting, the companies clearly acknowledged that they would have to take that framework agreement and implement it. They also agreed to work together to resolve any problems that may arise.

Most Americans also understand that in today’s complex, interwoven global economy, some of our cherished values and standards can come into conflict with one another in new and different ways and require very difficult trade-offs. For example, more free trade and free enterprise, as practiced in the real world versus more economic fairness, social justice and environmental sustainability. Recognizing this creative tension, 76 percent of Americans in a recent nationwide poll on globalization said they would pay more and give up free trade for child labor protection for the $25 that is certified as not made in a sweatshop instead of buying the same article of clothing for $20 if they were not sure how it was made. Most Americans understand that fundamental values—a sense of fair play, universal respect for human rights and worker rights, better stewardship of our shared environment, and more hope and equal opportunity for our children and grandchildren—into the conduct of international business and investment. But so far the global marketplace isn’t readily giving American consumers and investors that choice.

Then what were we to do when the Knight-Ridder newspapers in June, 2001 brought this exposé to the face of the American public. It was it was made without any child labor. The report identified the chocolate companies quickly responded and began to face the fact of child slavery in the production and harvesting of cocoa beans in the Ivory Coast. This impoverished West African country exports more than 40 percent of the world’s supply of cocoa on which most of the world depends. The workers in this cocoa sector are paid less than any other major sector in this country. The President of the United States has condemned child labor. And to his credit, Congressman ELLIOTT ENGEL from New York immediately saw the contradiction and reacted with outrage. He took to the House floor last summer and won passage of an amendment to the House version of the fiscal year 2002 Agriculture Appropriations bill on a very lopsided, bipartisan vote. His amendment would have provided $250,000 for the Food and Drug Administration, FDA, to come up with a method to offer an amendment on the Senate version of the bill to define, implement, and subject to periodical inspections all of the requirements in this agreement on a mutually-acceptable basis and according to firm, prescribed deadlines.

I am happy to say these fundamental requirements were met when the Harkin-Engel Protocol on the Worst Forms of Child Labor in the Cocoa and Chocolate Industry was signed and announced publicly last October 1. This unprecedented framework agreement that will result in a credible, public certification system of industry-wide good labor standards will help to attest that cocoa beans and all of their derivative products have been produced without any of the worst forms of child labor as clearly defined in ILO Convention No. 182.

I am happy to say these fundamental requirements were met when the Harkin-Engel Protocol on the Worst Forms of Child Labor in the Cocoa and Chocolate Industry was signed and announced publicly last October 1. This unprecedented framework agreement that will result in a credible, public certification system of industry-wide good labor standards will help to attest that cocoa beans and all of their derivative products have been produced without any of the worst forms of child labor as clearly defined in ILO Convention No. 182.
For The Elimination Of The Worst Forms Of Child Labor.

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

(See Exhibit 1.)

Mr. HARKIN. I want to briefly highlight the framework agreement that together make this framework agreement a real breakthrough:

First, it requires the industry to publicly acknowledge the use of forced child labor and to assume primary responsibility, including financial responsibility, for ending these intolerable practices. This is only fair and right.

Second, it requires the industry to partner and bargain every step of the way with the other major stakeholders—cocoa producers, organized labor, non-governmental organizations, consumer groups and governments among them—who have an interest and expertise in achieving the abolition of the worst forms of child labor in this sector. Last December 1, all of these stakeholders hammered out and signed a mutually-acceptable joint statement that recognizes and affirms their shared commitment to act together with urgency to eliminate the worst forms of child labor in cocoa and chocolate business. I ask unanimous consent that this public statement also appear in the RECORD at the conclusion of my remarks.

Furthermore, by next May, a binding, public memorandum of cooperation must be agreed upon by all of the major stakeholders that establishes a joint program of research, information exchange, and action to enforce internationally-recognized standards to eliminate the worst forms of child labor and forced labor from this sector of agriculture and food processing worldwide.

Third, by next July, this industry will have made its initial down-payment of funds. This will be a private, non-profit foundation governed and administered by all of the major stakeholders. The support of field projects in the Ivory Coast and other cocoa-exporting countries along with the establishment of a billion dollar trust fund to found a school for poor, orphaned boys. The Hershey Industrial School continues to flourish today, having provided a good home and a better chance in life for nearly a century for countless thousands of American children in need. In fact, at a comparatively young age, he donated his entire estate to the Hershey Trust Fund for the benefit of the school, including land and all of his stock valued at more than $60 million in 1918.

Today, Milton Hershey’s remarkable gift of $60 million in 1918, and the school is one of the richest private education institutions in our country. It continues to provide a home and quality education to more than 1,000 students every year—girls and boys of all races and religions who come mostly from broken families in poor inner-city neighborhoods.

If he was alive today, I think he would approve of this unprecedented framework agreement and the collaborative, child labor problem-solving process it has set in motion. He wouldn’t see these child slaves in the Ivory Coast as children of a lesser god. Surely, he would open his heart and his wallet to do no less for the impoverished and powerless children of the Ivory Coast, Brazil, Ghana, Indonesia, and all the other cocoa-producing countries. All of the stakeholders in this breakthrough agreement should do more.

Now we will be working diligently the remainder of the year to build our certification capacity, and meet all of the deadlines to confidently eliminate the worst forms of child labor from the cocoa and chocolate business worldwide once and for all. In so doing, we will have blazed a new trail and provided a worthy model that is transferable to other industries where millions of child laborers work in darkness and without prospects for a brighter future.

EXHIBIT 1

CHOCOLATE MANUFACTURERS ASSOCIATION, Vienna, VA.

PROTOCOL FOR THE GROWING AND PROCESSING OF COCOA BEANS AND THEIR DERIVATIVE PRODUCTS IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORM OF CHILD LABOR

Guiding Principles:

OBJECTIVE—Cocoa beans and their derivative products should be grown and processed in a manner that complies with International Labor Organization (ILO) Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

EXHIBIT 2

Worst Forms of Child Labor: OBJECTIVE—Cocoa beans and their derivative products should be grown and processed in a manner that complies with International Labor Organization (ILO) Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. ILO Convention 182 is attached hereto and incorporated here-
own laws to stop the practice. More is needed because, while the scope of the problem is uncertain, the occurrence of the worst forms of child labor in the growing and processing of cocoa beans and their derivative products is simply unacceptable. Industry will reiterate its acknowledgment of the problem and in a highly-public way will commit itself to this process.

(2) Formation of Multi-Sectoral Advisory Groups—By October 1, 2001, an advisory group will be constituted with primary responsibility for the on-going investigation of labor practices in West Africa. By December 1, 2001, industry will constitute a broad consultation group with representation of major stakeholders to advise in the formulation of appropriate remedies for the elimination of the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

(3) Signed Joint Statement on Child Labor to Be Witnessed at the ILO—By December 1, 2001, a joint statement made by the major stakeholders will recognize, as a matter of urgency, the need to end the worst form of child labor in connection with the growing and processing of West African cocoa beans and their derivative products and the need to identify positive developmental alternatives for the removal from these worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

(4) Memorandum of Cooperation—By May 1, 2002, there will be a binding memorandum of cooperation among the major stakeholders that establishes a joint action program of research, information exchange, and action to enforce the internationally-recognized and mutually-agreed upon standard to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products and to establish independent means of monitoring and public reporting on compliance with those standards.

(5) Establishment of Joint Foundation—By July 1, 2002, industry will establish a joint international foundation to oversee and sustain efforts to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products. This non-profit, non-government foundation will be governed by a Board comprised of industry and other, non-government stakeholders. Industry will provide the initial and on-going, primary financial support for the foundation. The foundation’s purposes will include field projects and a clearinghouse on best practices to eliminate the worst forms of child labor.

(6) Building Toward Credible Standards—In conjunction with governmental agencies and other parties, industry is currently conducting baseline-investigative surveys of child labor practices in West Africa to be completed by December 31, 2001. Taking into account these surveys and in accordance with the other deadlines prescribed in this action plan, by July 1, 2005, the industry in partnership with other major stakeholders will develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification, consistent with applicable federal law, that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor.

We, leaders of the cocoa and chocolate industry, hereby commit to the Protocol entered into by industry for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. We will work towards the best practical means to ensure that all aspects of this Protocol, including the objectives, principles and parallel actions pursued in Europe, are applicable to the cocoa and chocolate industry. We hereby commit to the Protocol and to the best practical means to ensure that all aspects of this Protocol, including the objectives, principles and parallel actions pursued in Europe, are applicable to the cocoa and chocolate industry.
The data of the surveys will be analysed by experts during the first quarter of next year.

Today’s joint statement is in keeping with the commitments made by industry to address the worst forms of child labour and forced labour. On 19 September this year, industry developed and signed a protocol, which lays out an action plan to combat the worst forms of child labour and human rights abuses. Active implementation of the industry Protocol began in October this year.

In addition, industry has constituted a Broad Consultative Group to advise in the formulation of appropriate remedies for the elimination of the worst forms of child labour and forced labour in the growing and processing of cocoa beans. The signatories to the joint statement have been invited to join the Broad Consultative Group.

The signatories to the joint statement are: Cocoa and Chocolate Industry, The Association of the Chocolate, Biscuit and Confectionery Industries of the EU (CAOBISCO), International Labour Organisation (Wit- nessee); The Chocolate Manufacturers Association of the USA (CMA), Free The Slaves; The Confectionery Manufacturers Association of Canada (CMAC), The Child Labour Coalition; The Cocoa Association of London (CAL), The National Consumers League; The Confectionery, Tobacco and Allied Workers Associations (CMAA), The Federation for Cocoa Commerce (FCC), The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF); The European Cocoa Association (ECA); The World Cocoa Foundation (WCF); The International Office of Cocoa, Chocolate and Confectionery (IOCCC).

CHINESE MILITARY’S USE OF FOREIGN TECHNOLOGY

Mr. KYL. Mr. President, a recent article in the Far Eastern Economic Review on China’s use of foreign technology to modernize its military explains the far-reaching impact of China’s purchase of foreign technology on that country’s military capabilities. For example, it describes Rolls Royce’s recent sale to China of 90 Spey jet engines, some of which will likely be used for the Chinese military’s JH-7 fighter bombers. The technology used in these engines is admittedly dated; but some analysts believe that the engines represent the beginning of a larger relationship between Rolls Royce and China. The article also details China’s growing reliance on Russian-designed aircraft, missiles, and navy destroyers and submarines. A February 2001 article in Jane’s Intelligence Review described the relationship further, stating:

Between 1991 and 1996 Russia sold China an estimated $1 billion worth of military weapons and related technologies each year. That figure doubled by 1997. In 1999 the two governments increased the military assistance package for a second time. There is now a joint military program (comprising $20 billion worth of technology transfers).

Perhaps of even greater concern is that, according to the Wisconsin Project on Nuclear Arms Control, the United States approved $6 billion in nuclear-technologically sensitive exports to China during the 1990s. These exports included equipment that can be used to design nuclear weapons, build nuclear...
weapons components, improve missile designs, and build missile components. And it is important to remember China’s primary objective in acquiring these and other military technologies, to be able to defeat our long-standing, democratic ally Taiwan in a conflict quickly to prevent American military intervention.

Last September, the Senate passed S. 149, the Export Administration Act of 2001. S. 149 was approved despite serious concerns of some, including myself, that the export control process is ineffective in stopping the export of militarily sensitive technologies to countries, like China, that pose a potential military threat to the United States or to U.S. interests abroad. S. 149, if enacted into law, would allow China to import even more sensitive technology than it has in the past. It would decontrol a number of dual-use technologies, including items used to make nuclear weapons and long-range missiles.

I urge my colleagues to take a moment to read the Far Eastern Economic Review article, and to consider the impact on China’s military capabilities of foreign technology purchases and, more importantly, the potential long-term ramifications of further weakening the U.S. export control process.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was so ordered printed in the Record, as follows:

[From the Far Eastern Economic Review, Jan. 24, 2002]

CHINA—ARMS

(By David Lague in Hong Kong)

Buying Some Major Muscle: The People’s Liberation Army is shopping for foreign arms at a military trade show with a vengeance; Costing tens of billions of dollars a year, this drive will change the face of its forces at war and is unsettling some foreign governments.

In the field of frustration and broken dreams that for many foreign firms is the China market, arms dealers and suppliers of technology to boost military firepower have discovered their El Dorado.

International arms-trade monitors estimate that China is now the world’s biggest arms importer as it steps up a drive to reequip the People’s Liberation Army so that, if necessary, it has the strength to recover Taiwan by force and can deter intervention by the United States in a cross-strait conflict.

From supersonic fighters and missiles to computer-aided-design software the PLA and its associated civilian agencies are filling order books across the world.

“In my view, practically every area of PLA modernization is affected by the acquisition, utilization absorption or development of foreign technology,” says PLA watcher Richard Fisher of the Jamestown Foundation in Washington.

The Stockholm International Peace Research Institute in its 2001 yearbook noted that China had become the world’s biggest importer of arms in 2000, mainly through deliveries of fighter jets and air-launched cruise missiles from Russia. These imports were valued at close to $3 billion, more than twice any other buyer’s tally. In the secretive world of the international arms trade, the true value of Chinese offshore orders is difficult to uncover. Defence experts estimate up to half of Russia’s $4 billion in sales last year went to China. When combined with imports of so-called dual-use technology—equipment and know-how with military as well as civilian applications—that is estimated by many analysts at more than $60 billion. The government is already signalling that it plans further defence-budget increases this year.

The main beneficiaries of Chinese spending: Russia and Israel, since the West imposed an arms embargo in retaliation of the 1989 Tiananmen Massacre. U.S. and European makers of nonlethal military hardware and dual-use technology are, however, eager suppliers.

The independent U.S. Wisconsin Project on Nuclear Arms Control calculates that Washington approved some $15 billion in strategic exports in just the last seven years of the decade up to 1999. These included advanced computer needed to design and test nuclear weapons, machine tools for making missile parts and nuclear submarines and silicon used for making military semiconductors.

Some key customers for U.S. technology are the China Precision Machinery Import-Export Corporation, arms dealer to the PLA, the National University of Defense Technology, which designs weapons, and Huawei Technologies—accused by Washington of having a dual-use spin-off. In recent years, much international attention has focused on sensational allegations of Chinese espionage at U.S. nuclear-arms laboratories. But far from having to steal much of the latest military technology, Beijing is simply buying it.

“Western companies want to get into this market,” says Taipei-based PLA analyst Tsai Min-yen of the Taiwan Research Institute. “The way they can build contacts with China is to sell these dual-use or nonlethal technologies.”

Even such top Western firms as British engine-maker Rolls-Royce are looking for a share of the Chinese arms market. The company is marketing its RB36 jet engine as part of its broader aerospace, marine and energy business in China—though it is reluctant to give details of its military sales.

Rolls-Royce confirmed to the REVIEW that it recently supplied up to 90 Spey jet engines and spares to China that defence analysts believe could fit on to its JH-7 fighter-bombers—also being modified with modern radar and long-range missiles.

Rolls-Royce spokesman Martin Brodie says that the company designed this engine type to China in the 1970s and continues to support that original deal. “The details of our support are, as with most companies, a matter of commercial confidence,” he says.

The PLA needs more of the reliable Spey engines because it failed to copy those it received earlier and hasn’t designed a local replacement. Rolls-Royce argues its Spey engine incorporates 1960s technology, implying they will not significantly boost PLA power. In contrast, some Japanese officials say the Pentagon objected to the latest deal on the grounds that it would enhance the PLA’s capabilities.

“Rolls-Royce’s new defense-related business is on its mind,” Chief Executive John Rose discussed “current cooperation and opportunities for the future” with officials from China’s Commission on Science, Technology and Industry for National Defense, according to a company statement.

Earlier British technology sales proved a boost to the PLA. In 1996, Racal Corp., now part of the French Thales Group, sold up to 18 coastal radar units —now considered to be fitted on PLA Navy Y-8 aircraft. Britain at the time justified the sale by saying it would help Beijing against rampant smuggling. Since then, a specialist defense press has reported that these aircraft are used to assist Chinese missile warships locate distant targets.

Some sales are aimed at civilian use but seem to offer clear military advantages. Surrey Satellite Technology, perhaps the world’s leading micro-satellite maker, has played a major role developing China’s infant micro-satellite industry with technology transferred to China through a joint venture with Beijing’s elite Qinghua University. Specialists have warned that this type of technology is vitally important for the Chinese military to mount combined air and sea operations in the South China Sea.

Company spokeswoman Audrey Nice rejects any link between Surrey’s technology and the Chinese military. “The PLA does not want to have anything to do with us,” she says. “There are no defence applications whatsoever.” However, she is unable to rule out Chinese military access to data from satellites launched as a result of the venture collaboration. “The satellite is owned by Qinghua University,” says Nice, adding that any questions should be directed to the university.

To reduce its dependence on foreign suppliers, China is investing heavily in research and development to build a military industry largely free from foreign influence. The PLA’s armory resembles an overflowing shopping trolley at an international arms bazaar—with imported arms and technology ordered before the Tiananmen embargo being gradually introduced and combined with the newer purchases.

Should China go to war in the near future over Taiwan, its air force will rely on frontline Russian-designed strike aircraft alongside locally built fighters based on an Israeli design partially funded by the PLA. Other Chinese-made aircraft will carry Russian and Israeli missiles and find their targets with British and Israeli radar and electronic-warfare systems.

The manufacture of powerful new Russian warships and submarines alongside locally built ships fitted with U.S. and Ukrainian engines and Italian torpedoes. French companies have supplier air-warfare missiles, tactical command-and-control systems and helicopters.

On land, the PLAN will field modern Russian tanks and artillery. Many armoured vehicles will be protected with advanced Israeli-designed armour cladding. Older Chinese tanks have Israeli gun and gun sight systems.

Overhead, satellites built with British and German help will keep watch on the battlefield, fix positions for ground forces and feed target data to ships and aircraft. Meanwhile China’s nuclear deterrent will be mounted on launched improved with advanced supplied by the U.S. Beijing isn’t shy about its growing power. When one of the PLAN navy’s latest class of warship, the sleek 6,000-tonne guided-missile destroyer Shenzen, began testing in November after visiting Europe, it was touted as an example of how China was capable of building world-class warships.

These may be compared with most Western counterparts. But by regional standards, the Shenzhen’s Ukrainian gas turbines,
French Crotale air-defense missiles, Russian YJ-2 anti-ship missiles and two Russian Ka-28 anti-submarine-warfare helicopters make it formidable vessel.

While the arms merchants pile in, there are clear signs of unease in some foreign capitals about the scale of China’s arms-buying bonanza and its potential implications for Taiwan. For the U.S. and regional governments, the main concern is that short-term corporate greed is overpowering Western fears of arm- ing a potential enemy of the future to the teeth.

Reflecting such official unease, New York-based satellite-maker Loral Space & Communications agreed with the U.S. Justice Department this month to pay a record $14 million fine to settle charges that it may have illegally given satellite know-how to Beijing.

Hughes Electronics of California is also ex- pected to settle with Washington over its role in similar technology leaks. A U.S. Congressional committee in 1999 ac- cused both companies of helping overcome serious shortcomings in Chinese rocket launching facilities. None of the military were built by any failed satellite launches in the mid-1990s. Since then, China launched more than 30 satellites without a hitch. There are strong sus- picions that the PLA’s nuclear missiles carried on the same launchers and aimed at the U.S. are now more reliable because of such help from U.S. firms.

At the same time as the probes into Hughes and Loral, Washington forced Israel to cancel a $1.25 billion sale of up to five Russian-built aircraft equipped with Israeli- made Phalcon early warning radar to the PLA. Such aircraft would be crucial in co- ordinating large-scale operations over the Taiwan Strait.

Anxious to keep its good relations as an arms supplier with Beijing, Tel Aviv is now negoti- ating to pay compensation to China for backtracking on a $1 billion deal. Diplomats say that discussions between both sides earlier this month in Beijing also covered what the U.S. is thinking to supply Taiwan with advanced air- to-ground missiles that alone will cost more than $4 billion.

Watching the arms race, some analysts are ques- toning the wisdom of China buying hard- ware from such a range of suppliers. For a start, the logistical and technical support needed to maintain so many different weapons systems is a major challenge. And it takes more than just advanced hardware to be a military power. Training, military doc- trine and the integration of weapons and sensors are all important. There is also the danger that in trying to keep pace with Western firepower, China might overextend itself finan- cially—as the Soviet Union did.

Nevertheless, analysts such as Tsai in Tai- pei believe that the sheer pace of its spend- ing is allowing China to close the military gap with the U.S. and the rest of the West fast enough to pose a real security threat for Taiwan. “It is unnecessary for China to catch up with the West in all fields,” he says. “They just need enough to deter the U.S. from becoming involved in the Taiwan Strait.”

FORMER WISCONSIN GOVERNOR JOHN REYNOLDS

Mr. FEINGOLD. Mr. President, one of Wisconsin’s great progressives died a few days ago. Former Wisconsin Gov- ernor John Reynolds passed away on January 6. He was 80.

The son of an Attorney General, and the grandson of a Representative in the State Assembly, John Reynolds came from a distinguished political family, and he him- self was the model of what public serv- ice should mean. Reynolds, a native of Green Bay, was one of the founding fathers of the mod- ern Democratic Party of Wisconsin, but his roots were in the Progressive Party of Robert and Phil La Follette. His grandfather was elected to the State Assembly as a Progressive Re- publican, and his father, who served as the State’s Attorney General, was chairman of the independent Progressive Party.

John Reynolds, like his father, served as Wisconsin’s Attorney General. He was the State’s Governor from 1963 to 1965, and was appointed by President Johnson to serve as a Fed- eral Judge in Wisconsin’s Eastern Dis- trict where he served as Chief Judge from 1971 until 1986.

But as impressive as it is, that re- sume does not do him justice. In mem- orializing John Reynolds, the Wis- consin State Journal wrote that his true legacy was his support of the rule of law and equal rights under the U.S. Constitution. Indeed, he may be re- membered best as a civil rights advo- cate. His most famous decision as a judge was his 1976 order that Mil- waukee schools be desegregated.

As columnist John Nichols wrote of him, “John Reynolds never surren- dered the Progressive vision that the political and economic rights of indi- viduals must be protected against encroachments by corporate and political elites bent on self-service.”

In 1983, as a sitting Governor, John Reynolds supported civil rights dem- onstrations that made Milwaukee one of the most active cities in the nation, and the resources provided by Congresses over past decades has also been sadly inadequate. The Federal Government, by law, is to be the trustee for Native American people. When the Trust Fund Manage- ment Act of 1994 has passed, I look forward to working on efforts to improve the quality of services provided by the Depart- ment to our people.

As columnist John Nichols wrote of him, “John Reynolds never surren- dered the Progressive vision that the political and economic rights of indi- viduals must be protected against encroachments by corporate and political elites bent on self-service.”

In 1983, as a sitting Governor, John Reynolds supported civil rights dem- onstrations that made Milwaukee one of the most active cities in the nation, and the resources provided by Congresses over past decades has also been sadly inadequate. The Federal Government, by law, is to be the trustee for Native American people. When the Trust Fund Manage- ment Act of 1994 has passed, I look forward to working on efforts to improve the quality of services provided by the Depart- ment to our people.

Mr. JOHNSON. Mr. President, I rise today to express my deep concern for the outlook of the trust fund manage- ment system. I have requested on nu- merous occasions that the Department of the Interior consult with tribes on this issue. I understand this is dif- ficult, given the scope and expanse of the approximately 360 Tribes in the United States, but it must be done in a far more meaningful manner than has been the case up until now.

Trades feel that the Department of the Interior has presented a plan, and are simply going through the motions of “consultation.” The very idea of consultation is not to formulate a plan and then impose it upon the interested parties and have the affected parties and formulate a plan together. This is the essence of consultation be- tween the Federal Government and In- dian Country; it is at the heart of true government-to-government relation- ship.

The present and future challenge the Department of the Interior, Bureau of Indian Affairs and the Office of Special Trustee face are a high priority for President Bush. As a member of both the Senate Indian Af- fairs Committee, in addition to the Appropriations Committee, I look forward to working on efforts to improve the quality of services provided by the Depart- ment to our people.

The issue of Trust Fund mismanage- ment is one of the most urgent prob- lems we are faced with in Indian Coun- try. It is one of those rare circum- stances we find in Indian Country, and especially in South Dakota, I do not think there is any more complex, more difficult and more shocking then the circumstances we have surrounding trust fund mismanage- ment. This problem has persisted literally for generations, and continues today. Administrations of both political par- ties have been inadequate in the re- sponse, and the lack of direction and the resource provided by Congresses over past decades has also been sadly inadequate. The Federal Government, by law, is to be the trustee for Native American people. When the Trust Fund Manage- ment Act of 1994 has passed, I look forward to working on efforts to improve the quality of services provided by the Depart- ment to our people.

Mr. JOHNSON. Mr. President, I rise today to express my deep concern for the outlook of the trust fund manage- ment system. I have requested on nu- merous occasions that the Department of the Interior consult with tribes on this issue. I understand this is dif- ficult, given the scope and expanse of the approximately 360 Tribes in the United States, but it must be done in a far more meaningful manner than has been the case up until now.

Trades feel that the Department of the Interior has presented a plan, and are simply going through the motions of “consultation.” The very idea of consultation is not to formulate a plan and then impose it upon the interested parties and have the affected parties and formulate a plan together. This is the essence of consultation be- tween the Federal Government and In- dian Country; it is at the heart of true government-to-government relation- ship.

The present and future challenge the Department of the Interior, Bureau of Indian Affairs and the Office of Special Trustee face are a high priority for President Bush. As a member of both the Senate Indian Af- fairs Committee, in addition to the Appropriations Committee, I look forward to working on efforts to improve the quality of services provided by the Depart- ment to our people.

The issue of Trust Fund mismanage- ment is one of the most urgent prob- lems we are faced with in Indian Coun- try. It is one of those rare circum- stances we find in Indian Country, and especially in South Dakota, I do not think there is any more complex, more difficult and more shocking then the circumstances we have surrounding trust fund mismanage- ment. This problem has persisted literally for generations, and continues today. Administrations of both political par- ties have been inadequate in the re- sponse, and the lack of direction and the resource provided by Congresses over past decades has also been sadly inadequate. The Federal Government, by law, is to be the trustee for Native American people. When the Trust Fund Manage- ment Act of 1994 has passed, I look forward to working on efforts to improve the quality of services provided by the Depart- ment to our people.

My concern remains, where are we now, and what does the Department have to accomplish from the creation of another bureau? Far too much time and resources have been exhausted at- temping to remedy this deplorable sit- uation, which affects far too many of South Dakota’s poorest people.
On January 21, 2002, The Sioux Falls Argus Leader published an editorial entitled “Tribes Capable of Managing Own Trust Funds.” I commend this editorial to my colleagues. It urges Secretary Norton and the Assistant Secretary for Indian Affairs, Neal McCaleb, in addition to the strongest possible terms, to consult with tribes.

The Federal Government is fond of saying that it will operate “government to government” with Indian tribes, but then too often it consults after the fact in an insulting manner. It is time to give tribes greater responsibility over their assets and their budgets.

It is imperative that we remedy this situation. More years will go by and more opportunities to correct this great injustice will be passed unless Congress and the administration at last give resolution of this trust fund crisis the attention and the resources it deserves.

Mr. President, I ask unanimous consent that The Sioux Falls Argus Leader editorial be printed in the RECORD.

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

[From the Argus Leader, Jan. 21, 2002]

Tribes Capable of Managing Own Trust Funds—Government Needs Cooperation
(By the Editorial Staff)

At a meeting in Albuquerque, N.M., tribes vigorously opposed a plan by the Department of Interior of Indian Affairs to create a new agency to manage Indian trusts.

“The same thing happened at a meeting in Minneapolis, and again in Oklahoma City, and most recently in Rapid City.

“Each time, the reason was the same. Plans to create the new Bureau of Indian Trust Asset Management were developed by the Interior Department and BIA, without consulting a single tribe.

“Decisions for Indian people should be made by Indian people. Let us do it,” said Tom Ranfranz, Flandreau Santee Sioux tribal chairman. “We’re good people. We know banking. We know business, we know farming. Let us do it.”

If there’s one main problem with white-Native American relations during the years we’ve been a nation, it’s just this: Whites always think they know what’s best for Indians.

Guess what, it’s not always true. Literally billions of dollars are at stake in whatever decision is made. The trust fund is built up from money—about $500 million a year—taken from grazing, agribusiness, mining, oil production, logging and right-of-way easements. The BIA has managed the fund and doled out money to tribes and individuals.

We say “managed” in a loose sort of way. The BIA can’t account for at least $2.4 billion supposed to have been collected and handed out since 1972. Maybe the money is there and maybe it isn’t. No one knows.

That has led to an ongoing lawsuit against the Department of Interior, and each time the parties are in court, revelations of mismanagement get more bizarre. Most recently, it was determined that the computer system used for the trust fund was so horrible just about anybody could hack into it—despite millions of dollars in studies and recommendations on how to fix the problems.

A judge shut down the system entirely, delaying payments to thousands of people around the country.

Now, the government officials who created the mess are not the tribe they have the solution. Part of it is to put former BIA Director Ross Swimmer in charge of the new agency.

This is the same Swimmer who lost millions of dollars in coal revenue for the Navajos through an unfair agreement he negotiated.

This is the same Ross Swimmer who destroyed a Cherokee Nation corporation by making bad loans to corporation members.

Tribal officials are howling about the appointment of an old friend.

They’ve suggested, instead, a task force of tribal representatives from around the country to come up with a better way of doing things. There are solutions on how that would work, but it is clearly the right solution.

Interior Secretary Gale Norton and BIA Director Neal McCaleb seem to have good intentions. It appears they want to undo this long-standing mess and replace the current operation with something that works. For that, we praise them.

But whatever they do will never work unless it’s done in consultation with the tribes. To even try to do otherwise is ludicrous. If they think tribes will buy in to the current plan, they’re deluding themselves.

ORDERS FOR RECESS, JOINT SESSION, ADJOURNMENT, UNTIL MONDAY, FEBRUARY 4, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until this evening at 8:30 p.m.

Mr. President, I ask unanimous consent that the Senate proceed to the House Chamber for the joint session.

Mr. REID. Mr. President, I ask unanimous consent that, at 8:40 p.m. the Senate adjourn under the provisions of S. Con. Res. 95 until the hour of 1 p.m. Monday, February 4; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be recommended.

Mr. President, I rise today to pay tribute to James Ray Toulouse.

James was born in Albuquerque, NM, in 1919, and graduated from Albuquerque High School in 1936. He also graduated from the University of New Mexico in 1949 and received a law degree in 1949 from Georgetown Law School. Prior to entering law school, James served during WW II as a Specialist A Second Class in the United States Navy. His education and dedication to his country served him well during his successful law career.

Since 1949, James actively practiced law often representing cases involving civil rights. His work did not go unnoticed. For his work on behalf of the Albuquerque Chapter of the NAACP in 1965, James received their “Keeping the Dream Alive Award.” In 1986, the New Mexico Bar Association awarded him the Courageous Advocacy Award. In addition, Rodney Barker in his 1992 book, “The Broken Circle,” wrote an
account of James' representation of Navajo rights.

New Mexico has lost an invaluable native who advocated for the rights of others. I want to take this opportunity to salute the lifetime achievements of James Raymond Toulouse. I join with his family and friends in mourning his loss.

TRIBUTE TO ROBERT K. KRIC

Mr. JEFFORDS. Mr. President, today I honor Mr. Robert K. Krick on his recent retirement from the National Park Service and for his distinguished career as a Civil War historian and preservationist. Mr. Krick joined the National Park Service in 1966, working both at Fort McHenry National Monument and Fort Necessity National Battlefield. In 1972, he became the Chief Historian at Fredericksburg & Spotsylvania National Military Park. It is a position he held for twenty-nine years until his retirement last month.

During his tenure at Fredericksburg & Spotsylvania National Military Park—an area which comprises four battlefields—the acreage grew from under 3000 to over 8000 today. Nearly half of all the historians at Civil War battlefield parks learned their trade under Bob Krick. His contributions to the preservation of history are numerous. Bob's tireless efforts to expand and improve the National Park Service will continue to be appreciated by the millions of individuals who visit these historic areas each year.

Although preservation of Civil War battlefields was a large part of Bob's career, he found the time to become a distinguished author and scholar. He has written 12 books, including "Stone-wall Jackson at Cedar Mountain," and "Conquering the Valley: Stonewall Jackson's Cross Keys and Port Republic," as well as countless articles and book reviews. His works will undoubtedly influence future generations.

More than a decade ago I began touring various battlefields with Bob and several other Civil War historians. We relived Jackson's battles of the 1862 campaign and retraced the Union campaign of 1864. With Bob by my side, I was able to visualize the 1862 battles and could feel Jackson's presence. I came away from the trip with the strong feeling that it was my responsibility as a U.S. Senator to help preserve this part of our national heritage. Since that time I have been dedicated to preserving our Nation's most cherished and sacred lands. As a first step, I introduced legislation that directed the Park Service to undertake a study of Civil War sites. Congress responded by passing legislation, in 1991, that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the commission for two years studied the remaining Civil War battlefields. The 1993 report presented a plan of action for protecting what remained of the Civil War Battlefields. Since 1993, I have helped to secure $19 million in Federal funds to preserve these priceless links to America's past.

Although much has been done in the last decade to preserve battlefields, there is a lot to do as our Nation's history is still being demolished and bulldozed at an alarming pace. Bob will continue to be a preservation leader as a Board member of the Richmond Battlefields Association. I look forward to working with and calling upon Bob for advice in the future.

COMMEMORATING THE LIFE OF THOMAS J. CLEAR, JR.

Mr. DOMENICI. Mr. President, I rise today to join the people of Albuquerque, NM, in mourning the loss of Thomas J. Clear, Jr. He helped to establish a better way of life for his family and the people of New Mexico. He was a friend to all.

Respected throughout the State, Thomas was known for his friendship and dedication to the things that he loved, his friends and family. He first came to New Mexico as a student at the University of New Mexico where Thomas dedicated his studies to education, but also where he met the love of his life and future wife of 50 years, Iris. After he completed law school, Thomas and Iris again returned to New Mexico in order to begin what would be a long and dedicated legal career serving the people of New Mexico.

Friends say that Thomas was able to serve New Mexicans so well because he truly cared about their best interests, and he served to protect those interests. He will be remembered for more than just his legal and adversarial roles by the people of New Mexico, he will be known for the love and friendship he provided to all of those who he came in contact with.

Thomas died last week surrounded by family and friends, much the same way as he spent his life. He was devoted to the interests of his family and the people of New Mexico. Mr. President, I share the grief of the friends and family of Thomas and my heartfelt condolences go out to them.

THE RETIREMENT OF ELEANOR TOWNS

Mr. BINGAMAN. Mr. President, I rise today to pay tribute to a dedicated and distinguished public servant. Eleanor Towns, Regional Forester for the United States Forest Service's Southwestern Region, is retiring at the end of this month. Eleanor "Ellie" Towns will conclude more than two decades of outstanding achievement with the Forest Service.

For the past four years, Ellie has served as the Regional Forester in New Mexico. In this position, she served as one of nine regional foresters in the agency and assumed leadership of 11 National Forests and 4 National Grasslands comprising more than 20 million acres of National Forest System lands in Arizona and New Mexico. Prior to this, Ellie was the Director of Lands for the Forest Service in Washington, D.C. Prior to that, Ellie directed office of minerals and for the Rocky Mountain Region, headquartered in Denver, CO. She joined the Forest Service in 1978 and worked in a number of progressively responsible positions. She came to the Forest Service from the Bureau of Land Management. Ellie holds a bachelor's degree from the University of Illinois, a master's degree from the University of New Mexico, and a juris doctor degree from the University of Denver's College of Law.

I am pleased and gratified that my work in the Senate has allowed me to get to know Ellie. We worked together in preserving the Valles Caldera National Preserve and in securing additional funding for hazardous fuels projects to reduce fire threats to communities adjacent to national forests. She also testified before the Energy and Natural Resources Committee several times and I can honestly say that she was one of the best witnesses the Forest Service has ever sent up here.

Ellie's dedication and enthusiasm have provided the Forest Service with effective, professional management and direction. During her tenure, she has been successful in building strong relationships with many Forest Service partners and customers. In so doing, Ellie has garnered the respect, admiration and trust of here employees as well as all of those who have worked with her. She also promoted a collaborative stewardship in caring for the land and serving the people who own them. We will miss her, and I know that the Forest Service will miss her even more.

The Forest Service and the nation owe Ellie Towns a great deal of gratitude for her fine work at the Forest Service. I wish her the best in all of her future endeavors.

HONORING THE PROMOTION OF COLONEL EDWARD RICE TO BRIGADIER GENERAL

Mr. JOHNSON. Mr. President, I rise today to congratulate the commander of Ellsworth Air Force Base's 28th Bomber Wing on his promotion to brigadier general.

On February 1, 2002, Colonel Edward A. Rice, Jr., will pin on his first star, and I cannot think of a member of the Air Force more deserving of this promotion. I have known Colonel rice since May 2000, when he took command of the 28th Bomber Wing, Ellsworth, in my home state of South Dakota. Ellsworth is home to one of the Air Force's two B-1B wings, with 26 aircraft and more than 3,500 military and civilian personnel. It was therefore a great honor for Colonel Rice to join a distinguished line of commanders of the wing, and has become the fifth consecutive commander to be promoted to brigadier general.
Col. Rice has recently returned from Diego Garcia, where he was the commander of the 28th Air Expeditionary Wing, overseeing the entire B-1B operation for the ongoing war against terrorist, Operation Enduring Freedom. In addition to coordinating bombing operations from the command center on the ground, Colonel Rice added to his more than 3,600 hours of air time in combat aircraft by flying bombing missions against Taliban and al-Qaeda controlled strongholds in Afghanistan. I applaud the efforts of Colonel Rice and all of the men and women in Operation Enduring Freedom. Since joining Congress in 1987 I have appreciated the professionalism, hard work, and courage evidenced by our Ellsworth’s commanders and personnel. Colonel Rice has added to that tradition, and under his leadership the effectiveness of the B-1B, especially in recent operations in Afghanistan, has proven again why that aircraft is the backbone of our Nation’s bomber fleet.

Colonel Rice graduated from the Air Force Academy in Colorado Springs, Colorado, in 1978, and went to flight school to become a B-1 pilot. He also has experience flying aircraft that include the B-1 and the B-2 Stealth bomber.

Throughout his distinguished career, Colonel Rice has held a variety of significant operational positions including commander of the 34th Bomb Squadron at Castle Air Force Base, CA; deputy commander of the 509th Operations Group, at Whiteman Air Force Base in MO; and commander of the 552nd Operations Group, at Ellsworth Air Force Base, OK.

Colonel Rice served as a White House fellow from 1990–1991. The program selects midcareer professionals for a variety of posts, usually from outside of their normal field of expertise. Colonel Rice worked in the office of the Secretary of Health and Human Services.

In 1994 and 1995, Colonel Rice served on a blue-ribbon government panel examining the military’s structure in the post-Cold War era. Colonel Rice moved to the West Wing of the White House in 1997, when he was named deputy executive secretary to the National Security Council. He served in the White House until he was assigned to Ellsworth for his first command of a combat bomb wing.

I would like to take the opportunity to congratulate Colonel Rice, his wife Teresa, and their children, on this well-deserved promotion.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION MESSAGE FROM THE PRESIDENT—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table.

To the Congress of the United States:

Mr. Speaker, Vice President Cheneys Members of Congress, distinguished guests, and fellow citizens:

As we gather tonight, our Nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers. Yet the state of our Union has never been stronger.

We lost met in an hour of shock and suffering. In four short months, our Nation has committed the victor to rebuild New York and the Pentagon; rallied a great coalition; captured, arrested, and rid the world of thousands of terrorists; destroyed Afghanistan’s terrorist training camps; saved a people from starvation; and freed a country from brutal oppression.

The American flag flies again over our embassy in Kabul. Terrorists who once occupied Afghanistan now occupy cells at Guantanamo Bay. And terrorist leaders who urged followers to sacrifice their lives are running for their own.

America and Afghanistan are now allies against terror. We will be partners in rebuilding that country. And this evening we welcome the distinguished interim leader of a liberated Afghanistan: Chairman Hamid Karzai.

The last time we met in this chamber, the mothers and daughters of Afghanistan were captives in their own homes, forbidden from working or going to school. Today women are free, and are part of Afghanistan’s new government, and we welcome the new Minister of Women’s Affairs, Doctor Sima Samar.

Our progress is a tribute to the spirit of the Afghan people, to the resolve of our coalition, and to the might of the United States military. When I called our troops into action, I did so with complete confidence in their courage and skill—and tonight, thanks to them, we are against terror. The men and women of our armed forces have delivered a message now clear to every enemy of the United States: Even seven thousand miles away, across oceans and continents, on mountaintops and in caves—you will never escape this Nation.

For many Americans, these four months have brought sorrow, and pain that will never completely go away. Every day a retired firefighter returns to Ground Zero, to feel closer to his two sons who died there. At a memorial in New York, a little boy left his football with a note for his lost father: “Dear Daddy, Please take this to Heaven. I don’t want to play football until I’m playing with you again.”

Last month, at the grave of her husband, Michael, a CIA officer and Marine who died in Mazar-e-Sharif, Shannon Spann said these words of farewell: “Semper Fi, my love.” Shannon is with us tonight.

Shannon, I assure you and all who have lost a loved one that our cause is just, and our country will never forget the debt we owe Micheal and all who gave their lives for freedom.

Our cause is just, and it continues. Our discoveries in Afghanistan confirmed our worst fears, and show us the true scope of the task ahead. We have seen the depth of our enemies’ hatred in videos where they laugh about the loss of innocent lives; their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world.

What we have found in Afghanistan confirms that—far from ending the war on terror, it is only beginning. Most of the 19 men who hijacked planes on September 11th were trained in Afghanistan’s camps—and so were tens of thousands of others. Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs—set to go off without warning.

Thanks to the work of our law enforcement officials and coalition partners, hundreds of terrorists have been arrested. Yet tens of thousands of trained terrorists are still at large. These enemies view the entire world as a battlefield, and we must pursue them wherever they are. So long as training camps operate, so long as nations harbor terrorists, freedom is at risk—and America and our allies must not, and will not, allow it.

Our Nation will continue to be steadfast, and patient, and persistent in the pursuit of two great goals. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, we must prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.

Our military has put the terror training camps of Afghanistan out of business, yet camps still exist in at least a dozen countries. A terrorist underworld—including groups like Hamas, Hezbollah, and Jihadi-Jihadis—operates in remote jungles and deserts, and hides in the centers of large cities.
While the most visible military action is in Afghanistan, America is acting elsewhere. We now have troops in the Philippines helping to train that country’s armed forces to go after terrorist cells that have executed an American, and I will hold bystanders. Our soldiers are working with the Bangladeshi government, seized terrorists who were plotting to bomb our embassy. Our navy is patrolling the coast of Africa to block the shipment of weapons and the establishment of terrorist camps in Somalia.

My hope is that all nations will heed our call, and eliminate the terrorist parasites who threaten their countries, and our own. Many nations are acting forcefully. Pakistan is now cracking down on terror, and I admire the leadership of President Musharraf. But some governments will be timider in the face of terror. And make no mistake: If they do not act, America will.

Our second goal is to prevent regimes that harbor terrorists from threatening America or our friends and allies with weapons of mass destruction.

Some of these regimes have been pretty quiet since September 11th. But we know their true nature. North Korea, armed with nuclear weapons and weapons of mass destruction, while starving its citizens. Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people’s hope for freedom.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens—leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections—then kicked out the inspectors. This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, armed with nuclear arms and weapons of mass destruction, while starving its citizens.

Iraq aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people’s hope for freedom.

The next priority of my budget is to provide America and our homeland security, the final great priority of my budget is economic security for the American people. To achieve these great national objectives—to win the war, protect the homeland, and revitalize our economy—we have spent more than a billion dollars a month—over 30 million dollars a day—and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, and the best training—and they also deserve another pay raise. My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high—whatever it costs to defend our country, we will pay it.

The next priority of my budget is to do everything possible to protect our citizens and strengthen our Nation against another terrorist attack. Time and distance from the events of September 11th will not make us safer unless we act on its lessons.

America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance. I will develop vaccines to fight anthrax and other deadly diseases. We will increase funding to help states and communities train and equip our heroic police and firefighters. We will improve intelligence collection and sharing, expand patrols at our borders, strengthen the security of air travel, and use technology to track the arrivals and departures of visitors to the United States.

As government works to better secure our homeland, America will continue to depend on the eyes and ears of alert citizens. A few days before Christmas, an airline flight attendant spotted a passenger lighting a match. The crew and passengers quickly subdued the man, who had been trained by al-Qaida, and was armed with explosives. The people on that airplane were able to protect themselves, their country, and the world from nearly 200 lives—and tonight we welcome and thank flight attendants Hermes Moutardier and Christina Jones.

One of the most important objectives of our budget is to create jobs in America, we must act first and foremost not as Republicans, not as Democrats, but as Americans. It could be We will fight this war. We have spent more than a billion dollars a month—over 30 million dollars a day—and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, and the best training—and they also deserve another pay raise. My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high—whatever it costs to defend our country, we will pay it.

The next priority of my budget is to do everything possible to protect our citizens and strengthen our Nation against another terrorist attack. Time and distance from the events of September 11th will not make us safer unless we act on its lessons.

America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance. I will develop vaccines to fight anthrax and other deadly diseases. We will increase funding to help states and communities train and equip our heroic police and firefighters. We will improve intelligence collection and sharing, expand patrols at our borders, strengthen the security of air travel, and use technology to track the arrivals and departures of visitors to the United States.

As government works to better secure our homeland, America will continue to depend on the eyes and ears of alert citizens. A few days before Christmas, an airline flight attendant spotted a passenger lighting a match. The crew and passengers quickly subdued the man, who had been trained by al-Qaida, and was armed with explosives. The people on that airplane were able to protect themselves, their country, and the world from nearly 200 lives—and tonight we welcome and thank flight attendants Hermes Moutardier and Christina Jones.

One of the most important objectives of our budget is to create jobs in America, we must act first and foremost not as Republicans, not as Democrats, but as Americans. It could be We will fight this war. We have spent more than a billion dollars a month—over 30 million dollars a day—and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, and the best training—and they also deserve another pay raise. My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high—whatever it costs to defend our country, we will pay it.

The next priority of my budget is to do everything possible to protect our citizens and strengthen our Nation against another terrorist attack. Time and distance from the events of September 11th will not make us safer unless we act on its lessons.

America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance. I will develop vaccines to fight anthrax and other deadly diseases. We will increase funding to help states and communities train and equip our heroic police and firefighters. We will improve intelligence collection and sharing, expand patrols at our borders, strengthen the security of air travel, and use technology to track the arrivals and departures of visitors to the United States.
launch a major recruiting drive with a
great goal for America: a quality
teacher in every classroom.

Good jobs also depend on reliable and
affordable energy. This Congress must
act to encourage conservation, pro-
motion of technology, build infrastructure, and
it must act to increase energy pro-
duction at home so America is less de-
pendent on foreign oil.

Good jobs depend on expanded trade.
Selling into new markets creates new
jobs, so I urge Congress to finally ap-
prove Trade Promotion Authority. On
these two key issues, trade and energy,
the House of Representatives has acted
to create jobs—and I urge the Senate
to pass this legislation.

Good jobs depend on sound tax pol-
icy. Last year, some in this hall
thought my tax relief plan was too small—and some thought it was too big. But when those checks arrived in
the mail, most Americans thought tax
relief was just about right. Congress listened and acted, and responded by
reducing tax rates, doubling the child
credit, and ending the death tax. For
the sake of long-term growth and to help
Americans plan for the future, let’s make these tax cuts permanent.

The best way of this recession, the way
to create jobs, is to grow the econ-
omy by encouraging investment in fac-
tories and equipment, and by speeding
up tax relief so people have more
money to spend. For the sake of Amer-
ican workers, let’s pass a stimulus
package.

Good jobs must be the aim of welfare
reform. As we re-authorize these im-
portant reforms, we must always re-
member the goal is to reduce depend-
cency on government and offer every
American the dignity of a job.

Americans know economic security
can vanish in an instant without
health security. I ask Congress to join
me this year to enact a Patients’ Bill of
Rights, to give uninsured workers
credits to help buy health coverage, to
approve an historic increase in spend-
ing for veterans’ health, and to give
seniors a sound and modern Medicare
system that includes coverage for pre-
scription drugs.

A good job should lead to security in
retirement. I ask Congress to enact
new safeguards for 401(k) and pension
plans, because employees who have
worked hard and saved all their lives
should not have to risk losing every-
th ing if their company fails. Through
stricter accounting standards and
tougher disclosure requirements, cor-
porate America must be made more ac-
countable to employees and share-
holders and held to the highest stand-
ards of conduct.

Retirement security also depends
upon keeping the commitments of So-
cial Security—and we will. We must
make Social Security financially sta-
 ble and allow personal retirement ac-
counts for younger workers who choose
them.

Members, you and I will work to-
gether in the months ahead on other
issues: productive farm policy; a clean-
environment; broader home owner-
ship, especially among minorities; and
ways to encourage the good work of
charities and faith-based groups. I ask
you to join me on these important do-

cestic issues in the same spirit of co-
 operation needed to apply to our war
against terrorism.

During these last few months, I have
been humbled and privileged to see the
true character of this country in a
time of testing. Our enemies believed
America was materialistic, that we would splinter in fear and self-
ishness. They were as wrong as they are evil.

The American people have responded
magnificently, with courage and com-
passion, strength and resolve. As I have
seen the heroes, hugged the families,
and looked into the tired faces of res-
cuers, I have stood in awe of the Amer-
ican people.

And I hope you will join me in express-
ing to one American for the strength,
and calm, and comfort she brings to our Nation in crisis: our
First Lady, Laura Bush.

None of us would ever wish the evil
that was done on September 11th, yet
again and again, it was as if our entire
country looked into a mir-
ror, and saw our better selves. We were
reminded that we are citizens, with ob-
ligations to each other, to our country,
and to history. We began to think less
of the goods we can accumulate, and
more about the good we can do.

For too long our culture has said, “If
it feels good, do it.” Now America is
embracing a new ethic and a new creed:
“Let’s roll.” In the sacrifice of soldiers,
the fierce brotherhood of firefighters,
and the bravery and generosity of ordi-
nary citizens, we have glimpsed what a
new culture of responsibility could
look like. We want to be a Nation that
serves goals larger than self. We have
been on the right course, and we must not let this moment pass.

My call tonight is for every Amer-
ican to commit at least two years—
four thousand hours over the rest of
your lifetime—to the service of your
neighbors and your Nation.

Many are already serving and I thank
you. If you aren’t sure how to help, I’ve
got a good place to start. To sustain
and extend the best that has emerged
in America, I invite you to join the
Freedom Corps. The Freedom Corps
will focus on three areas of need:
responding in case of crisis at home, re-
building our communities, and extend-
ing American compassion throughout
the world.

One purpose of the USA Freedom
Corps is to be homeland security. Amer-
ica needs retired doctors and nurses
who can be mobilized in major emer-
gencies, volunteers to help police and
fire departments, transportation and
utility workers well-trained in spotting
danger.

Our country also needs citizens work-
ing to rebuild our communities. We
need mentors to love children, espe-
cially children whose parents are in
prison, and we need more talented
teachers in troubled schools. USA
Freedom Corps will expand and im-
prove the good efforts of AmeriCorps
and Senior Corps to recruit more than
200,000 new volunteers.

I ask other citizens and corporations
to extend the compassion of our country to every
part of the world. So we will renew the
promise of the Peace Corps, double its volunteers over the next five years, and
ask it to join a new effort to encourage
democracy, education, and opportunity in the Islamic world.

This time of adversity offers a unique
moment of opportunity—a moment we
must seize to change our culture.
Through the gathering momentum of
millions of acts of service and decency
and kindness, I know: We can overcome evil with greater good.

And we have a great opportunity dur-
ing this time of war to lead the world
toward the values that will bring last-
ding peace. All fathers, in all societies, want their children to be
educated and live free from poverty
and violence. No one on earth yean
 to be oppressed, or aspire to servitude,
or eagerly await the midnight knock of
this latest police

If anyone doubts this, let them look
to Afghanistan, where the Islamic
“street” greeted the fall of tyranny
with song and celebration. Let the
skeptics look to Islam’s own rich his-
tory—with its centuries of learning,
and tolerance, and progress.

America will lead by defending lib-
erty and justice because they are right
and true and unchanging for all people
everywhere. No nation owns these aspi-
rations, and no nation is exempt from
them. We have no intention of impos-
ing our culture—but America will al-
ways stand firm for the non-negotiable
requirements of human dignity: the rule
of law, limits on the power of the state,
freedom for women, private property,
free speech, equal justice, and religious
tolerance.

America will take the side of brave
men and women who advocate these
values around the world—including the
Islamic world—because we have a
greater objective than eliminating
threats and containing resentment. We
seek a just and peaceful world beyond
the war on terror.

In this moment of opportunity, a
country reborn is strong. In this new age, America is working with Russia,
China, and India in ways we never have
before to achieve peace and prosperity.
In every region, free markets and free
trade and free societies are proving
their power to lift lives. Together with
friends and allies across Europe to Asia,
from Africa to Latin America, we will
demonstrate that the forces of terror
cannot stop the momentum of freedom.

The last time I spoke here, I ex-
pressed the hope that life would return
to normal. In some ways it has. In oth-
ers, it never will. Those of us who have
lived through these challenging times
have been changed by them. We’ve
come to know truths that we will never question: Evil is real, and it must be opposed. Beyond all differences of race or creed, we are one country, mourning together and facing danger together. Deep in the American character, there is honor, and it is stronger than cynicism. Many Americans recovered again that even in tragedy—especially in tragedy—God is near.

In a single instant, we realized that this will be a decisive decade in the history of liberty—that we have been called to play a unique role in human events. Rarely has the world faced a choice more clear or consequential.

Our enemies send other people’s children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice—made long ago, on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

Steadfast in our purpose, we now press on. We have known freedom’s price. We have shown freedom’s power. And in this great conflict, my fellow Americans, we will see freedom’s victory.

Thank you, and may God bless the United States of America.

GEORGE W. BUSH.


MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1762. An act to amend the Higher Education Act of 1965 to establish fixed interest rates during the first two years for loans made by eligible institutions to students under the Federal Perkins Loan Program and to modify provisions relating to other student loans and to direct the Secretary of Education to analyze by them, and for other purposes.


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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BREARLY:

S. 1904. A bill to suspend temporarily the duty on railway electric multiple unit (EMU) gallery commuter coaches of stainless steel; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 1905. A bill to amend title 38, United States Code, to enhance veterans’ programs and to establish a unique role for veterans in the Department of Veterans Affairs to administer them; to the Committee on Veterans’ Affairs.

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1906. A bill to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the “Major Lyn McIntosh Post Office Building”; to the Committee on Governmental Affairs.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1907. A bill to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Con. Res. 95. A concurrent resolution providing for conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses of conserving property to the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 622

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 622, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issues to acquire renewable resources on land subject to conservation easement.

S. 623

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 623, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1476

At the request of Mr. CLELAND, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. SMITH), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1556

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1556, a bill to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 1566

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. BACHMANN) was added as a cosponsor of S. 1566, a bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 1575

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kentucky (Mr. McCONNELL), the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 1585

At the request of Mr. JEFFORDS, the names of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1585, a bill to require investment advisers to make public disclosures of ties with companies being analyzed by them, and for other purposes.

AMENDMENT NO. 2702

At the request of Mr. ALLEN, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Virginia (Mr. WARNER), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2702.

AMENDMENT NO. 2717

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 2717 proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

AMENDMENT NO. 2718

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 2718.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 2718.
At the request of Mr. Johnson, his name was added as a cosponsor of amendment No. 2719.

At the request of Mr. Allard, the name of the Senator from Oregon (Mr. Smith) was added as a cosponsor of amendment No. 2722.

At the request of Mr. Johnson, his name was added as a cosponsor of amendment No. 2722 supra.

Amendment No. 2723

At the request of Mr. Domenici, the names of the Senator from Missouri (Mr. Brown) and the Senator from Tennessee (Mr. Frist) were added as co-sponsors of amendment No. 2723.

STATUTES ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Rockefeller (by request):

S. 1905. A bill to amend title 38, United States Code, to enhance veterans’ programs and the ability of the Department of Veterans Affairs to administer them; to the Committee on Veterans’ Affairs.

Mr. Rockefeller, Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This “by-request” bill would, among other things, include care for newborn children of women veterans provided by a contract provider among those medical services VA is allowed to provide, authorize VA to provide dental care to former Prisoners of War, POW, and change the definition of “minority veterans” to conform to the new Race & Ethnic Standards used in Federal statistical reporting and in the 2000 U.S. Census.

I give unanimous consent that the text of the bill and Senate Principal’s transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 1905

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

SECTION 1. TABLE OF CONTENTS.
(a) Table of Contents.—The table of contents of this Act is as follows:

SEC. 1. Table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—VETERANS HEALTH-CARE IMPROVEMENTS
Sec. 101. Care for Newborn Children of Enrolled Women Veterans.
Sec. 102. Outpatient Dental Care for All Veterans.
Sec. 103. Pay Comparability for Director, Nursing Service.

TITLE II—VETERANS’ BENEFIT PROGRAMS
Sec. 201. Limitation on provision of certain benefits.
Sec. 202. Clarification of procedures regarding disqualifcation of certain individuals for memorialization in veterans cemeteries.
Sec. 203. Clarification of the period for appeals to the Board of Veterans’ Appeals.

TITLE III—VA PROGRAM ADMINISTRATION IMPROVEMENTS
Sec. 301. Repeal of Cap on Number of Non-Career Members of Senior Executive Service Serving in VA.
Sec. 302. Repeal of Preceding Service Requirements.
Sec. 303. Revolving Supply Fund Amendments.
Sec. 304. Redefinition of “minority group member” in 38 U.S.C. §544(d).

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.
Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to the section or other provision of title 38, United States Code.

TITLE I—VETERANS HEALTH-CARE IMPROVEMENTS

Sec. 101. Care for Newborn Children of Enrolled Women Veterans.

Section 1701 is amended:
(a) in subsection (b),
(1) by striking out “and” at the end of paragraph (A);
(2) by adding “and” at the end of paragraph (B); and
(3) by adding at the end the following new paragraph:
“(C) care for newborn children.”;
(b) by adding at the end the following new subsection:
“(1) The term “care for newborn children” means care provided to an infant of a woman veteran enrolled in the VA health care system. Such care may be provided until the mother is discharged from the hospital after delivery of the child or for 14 days after the date of birth, whichever period is shorter, and only if the Department contracted for the delivery of the child.”;

Sec. 102. Outpatient Dental Care for All Veterans.

Section 1712(a)(1)(F) is amended by striking out “for a period of not less than 90 days”.

Sec. 103. Pay Comparability for Director, Nursing Service.

(a) Section 7308(a)(5) is amended by adding at the end thereof, “The position shall be exempt from the provisions of section 7451 of this title and shall be paid at the maximum rate payable to a Senior Executive Service employee under 5 U.S.C. §5306(g) and 5302.”;
(b) Section 749(d) is amended by deleting “section” the first time it appears and inserting in its place “sections 7306(a)(5) and”.

TITLE II—VETERANS’ BENEFIT PROGRAMS

Sec. 201. Limitation on Provision of Certain Benefits.

(a) Prohibitions.—(1) Section 112 is amended by adding at the end the following new subsection:
“(c) A certificate shall not be furnished under this program on behalf of a deceased veteran described in section 2411(b) of this title.”;
(2) Section 2301 is amended by adding at the end the following new subsection:
“(A) A flag shall not be furnished under this section on behalf of a deceased veteran described in section 2411(b) of this title.”
(3) Section 2906 is amended by adding at the end the following new subsection:
“(1) A headstone or marker shall not be furnished under subsection (a) for the unmarked grave of an individual described in section 2411(b) of this title.
“(2) A memorial headstone or marker shall not be furnished under subsection (a) for the purpose of commemorating an individual described in section 2411(b) of this title.”

Effective Date.—The amendments made by this section shall apply to deaths occurring on or after the date of its enactment.

TITLE III—VA PROGRAM ADMINISTRATION IMPROVEMENTS

Sec. 301. Repeal of Cap on Number of Non-Career Members of Senior Executive Service Serving in VA.

(a) Clarification.—(Paragraph 1 of section 7268(a) is amended by striking “notice of the decision is mailed pursuant to section 7602(e)” and inserting “a copy of the decision, pursuant to section 7104(e) of this title, is mailed or sent to the claimant’s representative or, if the claimant is not represented, mailed to the claimant”;
(b) Effective Date.—The amendments made by subsection (a) apply to Board of Veterans’ Appeals decisions made on or after the date of enactment of this Act.

The Secretary of Veterans Affairs: Washington, DC, January 9, 2002.

Hon. Richard B. Cheney, President of the Senate.

Dear Mr. President: I am transmitting a draft bill to enhance a number of veterans’
programs and our ability to manage them. Details regarding the context and justification of the bill’s 10 provisions are provided in the enclosed section-by-section analysis. If enacted, the bill would:

Sec. 101—authorize VA to provide medical care for newborn children of enrolled women veterans;

Sec. 102—authorize VA to provide outpatient dental care to more former prisoners of war;

Sec. 103—establish pay comparability for the Director of the Nursing Service with other VA executives;

Sec. 104—clarify procedures relating to the estimation of administrative findings should be removed.

There is no cost associated with this proposal.

SECTION 203—CLARIFICATION OF THE PERIOD FOR APPEALING RULINGS OF THE BOARD OF VETERANS’ APPEALS

Section 203 of the draft bill would clarify ambiguity created by past legislation.
Section 7266(a)(1) of title 38, United States Code, provides that, to obtain review by the United States Court of Appeals for Veterans Claims (Court) of a final Board of Veterans' Appeals (Board) decision, a person adversely affected by the decision must file a notice of appeal within 120 days after the date on which notice of the decision is mailed to the person. Before its amendment by the Veterans' Benefits Improvements Act of 1996, Pub. L. No. 104–275, 110 Stat. 3344, Section 7104(e) required the Board to promptly mail a copy of the decision to the claimant and the claimant’s authorized representative, if any. The Court had consistently read the provision as requiring that if a claimant is represented, the accomplishment of both mailings to begin the 120-day appeal period. See Paniag v. Brown, 10 Vet. App. 265, 267 (1997).

As amended by Section 509 of Pub. L. No. 104–275, 110 Stat. at 3344, Section 7104(e) now requires the Board to promptly mail a copy of its written decision to the claimant and, if the claimant has an authorized representative, to mail a copy of its written decision to the authorized representative or send a copy of its written decision to the authorized representative by any means reasonably likely to provide the representative with the decision and any supporting evidence. Thus, under Section 7104(e) as amended, the Board must still notify a claimant’s representative, if any, but such notice may be made contemporaneously with providing the representative a copy of the decision. Although Section 7104(e) was so amended, no corresponding change was made to 7266(a)(1)’s reference to “mailing” pursuant to Section 7104(e).” See Dippel v. West, 12 Vet. App. 466, 470 (1999) (noting that Congress did not change Section 7266(a) and that Section 7104(e) was in fact achieved by modifying Section 7266(a)(1)’s reference to “mail pursuant to Section 7104(e)” does not cover a decision sent pursuant to Section 7104(a)(2)(B)).

The amendment to former Section 7104(e) without a corresponding change to Section 7266(a)(1) has created an ambiguity. It is not clear when the 120-day appeal period prescribed by Section 7266(a)(1) begins if a claimant is represented and the Board mails copies of its decision to the claimant and the claimant’s representative, but mails them on different days. Section 7266(a)(1) does not specify whether the appeal period in that situation begins on the date of mailing to the claimant, on the date of mailing to the representative, on the earlier of both mailings, or on the date of the later of both mailings.

The draft bill would clarify that matter. Section 241 of the bill would amend Section 7266(a)(1) to require, for initiation of Court review of a final Board decision, that a notice of appeal be filed within 120 days after a copy of the decision, pursuant to Section 7104(e), is mailed or sent to the claimant’s representative or, if the claimant is not represented, is mailed to the claimant. The 120-day appeal period would begin when the Board mails or sends a copy of its decision to the claimant’s authorized representative or, if the claimant is not represented, when the Board mails a copy of its decision to the claimant. We have chosen the date of mailing or sending to the representative, if any, because it provides the Board with the claimant’s place for the purpose of receiving notice of the decision. If the appeal period were to begin on the date of mailing to the claimant, the Board would normally mail the copy of the decision to the representative could compromise the representative’s ability to timely advise the claimant. Beginning the appeal period on the date of mailing or sending notice to the representative would maximize the time available to the representative to advise the claimant as to the best course of action.

Section 2(b) of the draft bill would make the amendment to Section 7266(a)(1) apply to all Board decisions made on or after the date of enactment of this Act.

No costs or savings would result from enactment of this provision.

Section 3—Cap on Number of Non-Career Members of the Senior Executive Service Serving in VA

Section 301(a) of the bill would repeal the current statutory limitation applicable to VA on the number of non-career members of the SES that may serve in the Department. Currently, that number may not exceed five percent (5%) of the authorized number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year. This provision would not affect the Government-wide ten-percent (10%) limitation that generally applies to other agencies and departments. Section 301(b) would also make conforming amendments to 38 U.S.C. 709.

The Department would greatly benefit from being able to avail itself further of the experience and expertise of executive-level professionals in the private sector, as we restructure fundamental Departmental processes to improve the timely delivery of both health care services and benefits to veterans. The proposed statutory change would better position VA to increase its knowledge of successful private sector business practices, identify those that have application to VA, and successfully implement them, thereby, in turn, would enable VA to better meet the expectations of the beneficiaries of VA’s programs. The proposal is consistent with the Government’s partnering with the private sector to improve Government performance.

VA would remain subject to the ten-percent (10%) Government-wide limitation on non-career SES positions, which OPM administers. The current five-percent (5%) cap on the number of non-career members of the Senior Executive Service is applicable only to VA. While mindful and appreciative of Congress’ intention to limit politicization of the SES that may serve in the Department, as determined by the Administration, subject to the ten-percent (10%) Government-wide limitation. There would be no savings associated with enactment of this provision.

Section 302—Repeal of Preceding Service Requirement for VA Deputy Assistant Secretaries

Section 302 of the draft bill would repeal section 305(d)(2), which now requires at least two-thirds of VA's Deputy Assistant Secretaries (DAS's) to have served continuously for five years in the Federal Civil Service immediately prior to their appointments. This requirement was established in 1988 to maintain the institutional memory and the Department's tradition of career service. However, this limitation has, in practice, proven to be overly prescriptive. It prevents utilization of highly qualified people not meeting the criteria. Because the stringent continuous five-year service requirement applies to all but one-third of the DAS positions, it has required VA to make educated judgments. VA DAS slots for "career" appointees who are not political appointees but who simply fail to meet the service requirement. This includes appointees who have moved from the private sector, within the last five years. This limits the pool of candidates from which the Secretary may select his leadership team. We recommend eliminating the existing service requirement. VA could establish its own standards for these high-level positions, addressing Congress' original concerns of institutional memory and the tradition of career service while still providing needed flexibility for selecting the best and brightest for these positions.

No costs would be associated with enactment of this provision.

Section 303—Revolution Supply Fund Amendments

Section 303 would extend the services of the Revolving Supply Fund (38 U.S.C. §3121), to permit the Department of Defense (DOD) to enter into interagency agreements with the Supply Fund (Supply Fund) for the procurement of certain items and services under the purchase authority of the Supply Fund. Purchases would be limited to medical items and services, e.g., pharmaceuticals, medical/surgical supplies, equipment, and systems and consulting services. Currently, only offices funded by VA appropriations may purchase under that authority. DOD and other Federal agencies enter into interagency agreements with the Supply Fund under the Economy Act (31 U.S.C. § 9302).

Congress traditionally has favored consolidated purchases because the increased buying power provides additional procurement leverage and resulting cost savings. Most recently, Congress, in § 210 of the Veterans Millennium Health Care and Benefits Act (P.L. 106–117), required VA and DOD to jointly report on the cooperation between the two Departments in procuring pharmaceuticals, medical supplies and equipment. It is clear that Congress holds VA and DOD accountable for achieving efficiencies through the consolidation of contracting and logistics responsibilities.

The legislation, if enacted, would provide additional incentives for DOD to purchase medical items and services directly or through joint procurements from the Supply Fund, e.g., the ordering agencies’ obligations remain payable in full from the appropriations initially charged irrespective of when performance occurs; and VA Supply Fund program managers are better able to negotiate contracts for both bulk and specialty items because frantic year-end spending is eliminated.

The enactment of this proposal would not result in any cost to VA. The Supply Fund operates entirely upon fees assessed for services rendered.

Section 304—Redefinition of “Minority Group Member” in 38 U.S.C. §544(d)

Section 306 is a technical amendment to 38 U.S.C. §544(d) to change the definition of minority veterans to make it conform to the new Race & Ethnic Standards used in Federal statistical reporting by the U.S. Census. The amendment would not change eligibility or entitlement to existing or future benefits. No costs would result from enactment of this proposal.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 95—Providing for Conditional Adjournment of the Senate and a Conditional Adjournment of the House of Representatives

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following current
resolution; which was considered and agreed to:

S. CON. RES. 95
Resolved by the Senate (the House of Represen-
tatives concurring), That when the Senate recesses or adjourns at the close of business on any day, February 4, 2002, or until such other time on that day as may be specified by its Majority Leader, or in the manner provided by rule 22 to re-assemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that the House adjourns on the legislative day of Tuesday, January 29, 2002, and shall remain in recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall seek the engagement of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED
SA 2728. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table.
SA 2729. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2730. Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2732. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2733. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2752. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2755. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2756. Mr. SESSIONS (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. HUTCHISON, and Mr. BROWNACK) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2783. Mr. HATCH (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2789. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2790. Mr. GRAMM (for himself, Mr. MIL- LER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2791. Mr. GRAMM (for himself, Mr. MIL- LER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2792. Mr. GRAMM (for himself, Mr. MIL- LER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2793. Mr. GRAMM (for himself, Mr. MIL- LER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2794. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2795. Mr. GRAMM (for himself, Mr. MIL- LER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2796. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2797. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.
SA 2798. Mr. KYL (for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCH- INSON) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.
SA 2799. Mr. HUTCHISON (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2800. Mrs. COLLINS (for herself, Mr. WARNER, and Ms. LANDREU) submitted an amendment intended to be proposed to the bill H.R. 622, supra; which was ordered to lie on the table.
SA 2801. Mrs. COLLINS (for herself, Mr. WARNER, and Ms. LANDREU) submitted an amendment intended to be proposed to the bill H.R. 622, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS
SA 2728. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table.

SEC. 1. INCREASE IN AMOUNT OF QUALIFIED SMALL ISSUE BONDS PERMITTED FOR FACILITIES TO BE USED BY RELATED PRINCIPAL USERS.—
(a) IN GENERAL.—Clause (i) of section 144(a)(4)(A) (relating to $10,000,000 limit in certain cases) is amended by striking "$10,000,000" and inserting "$20,000,000".
(b) COST-OF-LIVING ADJUSTMENT.—In the case of a taxable year beginning in a calendar year after 2002, the $20,000,000 amount under subparagraph (A) shall be increased by an amount equal to:
(1) such dollar amount, multiplied by
(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting "calendar year 2001" for "calendar year 1992" in subparagraph (B) thereof.
(c) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 144(a) is amended by striking "$10,000,000" and inserting "$20,000,000".
(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to:
(A) obligations issued after the date of the enactment of this Act, and
(B) capital expenditures made after such date with respect to obligations issued on or before such date.
(e) DEFINITION OF MANUFACTURING FACILITY.—
"FACILITY."—Section 144(a)(12)(C) (relating to definition of manufacturing facility) is amended to read as follows:


(C) MANUFACTURING FACILITY.—For purposes of this paragraph, the term ‘manufacturing facility’ means any facility which is used—

(1) in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

(2) in compensating, development, or production of specifically developed software products or processes if—

(1) it takes more than 6 months to develop or produce such products or processes,

(2) the development or production could not without due diligence be reasonably expected to occur in less than 6 months, and

(3) the specific developed software product or process comprises programs, routines, and attendant documentation developed and maintained for use in computer and telecommunications technology, or

(iii) the manufacturing, development, or production of specially developed biobased or bioenergy products or processes if—

(1) it takes more than 6 months to develop or produce,

(2) the development or production could not without due diligence be reasonably expected to occur in less than 6 months, and

(3) the biobased or bioenergy product or process comprises products, processes, programs, and attendant documentation developed and maintained for the utilization of biological materials in commercial or industrial products, for the utilization of renewable domestic agricultural or forestry materials in commercial or industrial products, or for the utilization of biomass materials.

(D) RELATED FACILITIES.—For purposes of subparagraph (C), the term ‘manufacturing facility’ includes a facility which is directly and functionally related to a manufacturing facility (determined without regard to subparagraph (C)) if—

(i) such facility, including an office facility and a research and development facility, is located on the same site as the manufacturing facility, and

(ii) not more than 40 percent of the net proceeds of the issue are used to provide such facility, but shall not include a facility used solely for research and development activities.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to obligations issued after the date of enactment of this Act.

SA 2730. Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2696 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand temporary extended unemployment compensation under the agreement.

SA 2731. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. FUNDING FOR RAILROAD TRACK REHABILITATION, PRESERVATION, AND IMPROVEMENT.

There is appropriated to the Department of Transportation for the Federal Railroad Administration for fiscal year 2002, out of any funds in the Treasury not otherwise appropriated, $350,000,000 for capital grants to be used for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class I and class III railroads. Funds appropriated by the preceding sentence shall remain available until expended.

SEC. 6. TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS

SEC. 31. SHORT TITLE.

This title may be cited as the ‘Temporary Extended Unemployment Compensation Act of 2002’.

SEC. 32. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary to establish, for each eligible individual who files a claim for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents’ allowances) payable to such individual under the State law for a week of total unemployment during such individual’s benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof, except where inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 58 shall not exceed the amount established in such account for such individual.

SEC. 33. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the greater of—

(A) the amount of the total amount of regular compensation (including dependents’ allowances) payable to the individual during
the individual’s benefit year under such law; or
(B) 13 times the individual’s weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual’s weekly benefit amount for any week is an amount equal to the amount of regular compensation (including any extended unemployment compensation) under the State law payable to the individual for such week for total unemployment.

SEC. 04. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS TITLE
(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the amount of the Federal unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased to be, by any method determined by the Secretary, by which the Secretary finds that the Secretary’s estimates for any prior calendar month were greater or less than the amounts which the Secretary determined to be so payable under this title. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration fund, or out of other sums available to the Secretary, such sums as may be necessary for the purpose of providing for the payment of administrative expenses incurred under this title.

SEC. 05. FINANCING PROVISIONS
(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 908(a) of the Social Security Act (42 U.S.C. 1108(a))), and the Federal unemployment account (as established by section 908(g) of such Act (42 U.S.C. 1108(g))), of the Unemployment Trust Fund, without fiscal year limitation, such sums as may be necessary for the purpose of providing for the payment of the temporary extended unemployment compensation payable to such individual under this title from any regular compensation or temporary extended unemployment compensation law administered by the State agency or any other Federal law administered by the Secretary which provides for the payment of such compensation, or temporary extended unemployment compensation or employment security benefits, and from any regular compensation or temporary extended unemployment compensation under any State unemployment compensation law, and only in that manner and to that extent.

(b) CERTIFICATION.—The Secretary shall certify to the Superintendent of the Treasury for payment to each State the sums described in section 908(a) which are payable to such State under this title. The Superintendent of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account or from any other fund to the extent that there are insufficient funds in that account, from the Federal unemployment account to the amount of such State in the Unemployment Trust Fund (as so established).

SEC. 06. FRAUD AND OVERPAYMENTS
(a) IN GENERAL.—If an individual knowingly or with reason to believe is entitled to, or has received any temporary extended unemployment compensation under this title to which such individual was entitled, such individual—

(1) shall be ineligible for any further benefits under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REFUTATION.—In the case of individuals who have not been determined by a State agency to have defrauded the State or the State agency, except that the agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECUPERATION BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this title from any unemployment compensation paid to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the Secretary which provides for the payment of such compensation, or temporary extended unemployment compensation or employment security benefits, and from any regular compensation or temporary extended unemployment compensation under any State unemployment compensation law, and only in that manner and to that extent.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 07. DEFINITIONS

SEC. 08. APPLICABILITY
An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

TITLE II.—ASSISTANCE FOR MEDICAID COVERAGE
SEC. 01. TEMPERATURE INCREASES OF MEDICAID FMAP
(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP FOR LAST 3 CALENDAR QUARTERS.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2003 shall be substituted for the State’s FMAP for the third and fourth calendar quarters in fiscal year 2002, before the application of this section.

(b) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.5 percentage points.

(c) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.5 percentage points.

(d) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.5 percentage points.

(e) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.5 percentage points.

(f) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.5 percentage points.

(g) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2001, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.5 percentage points.
(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(3) STATE ELIGIBILITY.—A State is eligible for an increase in its FMAP under this subsection (c) or (d) or an increase in a cap amount under this subsection (e) only if the eligibility under such title of the Social Security Act (including any waiver under such title or under section 115 of such Act (42 U.S.C. 1315)) is more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(b) DEFINITIONS.—In this section:

(1) The term ‘FMAP’ means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396a(b)).

(2) The term ‘State’ has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SA 2732. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

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

SEC. 4. WAIVER OF EARLY WITHDRAWAL PENALTIES FOR DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS.

INDIVIDUALS CALLED TO ACTIVE DUTY DURING THE NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON SEPTEMBER 14, 2001.

(a) WAIVER FOR CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—Section 72(t)(2)(G) of the Internal Revenue Code of 1986 (relating to deductible amount) is amended by adding at the end the following:

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

"(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable dollar amount, or

"(ii) the excess (if any) of—

"(I) the participant’s compensation (as defined in section 415 or such provisions) and

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) APPLICATION.—For purposes of this paragraph, the applicable dollar amount with respect to a participant shall be an amount equal to—

"(i) the aggregate amount of deferrals described in section 72(t)(2)(G) (not attributable to earnings) made with respect to such participant during such year,

"(ii) the aggregate amount of such deferrals (not attributable to earnings) previously taken into account under this subsection, and

"(iii) any underpayment to the extent such underpayment is attributable to earnings or any underpayment to the extent such underpayment is attributable to earnings and is not attributable to earnings made by an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law described in section 101(a)(3) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001.

(2) W AIVER OF UNDERPAYMENT PENALTY.—

Section 6654(e)(3) of such Code (relating to waiver in certain cases) is amended by adding at the end the following:

"(C) CERTAIN EARLY WITHDRAWALS FROM RETIREMENT PLANS.—

"(i) the aggregate amount of distributions from qualified retirement plans made by this subsection shall apply to distributions made under this subsection.

"(4) COMFORMING AMENDMENT.—

Section 6654(e)(3) of such Code (relating to waiver in certain cases) is amended by adding at the end the following:

"(C) CERTAIN EARLY WITHDRAWALS FROM RETIREMENT PLANS.—

"(i) the aggregate amount of distributions described in section 72(t)(2)(G) (not attributable to earnings) made with respect to such participant during such year,

"(ii) the aggregate amount of such distributions (not attributable to earnings) previously taken into account under this subsection, and

"(iii) any underpayment to the extent such underpayment is attributable to earnings or any underpayment to the extent such underpayment is attributable to earnings and is not attributable to earnings made by an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law described in section 101(a)(3) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions made under this subsection:

"(A) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"(B) TIPS RECEIVED FOR CERTAIN SERVICES NOT SUBJECT TO INCOME TAXES.

"(1) IN GENERAL.—

"(A) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such tips is $20 or more and then only if the employer deducts the amount as a trade or business expense in accordance with section 162(b) (without regard to whether such tips are reported under section 6059), and

"(B) tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such tips is $20 or more and then only if the employer deducts the amount as a trade or business expense in accordance with section 162(b) (without regard to whether such tips are reported under section 6059), and

"(2) CONFORMING AMENDMENT.—

Section 3121(q) of the Internal Revenue Code of 1986 (relating to tips received to gifts and inheritances) is amended by adding at the end the following:

"(i) the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act), over

"(1) the amount of the wages (excluding tips) paid by the employer to the employee during such month.

(5) EXCLUSION FROM SOCIAL SECURITY TAXES.

(1) Paragraph (12) of section 3121(a) of such Code is amended to read as follows:

"(12)(A) tips paid in any medium other than cash;

"(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such tips is $20 or more and then only if the amount of such tips is $20 or more and then only if the employer deducts the amount as a trade or business expense in accordance with section 162(b) (without regard to whether such tips are reported under section 6059), and

"(ii) the amount of the wages (excluding tips) paid by the employer to the employee during such month.
(2) Paragraph (10) of section 208(a) of the Social Security Act is amended to read as follows:

"(10)(A) tips paid in any medium other than cash:

"(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d) of the Internal Revenue Code of 1986 of such month.";

and

(3) Paragraph (3) of section 323(e) of such Code is amended to read as follows:

"(3) Solely for purposes of the taxes imposed by this chapter insofar as they relate to such taxes, the term 'compensation' also includes cash tips received by an employee in any calendar month in the course of his employment by an employer if the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d)."

(c) EXCLUSION FROM UNEMPLOYMENT COMPENSATION TAXES.—Subsection (e) of section 3306 of such Code is amended to read as follows:

"(e) EXCLUDED FROM UNEMPLOYMENT WITHHOLDING.— Paragraph (16) of section 3401(a) of such Code is amended to read as follows:

"(16) (A) as tips in any medium other than cash:

"(B) as cash tips to an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d)."

(e) CONFORMING AMENDMENT.—Sections 32(c)(4)(A)(i) and 220(b)(4)(A) of such Code are each amended by striking "tips" and inserting "tips to the extent includable in gross income after the application of section 102(d) of such month."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received after the calendar month which includes the date of the enactment of this Act.

SA 2735. Mr. SMITH of New Hampshire proposed an amendment to a pending amendment submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

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

SEC. 1.—REAL PROPERTY TAX DEDUCTION ALLOWED WHETHER OR NOT TAX PAyer ITEMIZES OTHER DEDUCTIONS.

(a) In General.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following:

"(19) REAL PROPERTY TAXES.—The deduction allowed by section 16(a)(1)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any payment due after December 31, 2000.

SA 2736. Mr. SESSIONS (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, and Mr. BROWNBACK) proposed an amendment to a pending amendment submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

Not later than February 1, 2002, the Secretary of the Treasury by regulation shall require—

(1) each employer of an employee who the employer determines receives wages in an amount which indicates that such employee would be eligible for the earned income credit under section 32 of the Internal Revenue Code of 1986 to provide such employee with a simplified application for an earned income eligibility certificate.

(2) require each employer wishing to receive the earned income tax credit to complete and return the application to the employer within 30 days of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a complete form, the employer provide for the advance payment of the earned income tax credit under section 36 of the Internal Revenue Code of 1986.

SEC. 102. EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT AND ADDITION TO ELIGIBLE TAXPAYERS.

(a) In General.—Section 3657(b) of the Internal Revenue Code of 1986 (relating to earnings to the extent includable in gross income after the application of section 102(d)) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3657(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting "has 1 or more qualifying children" after "is not married".

(2) Section 3657(c)(2)(C) of such Code is amended by striking "the employee" and inserting "an employee with 1 or more qualifying children".

(3) Section 3657(f) of such Code is amended by striking "who have 1 or more qualifying children" and inserting "who have 1 or more qualifying children".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE II—INDIVIDUAL PROVISIONS

SEC. 201. ACCELERATION OF 25 PERCENT INCOME TAX RATE.

(a) In General.—The table contained in paragraph (2) of section 1(h) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking "27.0%" and inserting "25.0%"; and

(2) by striking "25.0%", and inserting "25.0%".

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.

(1) Subparagraph (A) of section 55(d)(1) is amended by striking "($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, and $57,700 in the case of taxable years beginning in 2004)".


(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 202. TEMPORARY EXPANSION OF PENALTY-FREE RETIREMENT PLAN DISTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS OF UNEMPLOYED INDIVIDUALS.

(a) In General.—Subparagraph (D) of section 72(t)(2) is amended by adding at the end thereof the following new clause:

"(IV) SPECIAL RULES FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION AFTER January 1, 2002
SEC. 204. TEMPOrary INCREASE FOR CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 1211 (relating to limitation on capital losses for taxpayers other than corporations) is amended by striking the amount appearing as $1,000 and inserting $2,500.

(b) EFFECTIVE DATE.—The amendment made by this section shall be applicable to any taxable year beginning after December 31, 2000.

SEC. 205. NONREFUNDABLE CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of chapter 1 of subchapter A of subtitle B of title 26 (relating to nonrefundable credits) is amended by inserting after section 25b the following new section:

SEC. 25C. CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

(a) ALLOWANCE OF CREDIT.—In the case of an individual who is liable for an amount, or in the case of a household which includes as a member one or more qualifying students (as defined in subsection (b)(1)), there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses with respect to such students which are paid or incurred by the taxpayer during such taxable year.

(b) DOLLAR LIMIT ON AMOUNT CREDITABLE.—The amount of qualified elementary and secondary education expenses paid or incurred during any taxable year which may be taken into account under subsection (a) shall not exceed $500.

(c) QUALIFYING STUDENT.—For purposes of this section, the term ‘qualifying student’ means a dependent of the taxpayer (within the meaning of section 151) who is enrolled in school on January 1, 2001, or a household which includes as a member one or more qualifying students (as defined in subsection (b)(1)).

(d) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—For purposes of this section—

(1) computer technology or equipment.—The term ‘computer technology or equipment’ means computer technology or equipment which includes computer software if such software is predominate educational in nature.

(2) school expenses.—The term ‘school expenses’ means any payments made to (or on behalf of) a qualifying student, including payments for such items as—

(A) tuition; (B) books and instructional materials; (C) other supplies required for enrollment or attendance; (D) transportation to and from school; (E) fees (excluding fees for a summer school program that ended before March 15, 2001); (F) computers and related equipment, which means computer technology or equipment which includes computer software if such software is predominate educational in nature; and (G) any other similar expenses for which the Secretary promulgates regulations to carry out this title.

(b) AMOUNT IN ACCOUNT.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment which begins on or after January 1, 2002, and before March 15, 2001; and

(2) any other provision of Federal law (and if the Secretary promulgates to carry out this title.

The provisions of this section may be cited as the ‘Temporary Extended Unemployment Compensation Act of 2002’.
(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) REDUCTION FOR EXTENDED BENEFITS.—The amount determined under subparagraph (1) shall be (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the calendar year in respect of unemployment compensation (as so established) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(3) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) payable to the individual under such State law as may be determined by the State agency or under any other unemployment compensation law administered by the State agency.

(4) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such section shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has been made.

(5) OPPORTUNITY FOR HEARING.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 307. DEFINITIONS.


SEC. 308. APPLICABILITY.

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

SEC. 309. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c).

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such section having an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) of the Unemployment Compensation Act (42 U.S.C. 501 et seq.) in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; or

(2) compensation payable on the basis of services to which section 3303(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 306. FRAUD AND OVERPAYMENTS.

(a) In General.—If an individual knowingly has made, or caused to be made by another, a false representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or omission or failure to disclose a material fact, such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual:

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of section 903 of the Social Security Act (42 U.S.C. 1103) relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REIMBURSEMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay to the State the amount of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such section having an agreement under this title shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the calendar year in respect of unemployment compensation (as so established) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

Sec. 304. Payments to States Having Agreed to Implement Extended Unemployment Compensation:

(a) General Rule. — There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) Treatment of Reimbursable Compensation. — The amount determined under this subsection to a State account shall (as determined with respect to such account at the beginning of fiscal year 2002 if—

(i) section 708(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

(ii) section 502 of Public Law 106-33 (relating to the Federal unemployment compensation account) had not been enacted.

The amount transferred before the date of enactment of this division under the provisions repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(c) Savings Provision. — Any amounts transferred under this section to such account at the beginning of fiscal year 2002 if—

(i) section 708(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

(ii) section 502 of Public Law 106-33 (relating to the Federal unemployment compensation account) had not been enacted,
entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002, for individuals eligible for regular compensation under the unemployment compensation law of such State.

"(ii) Any additional compensation under clause (i) may not be taken into account for purposes of determining any credit attributable to the amount of any extended compensation for which an individual might be eligible.

"(iii) The categories of individuals described in this clause include the following:

"(D) Individuals who are seeking, or available for, only part-time (and not full-time) work.

"(E) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

"(F) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

"(G) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law, including in connection with benefits described in subparagraph (3) and any recipients thereof, subject to the same conditions as set forth in section 1221(c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subparagraph (a) and (b)' in subparagraph (a)(7) to include this subsection).

"(H) Transfers under this subsection shall be made by December 31, 2001, unless this paragraph is not enacted until after that date, in which case such transfers shall be made within 10 days after the date of enactment of this subsection.

"(3) By adding at the end the following paragraphs:

"(4) '4) (a) The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 6055a of title 5, United States Code.

"(g) Government Intervention Supplemental Assistance.—

"(1) Personal Income.—Funds made available under subsection (a)(4), a State may provide personal income compensation to a dislocated worker described in such subsection if—

"(A) the worker is unable to work due to closure of the facility at which the worker was employed, prior to the intervention; or

"(B) the worker is unable to work due to the intervention; or

"(C) the worker is unable to work due to any other activity for which an individual might be eligible.

"(2) Business Income.—Funds made available under subsection (a)(4), a State may provide business income compensation to an independently owned business or proprietorship if—

"(A) the business or proprietorship is unable to direct Federal Government intervention, as a result of a direct response to the terrorist attacks which occurred on September 11, 2001, leading to—

"(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

"(ii) a restriction on how customers may access the facility; and

"(B) the facility is located within an area in a State in which a major disaster or emergency was certified by the Governor.

"(C) Authorization of appropriations.—

"Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2914) is amended by striking "(2)'' and inserting "(2)'' after "(1)'' and adding at the end the following new subsection:

"(2) National Emergency Grants Relating to September 11 Attacks.—There are authorized to be appropriated to carry out this subsection (a)(4) of section 173 $3,000,000,000 for fiscal year 2002. Funds appropriated under this subsection shall be available for obligation for a period beginning with the date of enactment of such appropriations and ending 18 months thereafter.

"(d) Effective date.—The amendments made by this section shall take effect on the date of enactment of this section.

TITLE V—Temporary Business Relief Provisions


(a) In General.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified leasehold improvements placed in service after the date of enactment of this section, the deduction provided by section 168(a) for such taxable year shall be increased by the amount of the additional allowance.

"(B) The adjusted basis of the qualified property, and

"(C) The amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) the term 'qualified property' includes property—

"(i) which is water utility property,

"(ii) which is qualified leasehold improvement property, or

"(iii) which is eligible for depreciation under section 167(g),

"(B) the term 'qualified leasehold improvements' includes property—

"(i) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),
purposes of section 280F—

(i) the enlargement of the building,
(ii) any elevator or escalator,
(iii) any structural component benefitting a common area, and
(iv) the internal structural framework of the building.

(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

(i) BINDING TO LEASE TREATED AS LEASE.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term ‘related persons’ means—

(i) members of an affiliated group (as defined in section 554), and
(ii) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase ‘80 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.

(D) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the lessor who is not an owner or another owner of such improvement, when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

(B) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) of the Internal Revenue Code of 1986 relating to depreciation adjustment for alternative minimum tax purposes (as increased by adding at the end the following new clause:

‘(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—For purposes of this paragraph:

(A) the term ‘alternative depreciation property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

(ii) after application of section 280F(b) (relating to listed property with limited business use).

(B) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

(C) SPECIAL RULES.—

(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer’s own use, the requirements of clause (ii) of subparagraph (A) shall be treated as satisfied if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2001, and before January 1, 2004.

(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

(I) is originally placed in service after December 31, 2001, by a person, and

(II) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback agreement (II).

(E) COORDINATION WITH SECTION 263B.—For purposes of section 263B—

(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(4)(B)) which is qualified property, the Secretary shall increase the limitation under section 263B(a)(1)(A)(i) by $4,600.

(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

(iii) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

(A) IN GENERAL.—The term ‘qualified leasehold improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

(I) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

(a) by the lessee (or any sublessee) of such portion, or

(b) by the lessor of such portion,

(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

(i) the enlargement of the building,

(ii) any elevator or escalator,

(iii) any structural component benefitting a common area, and

(iv) the internal structural framework of the building.

(c) TABLE OF CONTENTS.

TITLE I—ELIMINATION OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001


TITLE II—BUSINESS PROVISIONS


TITLE III—UNEMPLOYMENT ASSISTANCE

Sec. 301. Short title.

Sec. 302. Federal-State agreements.

Sec. 303. Temporary unemployment compensation account.

Sec. 304. Payments to States in case of emergency for the payment of temporary extended unemployment compensation.

Sec. 305. Financing provisions.

Sec. 306. Fraud and overpayments.

Sec. 307. Definitions.

Sec. 308. Application.

Sec. 309. Special Reed Act transfer in fiscal year 2002.

TITLE IV—TEMPORARY STATE HEALTH CARE ASSISTANCE

Sec. 401. Temporary State health care assistance.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Emergency designation.

TITLE I—ELIMINATION OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001


TITLE IX—ELIMINATION OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001


TITLE II—BUSINESS PROVISIONS

"(2) Qualified property.—For purposes of this subsection—

(A) in general.—The term ‘qualified property’ means—

(1) intangible personal property placed in service after September 10, 2001, and
(2) property in such class placed in service during any taxable year, meeting the requirements of section 168(k) as applied to such class of property.

(B) special rule.—For purposes of section 168(k) as applied to any class of property for any taxable year, the term ‘qualified property’ means property—

(i) acquired by the taxpayer pursuant to a written agreement entered into after September 10, 2001, and before September 11, 2004,
(ii) acquired by the taxpayer pursuant to a written agreement entered into after September 10, 2001, and before September 11, 2004, for which the acquisition was in effect before September 11, 2001, or
(iii) acquired by the taxpayer pursuant to a written agreement entered into after September 10, 2001, and before September 11, 2004, for which the acquisition was in effect before September 11, 2001, or
(iv) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in subparagraph (B), before January 1, 2006.

(C) Certain property having longer production periods treated as qualified property.—

(i) in general.—The term ‘qualified property’ includes property—

(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),
(II) which has a recovery period of at least 10 years or is transportation property, and
(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

(ii) only for—

(1) properties described in subparagraph (B) which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before September 11, 2004.

(iii) Transportation property.—For purposes of this subparagraph, the term ‘transportation property’ means tangible personal property used in the trade or business of transporting persons or property.

(C) Expiration of alternative depreciation or expensing deduction for the alternative minimum tax.—

(1) in general.—The term ‘qualified property’ shall not include any property to which the alternative minimum tax provisions (as defined in section 168(e)(6)) applies, determined—

(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and
(II) after application of section 260F(b) (relating to listed property with limited depreciation).

(2) election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property placed in service during such taxable year.

(iii) Qualified leasehold improvement property.—The term ‘qualified property’ shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

(4) special rule.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer’s own use, the requirements of clause (ii) of paragraph (1) shall not apply to the extent of the adjusted basis thereof attributable to the manufacture, construction, or production of the property after September 10, 2001, and before September 11, 2004.

(5) Salk-leasebacks.—For purposes of subparagraph (A)(ii), if property—

(i) is originally placed in service after September 10, 2001, by a person, and
(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (i), the term ‘qualified property’ shall be treated as originally placed in service for purposes of this title. (B) ELECTRICITY.—For purposes of section 280F—

(1) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(b)(1)(A)(i) by $4,600.

(D) ELECTRICITY.—For purposes of subsection 280F(b)(1)(A)(ii), each such purchase allowance shall be treated as originally placed in service for purposes of this title. (E) EXPENSES.—For purposes of section 280C—

(1) in general.—The term ‘qualified property’ shall apply only to the extent of the adjusted basis of the property, except that—

(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280C(b)(5)) which is qualified property, the Secretary shall decrease the limitation under section 280C(b)(2)(B)(iv) by $4,600.

(2) ELECTRICITY.—For purposes of subsection 280C(b)(2)(B)(ii), each such purchase allowance shall be treated as originally placed in service for purposes of this title. (F) ELECTRICITY.—For purposes of section 280C—

(1) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280C(d)(5)) which is qualified property, the Secretary shall decrease the limitation under section 280C(b)(2)(B)(iv) by $4,600.

(2) ELECTRICITY.—For purposes of subsection 280C(b)(2)(B)(ii), each such purchase allowance shall be treated as originally placed in service for purposes of this title.
SEC. 304. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) General Rule.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) Remuneration for Compensation.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to reimbursement under this section in respect of such compensation unless the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made by such statistical sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 305. FINANCING PROVISIONS.

(a) In General.—Funds in the extended employment compensation account (as established by section 904(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1105(a))) shall be used for the making of payments to States having agreements entered into under this title.

(b) Certification.—The Secretary shall from time to time certify to the Secretary to the Secretary of the Treasury for payment to each State the amounts payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended employment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) Assistance to States.—There are appropriated out of the employment security administration account (as established by section 904(a) of the Social Security Act (42 U.S.C. 501 et seq.), minus amounts transferred to a State account pursuant to this section to such account at the beginning of fiscal year 2002 if—

(1) the amount which would have been required to have been transferred under this title to such account at the beginning of fiscal year 2002 had not been enacted, minus

(2) the amount to be transferred under this section to such account.

(d) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 306. FRAUD AND OVERPAYMENTS.

(a) In General.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement, representation, or nondisclosure, such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, then—

(1) such individual shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) such individual shall be subject to prosecution under section 1001, United States Code.

(b) Repayment.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) Recovery by State Agency.—

(1) In General.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to which any week of unemployment during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that the single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) Opportunity for Hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a hearing has been given to the individual, and the determination has become final.

(d) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 307. DEFINITIONS.

In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms in section 903(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).
amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B) which could have been paid with respect to that amount.

“(iii) The categories of individuals described in this clause include the following:

(I) Individuals who are seeking, or are unemployed or who are eligible for compensation under the unemployment compensation law of such State under an alternative base period.

(II) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

(IV) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to ‘subsections (a) and (b)’ in subparagraph (A) thereof to include this subsection).

(V) Transfers under this subsection shall be made by December 31, 2001, unless this paragraph is not enacted until after that date, in which case such transfers shall be made within 10 days after the date of enactment of this paragraph.”

(c) LIMITATIONS ON TRANSFERS.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed amended as follows:

(1) By substituting “the transfer date described in subsection (d)(5)” for “October 1 of any fiscal year”.

(2) By substituting “remain in the Federal unemployment account for” for “be transferred to the Federal unemployment account as of” in subsection (a). (after any other adjustment under this section).

(d) TECHNICAL AMENDMENTS.—(1) Sections 3306(f)(2) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by adding at the end the following new paragraph:

“(iii) The categories of individuals described in paragraph (3) and any recipients thereof, subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to ‘subsections (a) and (b)’ in subparagraph (A) thereof to include this subsection).

(2) Transfers under this subsection shall be made by December 31, 2001, unless this paragraph is not enacted until after that date, in which case such transfers shall be made within 10 days after the date of enactment of this paragraph.”

(8) LIMITATION.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Allotment (in dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>50,746,779</td>
</tr>
<tr>
<td>Alaska</td>
<td>31,012,379</td>
</tr>
<tr>
<td>Arizona</td>
<td>55,594,677</td>
</tr>
<tr>
<td>Arkansas</td>
<td>38,230,601</td>
</tr>
<tr>
<td>California</td>
<td>802,698,746</td>
</tr>
<tr>
<td>Colorado</td>
<td>37,469,775</td>
</tr>
<tr>
<td>Connecticut</td>
<td>60,039,005</td>
</tr>
<tr>
<td>Delaware</td>
<td>10,055,972</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>18,382,834</td>
</tr>
<tr>
<td>Florida</td>
<td>164,619,369</td>
</tr>
<tr>
<td>Georgia</td>
<td>118,754,564</td>
</tr>
<tr>
<td>Hawaii</td>
<td>12,827,163</td>
</tr>
<tr>
<td>Idaho</td>
<td>13,031,700</td>
</tr>
<tr>
<td>Illinois</td>
<td>175,505,905</td>
</tr>
<tr>
<td>Indiana</td>
<td>66,586,368</td>
</tr>
<tr>
<td>Iowa</td>
<td>31,521,201</td>
</tr>
<tr>
<td>Kansas</td>
<td>27,286,967</td>
</tr>
<tr>
<td>Kentucky</td>
<td>62,130,313</td>
</tr>
<tr>
<td>Louisiana</td>
<td>83,907,301</td>
</tr>
<tr>
<td>Maine</td>
<td>22,630,638</td>
</tr>
<tr>
<td>Maryland</td>
<td>46,968,186</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>121,971,140</td>
</tr>
<tr>
<td>Michigan</td>
<td>56,479,213</td>
</tr>
<tr>
<td>Minnesota</td>
<td>133,966,453</td>
</tr>
<tr>
<td>Mississippi</td>
<td>55,335,225</td>
</tr>
<tr>
<td>Missouri</td>
<td>74,419,436</td>
</tr>
<tr>
<td>Montana</td>
<td>10,242,625</td>
</tr>
<tr>
<td>Nebraska</td>
<td>31,982,789</td>
</tr>
<tr>
<td>Nevada</td>
<td>14,973,977</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>15,482,962</td>
</tr>
<tr>
<td>New Jersey</td>
<td>15,080,033</td>
</tr>
<tr>
<td>New Mexico</td>
<td>4,714,714</td>
</tr>
<tr>
<td>New York</td>
<td>573,999,663</td>
</tr>
<tr>
<td>North Carolina</td>
<td>185,712,723</td>
</tr>
<tr>
<td>North Dakota</td>
<td>8,915,675</td>
</tr>
<tr>
<td>Ohio</td>
<td>166,006,836</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>48,941,620</td>
</tr>
<tr>
<td>Oregon</td>
<td>71,160,353</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>227,183,255</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>45,001,690</td>
</tr>
<tr>
<td>South Carolina</td>
<td>94,789,740</td>
</tr>
<tr>
<td>South Dakota</td>
<td>16,371,788</td>
</tr>
<tr>
<td>Tennessee</td>
<td>17,128,128</td>
</tr>
<tr>
<td>Texas</td>
<td>289,526,332</td>
</tr>
<tr>
<td>Utah</td>
<td>39,064,259</td>
</tr>
<tr>
<td>Vermont</td>
<td>10,291,090</td>
</tr>
<tr>
<td>Virginia</td>
<td>67,232,217</td>
</tr>
<tr>
<td>Washington</td>
<td>88,281,264</td>
</tr>
<tr>
<td>West Virginia</td>
<td>31,120,804</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>93,089,086</td>
</tr>
<tr>
<td>Wyoming</td>
<td>12,030,455</td>
</tr>
</tbody>
</table>

(9) USE OF FUNDS.—(1) IN GENERAL.—Funds appropriated under this section may be used by a State only to provide health care items and services (other than items and services for which Federal financial participation is prohibited under this title or title XXIX). (c) TECHNICAL AMENDMENTS.—(1) Sections 3306(f)(2) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting “or 903(d)(4)” after “903(c)(2)”.

(2) By substituting “903(c)(2)” after “903(c)(2)”.

(b) REPEAL.—Effective as of January 1, 2003, section 2111 of the Social Security Act, as inserted by subsection (a), is repealed.

TITLe V—Additional Provisions

SEC. 501. Emergency Designation.

(a) The Secretary designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(b) Amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2003, the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(c) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 3302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

SA 2738. Mrs. Hutchison (for herself and Mr. Gramm) submitted an amendment intended to be ordered to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

Title 6—Elimination of Marriage Penalty in 15-Percent Bracket.

SEC. 601. ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET

(a) IN GENERAL.—Section 1(f) of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new subsection:

“(A) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

“(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

“(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the maximum taxable income in the next highest taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

“(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).”

(b) Rounding.—If any amount determined under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.”.

(c) TECHNICAL AMENDMENTS.—(1) Subparagraph (A) of section 1(f) of the Internal Revenue Code of 1986 is amended by inserting “except as provided in paragraph (b)” before “by reason of”.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting “ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;” before “ADJUSTMENTS”.

(3) DEFINITION.—For purposes of this section, the term “State” means the 50 States and the District of Columbia.”.

SEC. 502. ELIMINATION OF MARRIAGE PEnALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking “$5,000” in subparagraph (A) and inserting “$200” percent of the dollar
amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case";

and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of the Internal Revenue Code of 1986 is amended by striking "other than with" and all that follows in subsection (A) and inserting "other than with respect to sections 63(c)(4) and 151(d)(4)(A) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 93. CONFORMING AMENDMENTS.

Sections 301 and 302 of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

**SA 2739. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:**

At the end, add the following:

**SEC. 1. SENSE OF THE SENATE.**

It is the sense of the Senate that the legislative framework of a Federal tax increase while the economy of the United States is in a recessionary environment would be harmful to the economy and may prolong such environment.

**SA 2740. Mr. GRAMM (for himself, Mr. MILLER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place insert the following:

**SEC. 2. REPEAL OF SUNSET.**

(a) In General.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

**SEC. 3. REDUCTION OF MAXIMUM CAPITAL GAINS RATES FOR INDIVIDUALS.**

(a) In General.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MARGINAL RATES.

(1) In General.—If the taxpayer's net capital gain (or, if less, taxable income) in excess of the amount of capital gain on which tax is determined under subparagraph (B)

(A) 0 percent; or

(B) 7.5 percent of so much of the tax-

on income (other than with respect to sections

63(c)(4) and 151(d)(4)(A) shall be applied).

"(2) in the case of Title V, to estates of decedents dying, gifts made, or generation

skipping transfers, after December 31, 2010.

"(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

**SA 2741. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place insert the following:

**SEC. 4. REPEAL OF SUNSET ON REDUCTION IN INCOME TAX RATES FOR INDIVIDUALS.**

(a) In General.—Section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and inserting "this Act (other than section 101)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on and after the date of the enactment of this Act.

**SA 2743. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place insert the following:

**SEC. 5. PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) is repealed in full and replaced by the following:

"SEC. 901. SUNSET OF PROVISIONS OF ACT.

(a) the provisions of the table in Section 1(h)(6)(A) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% tax rate shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

"(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

"(2) in the case of Title V, to estates of decedents dying, gifts made, or generation

skipping transfers, after December 31, 2010.

"(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

**SA 2744. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:**

At the end, add the following:

**SEC. 6. PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) is repealed in full and replaced by the following:

"SEC. 901. SUNSET OF PROVISIONS OF ACT.

(a) the provisions of the table in Section 1(h)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% and 36% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

"(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

"(2) in the case of Title V, to estates of de-
SA 2745. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

"SEC. 901. SUNSET OF PROVISIONS OF ACT."

(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes in the 39.6%, 36%, and 31% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply:

(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

"(c) APPLICATION OF CERTAIN LAWS.—The provisions of, and amendments made by, this Act (other than the provisions described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

SA 2746. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PRESERVATION OF THE 10% BRACKET.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ""(1) by inserting ""a tax computed on taxable income which would (without regard to this paragraph) be taxed at a rate of 15 percent or less, over"") and inserting ""(ii) the amount on which tax is determined under subparagraph (A), plus"") and inserting ""(C) 15 percent of the taxpayer's net capital gain (or, if less, taxable income) in excess of the amount of capital gain on which tax is determined under subparagraph (B)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SA 2748. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking the items relating to 2002, 2003, 2004, and 2005; and

(2) by striking "and thereafter" in the last item and inserting "2002 and thereafter".

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ""$49,000 in the case of any taxable years beginning in 2001, 2002, 2003, and 2004"" and inserting ""($49,000 in the case of any taxable years beginning in 2001, $56,000 in the case of any taxable years beginning in 2002 or 2003, $51,800 in the case of any taxable years beginning in 2004, and $50,100 in the case of any taxable years beginning in 2005)"


(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on and after the date of the enactment of this Act.

SA 2749. Mr. GRAMM (for himself, Mr. MILLER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . REPEALS OF UNNEEDED PROVISIONS.

(a) IN GENERAL.—Section IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

SEC. . REDUCTION OF MAXIMUM CAPITAL GAINS RATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(b) MINIMUM CAPITAL GAINS RATE.—

(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—

"(i) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate of 15 percent or less, over"

(ii) the amount on which tax is determined under subparagraph (A), plus

(iii) 15 percent of the taxpayer's net capital gain (or, if less, taxable income) in excess of the amount of capital gain on which tax is determined under subparagraph (B).

(2) NET CAPITAL GAIN TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(h)(4)(B)(iii).

(3) MINIMUM TAX.—

(c) IN GENERAL.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to amount of tentative tax) is amended by redesignating clauses (ii) and (iii) as clauses (ii) and (iii) as clauses (ii) and (iii), respectively, and by inserting after clause (i) the following new clause:

(3) MAXIMUM RATE OF TAX ON NET CAPITAL GAIN.—The amount determined under the first sentence of clause (i) shall not exceed the sum of—

(iii) the amount determined under such first sentence computed at the rates and in the same manner as if this clause had not been enacted on the premise that reduced by the net capital gain, plus

(ii) a tax of 15 percent of the lesser of the net capital gain or the taxable excess.

(3) CONFORMING AMENDMENTS.—Section 55(b) of such Code is amended by striking paragraph (3).

(c) CONFORMING AMENDMENTS.—

(1) Section 57(a)(7) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) Paragraph (1) of section 1445(e) of such Code is amended by striking "‘20 percent"" and inserting "‘15 percent"".

(3) (A) The second sentence of section 7522(a) of such Code is amended by striking "‘20 percent” and inserting "‘15 percent"".
SA 2750. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . REPEAL OF SUNSET.

(A) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

SA 2751. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . REPEAL OF SUNSET IN REDUCTION IN COME TAX RATES FOR INDIVIDUALS.

(A) IN GENERAL.—Section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001, as amended by striking “this Act” and inserting “this Act (other than section 101)”, shall not apply—

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on and after the date of the enactment of this Act.

SA 2752. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

SEC. 901. SUNSET OF PROVISIONS OF ACT.

(a) the provisions of the table in Section 1(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% and 36% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1976 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

SA 2753. Mr. GRAMM (for himself, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

SEC. 901. SUNSET OF PROVISIONS OF ACT.

(a) the provisions of the table in Section 1(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% and 36% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

SA 2755. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, appropriate place insert the following:

SEC. . PRESERVATION OF THE 10% BRACKET.

Section 901 of the Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “this Act shall not apply” in subsection (a) and inserting “this Act (other than the provisions enacting Title IV of this Act) shall not apply”.

SA 2756. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . ACCELERATED REDUCTION OF ALL MARGINAL TAX RATES.

(a) IN GENERAL.—The table contained in paragraph (2) of subsection (a) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking the items relating to 2002, 2003, 2004, and 2005; and

(2) by striking “2006 and thereafter” in the last item and inserting “2002 and thereafter”.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.

(1) Subparagraph (A) of section 55(d)(1) is amended by striking “$49,000 in the case of taxable years beginning in 2003, 2004, and 2001” and inserting “$49,000 in the case of taxable years beginning in 2001, $56,000 in the case of taxable years beginning in 2002 and 2003, $61,400 in the case of taxable years beginning in 2004, and $60,600 in the case of taxable years beginning in 2005”.


SEC. . EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.
SA 2757. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2639 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place insert the following:

SEC. 2. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) In General.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking "25.0%", and inserting "25.0%"; and

(2) by inserting "26.0% and inserting "25.0%";

(b) REDUCTION NOT TO INCREASE MINIMUM TAX—.


(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) Section 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SA 2758. Mr. KYL (for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCHISON) proposed an amendment to amendment SA 2639 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the end, add the following:

SEC. 3. PERMANENT REPEAL OF ESTATE TAXES.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking "this Act" and all that follows through the end of subsection (a) and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

(2) by striking "estates, gifts, and transfers" in subsection (b).

SA 2759. Mrs. HUTCHISON (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place insert the following:

SEC. 4. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

"(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—(1) This subsection shall apply to taxable years beginning after December 31, 2001.

(2) ELIGIBLE EDUCATOR.—Section 62 is amended by adding at the end the following:

"(d) DEFINITION; SPECIAL RULES.—

"(1) ELIGIBLE EDUCATOR.—

"(a) In General.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

"(B) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 14, 2002, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 202 and H.R. 2440, to rename Wolf Trap Farm Park as Wolf Trap National Park for the Performing Arts; and

S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes;

S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the
of Representatives to hear the address by the President of the United States, George W. Bush. (The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today’s RECORD.)

ADJOURNMENT UNTIL MONDAY, FEBRUARY 4, 2002, AT 1 P.M.

At the conclusion of the joint session of the two Houses, and in accordance with the provisions of H. Con. Res. 95, at 10:07 p.m., the Senate adjourned until Monday, February 4, 2002, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 2002:

DEPARTMENT OF JUSTICE

JOHN SCHICKEL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS. VICE JOR RUSSELL, TERM EXPIRED.

WILLIAM R. WHITTINGTON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS. VICE JAMES ROBERT OAKES, TERM EXPIRED.

STEVEN GILBERT FITZGERALD, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR A TERM OF FOUR YEARS. VICE DEL LASH, TERM EXPIRED.

J.C. RAPPETY, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS. VICE LEONARD TRUPO, TERM EXPIRED.

JAMES ANTHONY ROE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS. VICE JUAN ABRAN DEHERREIRA, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1231:

To be rear admiral

RRR ADS. (LH) DUET S. SMITH, 0000
RRR ADS. (LH) JERRY D. WIRST, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1231:

To be rear admiral

RRR ADS. (LH) ROBERT R. PIERCE III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1231:

To be colonel

SANDRA G. MATTHEWS, 0000
MARGARET M. NONNEMACHER, 0000
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1231:

To be colonel

REBECCA A. DOBBS, 0000
MAX S. KUSH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1231:

To be colonel

KRIS K. HANNETT, 0000
RICHARD C. BUI, 0000
GLEN H. BROWN, 0000
MICHAEL J. CIANCIO, 0000
TIMOTHY F. FINAN, 0000
MARCIA E. DOMBLER, 0000
DIXIE E. LEE, 0000
SANDRA K. MEADOWS, 0000
MARK L. POPE, 0000
MARIE P. REDDICK, 0000
RONALD W. SCHMIDT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1231:

To be colonel

J.C. RAFFETI, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS. VICE RICHARD R. KRESEN, TERM EXPIRED.

UNITED STATES MARSHAL FOR THE DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS, VICE JAMES R. BRYCE, TERM EXPIRED.

STEPHEN GILBERT FITZGERALD, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WISCONSIN FOR A TERM OF FOUR YEARS. VICE M. TORRES, TERM EXPIRED.

WILLIAM R. WHITTINGTON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR A TERM OF FOUR YEARS. VICE JAMES ROBERT OAKES, TERM EXPIRED.

To be colonel

STEVEN A. WILLIAMS, OF KANSAS, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO 107–157)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, on behalf of Senator McCain, I ask unanimous consent that his legislative fellow, Navy Lieutenant Commander Paul Gronemeier, be granted the privilege of the floor during consideration of the Adoption Tax Credit Act.
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORC

To be colonel

CONGRESSIONAL RECORD — SENATE
January 29, 2002

CONFIRMATION

Executive nomination confirmed by the Senate January 29, 2002:

DEPARTMENT OF THE INTERIOR

STEVEN A. WILLIAMS, OF KANSAS, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.
EXTENSIONS OF REMARKS

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. SHIMKUS. Mr. Speaker, I rise to pay tribute to Tom Ryder, and all the great work he did as a member of the Illinois House of Representatives over the last 18 years.

Mr. Ryder was born in 1949, graduated Magna Cum Laude from Northern Illinois University, and received a Juris Doctor degree from Washington and Lee University. Then, in 1983, he was elected to the Illinois General Assembly as the Representative for the 97th District.

There he served with honor and distinction until his recent retirement on November 13, 2001. He was the Deputy Republican Leader of the House and Co-Chairman of the Joint Committee on Administrative Rules. In addition to his leadership responsibilities, he sponsored and cosponsored many important pieces of legislation, such as medical malpractice reform and the deterrence of welfare fraud and abuse.

But his good works were not limited to the House floor—he was also a civic and community leader. Mr. Ryder was an active member of the Peace United Church of Christ, Chairman of the Jerseyville All-Weather Track Committee, founder of the Jersey Community High School Theatre Friends, former chairman of the United Way, and former co-chairman of the Jersey County Cancer Crusade Bike-A-Thon. He is truly a kind and industrious person.

Mr. Speaker, we need more men like Tom Ryder. Not only has he admirably served both his country and his community for almost two decades in the Illinois General Assembly, but he also plans to continue his service after he retires, as Vice President of External Affairs with the Illinois Community College Board. For all of these things, he deserves the gratitude and well wishes of these chambers. May God bless him and grant him fortune in all his future endeavors.

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young students: Laura Manzi. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided thousands of youngsters each year the opportunity to make new friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great—commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Laura, and bring the attention of Congress to this successful young woman on her day of recognition.

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, Robert C. Shinn, Jr., who served as the 11th Commissioner of the New Jersey Department of Environmental Protection (DEP) longer than any other commissioner in the DEP’s 31-year history.

Bob Shinn also served as an elected official at the local, county and state levels for 26 years, where much of his effort was devoted to open space, Pinelands and farmland preservation, water supply and solid waste management issues.

Among his legislative accomplishments was authorship of New Jersey’s Water Supply Critical Area Law, which gives the state the necessary authority to effectively manage threatened surface and ground water resources. He guided the passage of several key laws, including our state’s Mandatory Recycling Act and the revision of the A–901 solid waste hauler screening program, and also authored the law regulating the handling and disposal of medical waste in New Jersey.

On the local level, Bob served as Township Committee and Mayor of Hainesport from 1968 to 1977. He served as Burlington County Freeholder from 1977 to 1985, and as Freeholder Director for two years. He was responsible for the formation of the Burlington County Pinelands Conservation Easement Advisory committee, and was instrumental in securing the first conservation easement in the Pinelands. To that end, he was elected vice-chairman of the New Jersey Pinelands Commission from 1979 to 1985.

Mr. Shinn was instrumental in developing Burlington County’s Solid Waste Management Plan and its Environmental Complex, which serves as the county’s multi-functional resource recovery facility as well as an environmental research and demonstration facility.

Bob Shinn has been a shining star in the annals of New Jersey’s history, locally, on the
Mr. Speaker, I was absent from the House floor during Thursday’s rollcall vote on S. 1762, amending the Higher Education Act with respect to student loan interest rates. Had I been present, I would have voted in favor of this measure.

HONORING DR. DOUG LIGON, FINALIST FOR “COUNTRY DOCTOR OF THE YEAR”

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. TANNER. Mr. Speaker, I rise today in recognition of Dr. Doug Ligon, one of only four national finalists for “Country Doctor of the Year 2001.” Dr. Ligon is a family doctor at Trinity Hospital in Erin, Tennessee, where his coworkers describe him as a big-city boy with a country heart.

Born and schooled in Nashville, Ligon attended Vanderbilt University and the University of Tennessee Medical School, then planned to stay in an urban area to work as a dermatologist. His plans would change, however, after he accepted what was originally to be a temporary job in the small town of Erin in Houston County.

Almost thirty years later, Dr. Ligon is still working in Erin. He says he could not leave, a dermatologist. His plans would change, how-}

HONORING DR. DOUG LIGON, FINALIST FOR “COUNTRY DOCTOR OF THE YEAR”

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during Thursday’s rollcall vote on S. 1762, amending the Higher Education Act with respect to student loan interest rates. Had I been present, I would have voted in favor of this measure.

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young students: Stephanie Robedee. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love for service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and society as a whole.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Stephanie, and bring the attention of Congress to this successful young woman on her day of recognition.

TRIBUTE TO THE DISASTER MORTUARY OPERATIONAL RESPONSE TEAM, REGION VI, OF LOUISIANA

HON. RICHARD H. BAKER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BAKER. Mr. Speaker, I rise today to pay tribute to the nine Louisiana residents who put fear aside and risked their lives to recover those lost on September 11, 2001, during the tragic attack on the World Trade Center.

The Disaster Mortuary Operational Response Team (DMORT), administered through USPS and funded through FEMA, provides assistance upon request of local authorities in the event of a mass fatality incident. Regional VI consists of participants hailing from Louisiana, Texas, Arkansas, Oklahoma, and New Mexico. This team was deployed to New York City several days after the terrorist attacks to assist the New York Medical Examiner. Subsequent to this assignment, Region VI was then transferred to the American aircraft crash in Queens, New York.

Mr. Speaker, Deputy Commander Charles D. Smith, Jr., led Louisiana residents Anthony Buras, Jordan Charlet, Arbie Goings, Shelly
Roy, James Brett Smith, Mark Stewart, Dee Wilde and Mike Armanini, of the Disaster Medical Assistance Team, in their mission to recover those lost in the World Trade Center. Smith, who has been in New York for a total of two months, noted that “every member distinguished themselves on this difficult deployment and served the country and the National Disaster Medical System with honor...I am proud to report that the state was represented in a splendid manner.”

At a time when tragedy was at its greatest, Region VI responded swiftly with deep compassion for those they had never met. Their effort represents not only the spirit of Louisiana, but the spirit of our nation as well.

TRIBUTE TO LARRY W. WHITE

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BERRY. Mr. Speaker, I rise to pay tribute to a great American citizen, and I am proud to recognize Larry W. White in the Congress for his invaluable contributions and service to Arkansas and our nation.

Larry has spent over 30 years with the Arkansas Soil and Water Conservation Commission (ASWCC), and currently serves as assistant to the Director for Conservation. His career began in 1963 with the Arkansas Geology Department, and he moved over the ASWCC in 1970 as a Land Resource Specialist.

I served on the Arkansas Soil and Water Conservation Commission from 1988 until 1993, including a term as chairman, so I can personally testify to Larry’s professionalism, integrity, and outstanding skills and talents. But you don’t have to take my word for it, because last year he was named Outstanding Conservationist by the Arkansas Association of Conservation Districts for “his lifelong contributions and accomplishments to state and national soil and water conservation.”

Part of Larry’s distinguished record includes participating in the development and biennial update of the Arkansas Conservation Strategic Plan, which led to a 300% increase in funding for conservation districts in 1997; providing leadership in instituting a plan for annual district program evaluations and competitive allocation of funds to districts; providing leadership in the successful implementation of an Emergency Watershed Protection Project that aided poultry farmers after catastrophic losses in 2000; serving as State Floodplain Management Coordinator for 16 years; serving on the Board of Directors of the Association of State Floodplain Managers for two years; and helping to create the Eastern Arkansas Watershed Project. He also represents ASWCC on the Arkansas Conservation Partnership and the National Watershed Coalition.

In addition to these conservation responsibilities, Larry also found time to serve on the Arkansas Mental Health Board, as well as the Professional Counseling Associates Board of Directors, including two years as its president. He lives in Lonoke with his lovely wife Annette, and with her he has three daughters, one step-daughter, two step-sons, three grandchildren, two great-grandsons, three step-grandsons, and one step-granddaughter.

Arkansas is a better place because of Larry White and I am proud to call my friend.

On behalf of the Congress, I extend congratulations and best wishes to this faithful public servant, Larry White, on his successes and achievements.

A TRIBUTE TO THE LATE DR. WILLIAM R. FAIR

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BURTON of Indiana. Mr. Speaker, I rise today to pay tribute to a great pioneer of medicine, the late Dr. William R. Fair, an accomplished cancer surgeon, who lost his brave battle with colon cancer on January 3, 2002. Dr. Fair was a tireless advocate for the scientific study of complementary medicine.

From 1984 until 1997, Dr. Fair held the position of chairman of urology at Memorial Sloan-Kettering Cancer Center. Dr. Fair was a fruitful researcher who developed surgical techniques and treatments for prostate cancer. In collaboration with his colleagues, specimens of his tumor were used to develop an experimental vaccine for his cancer. Unfortunately, Dr. Fair never had the opportunity to use it.

In 1995, Dr. Fair was diagnosed with colon cancer. In 1997, the cancer returned and according to his own words, “there was little chance of a cure.” That’s when he embarked on medical approaches outside the confines of conventional cancer treatments. He began a regime of exercise, meditation, herbal treatments and a change in diet. He noted that he felt better and the tumors did shrink, if only for a while. Dr. Fair embraced complementary medicine, which is standard therapy matched with unconventional treatment. This practice, as Dr. Fair used to point out, is different than alternative medicine. As a medical scientist, he tested his approaches and was adamant about holding unconventional therapies to the same high standard as conventional therapies.

In 2001, Dr. Fair and his son helped found the complimentary medicine center called Health, which is located in New York City. Dr. Fair firmly believed that unconventional therapies extended his life and to quote him “even if they can’t cure, they can certainly help heal.” In fact, it was a constant astonishment as to how long Dr. Fair survived after his 1997 recurrence of cancer.

Dr. Fair was a Member of the White House Commission on Complementary and Alternative Medicine Policy. He received his doctor of medicine degree from Jefferson Medical College in Philadelphia and did his residency in urology at Stanford University. He is survived by his wife, Mary Ann, his son, his brother, Charles, of Norristown, PA, and his sister, Margaret Murtha, of Turnersville, NJ.

I strongly urge my colleagues to take a closer look at the promise of Complementary Medicine in the treatment of disease, and the work that Dr. Fair brought to this area of discovery. Dr. Fair will be sorely missed.

HONORING THE ACHIEVEMENTS OF MYERS PARSONS

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding contributions that my cousin, Myers Browning Parsons Sr., has made to the Rutherford County community.

Mr. Parsons grew up in Rutherford County, as did I, and has spent most of his life giving back to the community that has given so much to him and his family. Fortunately, I lived near Mr. Parsons, grew up with his children and considered him a second father. A graduate of Christiana High School, Mr. Parsons excelled in basketball and football while attending the University of Tennessee at Martin, where he received the university’s Athletic Award.

The World War II veteran has been a teacher, farmer and business owner, prospering in all three vocations. He also has been actively involved in many of the community’s civic boards and organizations. Mr. Parsons has served on the Rutherford County Board of Education, the Rutherford County Chamber of Commerce, Rutherford County Board of Directors, the Christy-Houston Foundation Board of Directors. He has coached Little League baseball, as well, and is a member of the Kiwanis Club.

For the past 26 years, Mr. Parsons has served as a Rutherford County road commissioner. And he is the chairman of the Rutherford County Equalization Tax Board, representing my hometown of Murfreesboro. This past year he served as the chairman of the Building Committee of the Oaklands Historic House Museum. He is also a member of the University of Tennessee’s Institute of Agriculture Development Board.

Constantly striving to help his fellow man, Mr. Parsons has never shirked civic responsibility, even while recovering from lung cancer and a serious heart attack. He now pays close attention to his health and emphasizes the importance of receiving good health care and participating in a quality physical fitness program. As a tribute to his amazing fortitude, the Rutherford County Chapter of the American Heart Association will honor Mr. Parsons on Saturday, February 9, during this year’s Heart Ball. I congratulate Mr. Parsons for his unselfish and uniring service to his community and the motivation he has stirred in others.

HONORING THE ACHIEVEMENTS OF MYERS PARSONS

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young leaders, Danielle Russo. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided their millions of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.
These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. I am pleased to congratulate this year’s recipients for their outstanding contributions to their communities.

Lynde Cheney Speaks at Princeton University on “Teaching for Freedom”

Hon. Frank R. Wolf
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. WOLF. Mr. Speaker, I want to share with our colleagues a speech delivered late last year at Princeton University by Lynne V. Cheney, the wife of the Vice President of the United States, about the importance of knowing history and teaching it well. An expert on education, Mrs. Cheney is a senior fellow at the American Enterprise Institute and holds a doctorate degree from the University of Wisconsin.

“Teaching for Freedom”, Address by Lynne V. Cheney, James Madison Program, Princeton University, November 29, 2001

It’s a great pleasure to be here this afternoon as part of the James Madison Program in American Ideals and Institutions. Professor George, you deserve congratulations for the excellence of this program’s efforts, and I am honored to be here and join them at Princeton University as well. By giving this program a home, Princeton is setting an example of how people of differing viewpoints can, in a university setting, debate important issues with seriousness and civility.

For someone who loves American history, this part of New Jersey is a remarkable place to be. It’s a wonderful sight. The country’s past. Next month, on Christmas night, it will be two hundred twenty-five years since George Washington crossed the Delaware, and in a surprise attack on the Hessian mercenaries, managed to capture the British at Trenton.

The wonder of the story is that in the depths of the icy winter, there was a victory, and Washington, on horseback, had taken up a position where his men could see him, firm, composed, resolute. One of his men forever remembered pressing “against the shoulder of the General’s horse” and touching Washington’s boot.

Cornwallis was convinced that he had Washington, whom he called “the old fox,” trapped, but Washington, leaving his campfires burning as a diversion, moved most of his men around the British left flank and headed for Princeton. The first encounter between American and British troops was at Trenton, where Washington, on horseback, had taken up a position where his men could see him, firm, composed, resolute. One of his men forever remembered pressing “against the shoulder of the General’s horse” and touching Washington’s boot.

As I’m sure everyone living near Princeton knows, this story has a very dramatic ending. The British took refuge in Nassau Hall, which the Americans then fired upon. The result was not only the British surrender, but legend has it, to decapitate, with a well-fired cannonball, a portrait of King George the Second.

I tell this story not only because it is a wonderful story, and it is an important one as well. Demoralized as Washington and his countrymen were, news of these victories, James Thomas Flexner has written, “travelled across America like prairie fire.” The British didn’t clean it.

As I’m sure everyone living near Princeton knows, this story has a very dramatic ending. The British took refuge in Nassau Hall, which the Americans then fired upon. The result was not only the British surrender, but legend has it, to decapitate, with a well-fired cannonball, a portrait of King George the Second.

I tell this story not only because it is a wonderful story, and it is an important one as well. Demoralized as Washington and his countrymen were, news of these victories, James Thomas Flexner has written, “travelled across America like prairie fire.” The British didn’t clean it.
makes the point—as so many of the stories of our country’s beginnings do—that this nation was not inevitable. The founders had the odds stacked very much against them. No one had ever thrown off a colonial power before. No one had ever established representative government over a vast expanse of land. The Americans were going up against the mightiest military force in the world, and the success of their experience depended on individuals, particularly on Washington, whose legendary bravery—so inspiring to his men—might easily have evaporated if he had been killed.

During one battle in the French and Indian War, he had two horses shot out from under him, one bullet had gone through his hat and three ripped through his uniform. A few years later, in 1776, when two detachments of Virginians mistakenly began firing upon one another, he rode his horse between the firing troops and used his sword to knock the gun barrels skyward. Fourteen men were killed, but Washington was untouched. If it had turned out otherwise, who would have commanded our troops in the Revolutionary War? Who would have sent similar papers to the Constitutional Convention? Who could have been trusted to be the first president— and to give up power at the proper time?

We are very lucky that things turned out as they did in the world. Jefferson believed that the American Revolution would set the ball of liberty so well in motion that it would roll round the globe, and he was right. Inspired by what happened here, people in other parts of the world began to struggle for freedom and many of them succeeded. But freedom, as the study of our history shows, is not our inevitable heritage, nor is it a game. This realization should make our freedom all the more precious to us, all the more worth defending.

Were we to lose it, liberty might not come our way again.

The concern I would like to bring before you tonight is that we haven’t done a very good job of teaching our history. We haven’t given young people the knowledge they need in order to appreciate how greatly fortunate we are to live in freedom or, indeed, to have much insight at all into the American past. A 1989 survey of college seniors showed that more than half of them could not name four of the Federalist papers. One out of four was unable to distinguish Karl Marx’s words from the ideas of the United States Constitution. A 1999 survey of elite college seniors showed that more than half of them could not name four of the Federalist papers. This realization should make our freedom all the more precious to us, all the more worth defending.

Were we to lose it, liberty might not come our way again.

The concern I would like to bring before you tonight is that we haven’t done a very good job of teaching our history. We haven’t given young people the knowledge they need in order to appreciate how greatly fortunate we are to live in freedom or, indeed, to have much insight at all into the American past. A 1989 survey of college seniors showed that more than half of them could not name four of the Federalist papers. One out of four was unable to distinguish Karl Marx’s words from the ideas of the United States Constitution. A 1999 survey of elite college seniors showed that more than half of them could not name four of the Federalist papers. This realization should make our freedom all the more precious to us, all the more worth defending.

Were we to lose it, liberty might not come our way again.
who came to visit him. But we will also remember George Washington and how, on a dark December 25th he led his improbable army across an ice-choked river to give a people struggling for independence hope that they might one day be free.

Thank you very much, Professor George, for having me here this afternoon. James Madison told us that "I understand and am now inscribed in Corwin Hall, that a well-instructed people alone can be permanently a free people. The gatherings you have here at Princeton under the auspices of the James Madison Program in American Ideals and Institutions contribute to our instruction—and to our freedom.

HONORING THE RETIREMENT OF JOHN "CHIP" ROBERTS

HON. THOMAS G. TANCREDO
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. TANCREDO. Mr. Speaker, I rise today to honor the retirement of John "Chip" Roberts, Director of the Colorado Division of State and Veterans Nursing Homes.

John "Chip" Roberts retired on January 15, 2002. He served our veterans for nearly twenty-two years. For the past eleven years, Chip worked for the Colorado Department of Human Services as Director of the Colorado Division of State and Veterans Nursing Homes. Previously, he worked in the private sector both as a nursing home administrator and a regional director. As Division Director of the Colorado State and Veterans Homes, Mr. Roberts oversaw the operations of five State nursing facilities totaling 582 beds. Four of the State homes provide skilled nursing care to military veterans and their spouses and widows. Under Mr. Roberts' leadership, the State homes program made numerous improvements in service delivery. Chip was always quick to credit the dedicated staff at each facility for the overall success of the program.

In response to legislation authorizing the construction of a new State veterans home at the former Fitzsimons Army Medical Center in Aurora, Colorado, Chip was deeply involved in the design and development of the new 180 bed facility. Throughout the project, Chip continually encouraged the need to be highly flexible in the design in order to allow for the future health care needs of the residents. In addition, to skilled nursing care, the Fitzsimons facility will offer dementia services and adult day care.

During his years of service to the State of Colorado, Chip's dedication to veterans and their families was readily apparent. He made frequent presentations to publicize the State and veterans homes programs and to inform various organizations of the services available. He has been steadfast in his commitment to "serve those who have served."

Chip and his wife of twenty-seven years, Judith, are looking forward to retirement with the shared desire to continue serving others, especially in their local church and the city of Arvada. The Roberts' have one daughter, Vanessa, a recent graduate from the University of Colorado at Boulder. Besides volunteer service, Chip is looking forward to enjoying the great Colorado outdoors: hiking, hunting, and fishing. I wish them Godspeed.

IN COMMEMORATION OF INDIA'S REPUBLIC DAY

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. CROWLEY. Mr. Speaker, it is an honor for me to rise today in commemoration of India's Republic Day. As the adoption of our constitution and declaration of independence in the 18th Century are among the most important days in the history of the United States, so too is January 26, 1950 in India. In the Central Hall of Parliament in New Delhi, India joined the community of democratic nations by adopting its Constitution that embodied many of the principles, including equality and secularism, put forth by our own founding fathers.

It gives me great pleasure to celebrate this event, as this is not simply a day for Indians, but for Indian-Americans as well. The streets of my district in Jackson Heights, New York will be filled tonight with thousands of my constituents honoring this important day.

The bond that India and the United States share is not simply rooted in the democratic foundations, but also in democratic practices. The experiment of democracy lying the work of the world's largest democracy is a natural fit. I believe that India's Prime Minister Atal Bihari Vajpayee said it best when he spoke of the adoption of India's Constitution: "There is one great test for a Constitution, for any system of Government to achieve deliver and it must be durable. Our Constitution has stood this test. And one reason it has been able to do so is that it embodies a mastery balance: between the rights of the individual and the requirements of collective life; between the States and the Union; between providing a robust structure and flexibility. Our Constitution has served the needs of both India's diversity and its innate unity. It has strengthened India's democratic traditions."

The shared history and common conception for the future of our relationship has allowed our nations to cooperate on issues of prosperity and assist each other in times of tragedy. This year's Republic Day is bitter-sweet as it also commemorates the one-year anniversary of the devastating earthquake that struck India on January 26, 2001. The earthquake, centered in India's state of Gujarat and measuring 7.9 on the Richter scale, killed more than 20,000 people. During those difficult times, we were there for India both in spirit and in practice. Shortly after the earthquake, the United States Congress adopted a Resolution expressing condolences for the victims and support for providing assistance. I am proud to report that Congress also responded to my efforts in increasing the funding for the Office of Foreign Disaster Assistance, specifically targeting the efforts in India.

Just as we came to the aid of India, they were among the first to condemn the attacks on the United States on September 11, 2001. Since that horrific day, high-level contacts between the U.S. and India have increased, reflecting the close cooperation between the world's two largest democracies in the struggle against terrorism. Unfortunately, the scourge of terrorism is another characteristic that our countries now have in common.

The December 13, 2001 attack on India's Parliament hit very close to home. As nine police officers and a Parliament worker were killed we were forced, once again, to redefine the scope and definition of the war on terrorism. This attack sought to destroy the heart of India's democracy, but will fail in that endeavor.

The common interests of the United States and India transcend the boundaries of the international war on terrorism. There has been ever-increasing cooperation in dealing with the proliferation of nuclear weapons and their means of delivery, preserving stability and growth in the global economy, protecting the environment, combating infectious diseases and expanding trade.

As a member of the Indian Caucus with a growing Indian constituency, my interest in the region has grown exponentially during my time in Congress. I have to say, however, that nothing was more eye-opening than my visit to India a few weeks ago. To get a true sense of the interests of the people and the government, I was there for a year and will surely help me represent the views of my constituents more completely in the future.

With that, I wish to salute India for fifty-one years of work in pursuing democracy. It is my honor to join you as you continue that journey into the new millennium.

KAHLI RIES: A YOUNG PATRIOT FOR A BETTER FUTURE

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BARCHA. Mr. Speaker, I rise today to pay tribute to Kahlil Ries of Mayville, Michigan, upon the occasion of her winning the 2001-02 statewide Voice of Democracy Program speech-writing contest sponsored by the Department of Michigan Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

At a time when our country is engaged in a war against terrorism which threatens our American way of life, it is especially gratifying to honor Kahlia for displaying in the words she has written a brand of patriotism to which all citizens should aspire. In her award-winning essay, Kahlia expresses the hopes and dreams of our nation's younger generation and she calls on her peers to take the responsibility to shape a better future. Her simple yet powerful words are reassuring to those of us in older generations that the future is in good hands. Kahlia, a ninth-grade student at Mayville High School, stands as a symbol of why America has time and again come together in times of crisis and risen to even the most difficult challenges. In her speech, Kahlia has reached back in our history to capture the same sense of freedom and responsibility that our forefathers and many patriots since our nation's inception have relied upon to build a better future for their descendants and others who followed.

Let me share an excerpt of her essay: "I hope America will be a place where not only will be physically safe and morally safe, but our freedoms will be preserved as well. I see a place where people won't be afraid to walk down the streets or open their mail. I believe in our country and our dedication to our
rights and values. And I believe that we, as a people, will never give those up.

Kahl’s parents, Dave and Tammy, must swell with pride to have such a talented daughter exhibit her deep and sincere love of her country in a public forum. While it is certainly heartwarming to see that displays of patriotism have become more common since September 11, we should all join Kahl in hoping that “this feeling of patriotism that has been reborn in this country will last and stay in our hearts forever.”

Finally, Mr. Speaker, I am proud that young people such as Kahl Ries and her family reside in the Fifth Congressional District of Michigan. The recognition that Kahl has received from the Veterans of Foreign Wars Post 10884 and its Ladies Auxiliary of Mayville and from the Department of Michigan Veterans of Foreign Wars of the United States is indeed a fine honor for this outstanding young woman. I ask my colleagues to join me in congratulating Kahl Ries and in wishing her continued success in spreading her patriotic message to our fellow citizens.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING BENEFITS OF MENTORING

HON. VALDA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 29, 2002

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of this resolution calling for the establishment of National Mentoring Month. I am honored to serve as a member of the Board of Directors of Big Brothers Big Sisters of America, the oldest and largest mentoring organization in the United States. Big Brothers Big Sisters will celebrate its 100th anniversary in 2004. During the past century, Big Brothers Big Sisters has provided the foundation for the mentoring movement. Today, Big Brothers Big Sisters reaches over 210,000 children in over 500 locations in the United States, with the goal of reaching one million children by 2010. Mentoring is dependent on highly committed volunteers. Volunteers in the Big Brothers Big Sisters program and in other high-quality mentoring programs across the United States devote many hours each week and become role models for their mentees. As the resolution points out, research has proven the tremendous contribution that these volunteers make in the overall positive development of the children with whom they are matched.

Mentoring changes lives, but it is not an easy service to provide. I think it is so important that Congress acknowledge the tremendous contribution being made today by volunteer mentors, and challenge everyone to make a difference in the lives of America’s children.

GIRL SCOUTS GOLD MEDAL
RECIPIENT: RACHEL SINK

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young students: Rachel Sink. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, Michigan continues to produce the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Rachel, and bring the attention of Congress to this successful young woman on her day of recognition.

RECOGNIZING STUDENTS AT THE ANTIoch UPPER GRADE SCHOOL IN ILLINOIS’ 8TH DISTRICT

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. CRANE. Mr. Speaker, I rise today to recognize students at the Antioch Upper Grade School in Illinois’ 8th District. Today, as our brave men and women in uniform are deployed throughout the world to protect and defend the freedoms we all hold so dear, we are more aware than ever before of the cost of the freedom.

The students at Antioch Upper Grade School have also been reflecting on the cost of freedom. Samantha Wise, the 8th grade social studies teacher at Antioch Upper Grade School, had each of her students write an essay entitled “Is Freedom Really Free?” Ms. Wise submitted the essays in the local VFW essay contest, and three students won. Joe Barlow won first price representing the Village of Antioch, and third place in the 5th District for the VFW. Justin Kaminsky and Anthony Baschetti, were also runners-up for the Village of Antioch.

All of the students and their teacher should be commended for their work. It makes me proud to see schools like the Antioch Upper Grade School showing their patriotism.

THE VETERANS HEALTH CARE ITEMS PROCUREMENT REFORM AND IMPROVEMENT ACT OF 2002

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. EVANS. Mr. Speaker, the procurement of medical and surgical items is a major expenditure for the Department of Veterans Affairs. For example, VA reported spending more than $1.3 billion for medical and surgical supplies and equipment. The procurement of medical and surgical supplies and equipment by VA is also an activity in need of significant reform and improvement.

To achieve these reforms, I am today introducing “Veterans Health Care Items Procurement Reform Act of 2002.” I urge my colleagues to support and promptly enact this important legislation.

A major provision of the “Veterans Health Care Items Procurement Reform and Improvement Act of 2002” directs the Department of Veterans Affairs, when procuring medical/surgical supplies and equipment to buy these items from the Federal Supply Schedule (FSS) or from national contracts negotiated by VA. By requiring most VA health medical/surgical supplies and equipment to be purchased from the FSS or national contracts, VA can better leverage the tremendous purchasing power of its annual budget in excess of $1 billion for medical/surgical supplies and equipment. When enacted, this legislation is expected to reduce VA procurement costs by tens of millions of dollars annually.

This legislation also provides for certain limited exceptions to the centralized procurement requirement. For example, it allows emergency purchases of medical/surgical supplies and equipment from other than the FSS or national contracts and permits purchases of needed items not listed on the FSS. Other limited exceptions should facilitate greater financial savings from—and greater use of—important initiatives such as pooling sharing and small business procurement.

In a May 15, 2001 assessment entitled, “Evaluation of the Department of Veterans Affairs Purchasing Practices,” the VA Office of Inspector General (OIG) reported, “The Department of Veterans Affairs is not leveraging its buying power to obtain the best prices for items purchased.” Among the recommendations of the OIG were, “VA facilities be required to purchase items that are on national contracts, such as FSS, and that the FSS and other national sources of medical/surgical supplies and equipment” and local procurement contracts be specifically prohibited with very limited exceptions.

This measure will provide strong encouragement to vendors who wish to do business with VA to list their health-care items on part 65 and 66 of the Federal Supply Classification as appropriate or as part of a National contract. This legislation will eliminate existing inefficiencies from the current acquisition system that allows for multiple VA procurement officers, supervisors, the VA Office of the Inspector General, and the GAO to review the true value and cost of an item and assure compliance with contract provisions. In fiscal year 1997 when audit clauses were more common, audits accounted for the recovery of over $35 million dollars—last year with audit clauses less common the total recovery was less than $12 million dollars.

Other important provisions of this legislation will require most VA procurement contracts to include a price reduction clause. With the inclusion of a price reduction clause, when a vendor offers a health-care item at a lower price to another buyer in a commercial contract, VA will benefit from the price reduction and receive the new lower purchase price for a health-care item it has previously agreed to purchase from the vendor.
Mr. Speaker, I encourage my colleagues to support “The Veterans Health-Care Items Procurement Reform and Improvement Act of 2002,” and seek its quick approval by Congress on behalf of our nation’s veterans and taxpayers.

GIRL SCOUT GOLD MEDAL
RECIPIENT: AYLSSA WESCOTT

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young students: Alyssa Wescott. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for the younger generation.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Alyssa, and bring the attention of Congress to this successful young woman on her day of recognition.

SIGNIFICANCE OF THE DECLARATION OF INDEPENDENCE
HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. HYDE. Mr. Speaker, last year marked the 225th Anniversary of the Declaration of Independence, arguably one of the most important documents ever written. The National Lawyers Association Foundation has honored this anniversary by producing educational materials for elementary school students, a project that I believe is worthy of recognition. I therefore submit the following for your review:

EDUCATING THE PUBLIC ON THE LEGAL AND HISTORICAL SIGNIFICANCE OF THE DECLARATION OF INDEPENDENCE

In 2001, our nation celebrated its 225th anniversary of the Declaration of Independence. By signing this document the Founding Fathers pledged their lives, fortunes and sacred honor to the causes set forth in the Declaration of Independence.

In order to help American children appreciate and understand the significance of the Declaration of Independence, the National Lawyers Association Foundation, a not-for-profit group, developed an educational program for third, fourth, and fifth graders. This program consists of an entertaining 6-minute video that helps them understand the clear, ringing language in the Declaration. The video introduces students to the concept of the self-evident truths, that all persons . . . are created equal, and that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness—that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

The video helps teachers explain why the Declaration of Independence was written to explain why we sought our freedom from England, that inalienable rights are rights that cannot be taken away from us; and that self-evident truths are principles that will always be true; for example, that all people are created equal.

A lesson plan accompanies that video and encourages the students to think about a situation that they are faced with and write their own Declaration of Independence to understand concepts regarding what rights they feel entitled to, why they feel they deserve these rights, and compare these rights to what the feelings of our Forefathers must have been when they wrote the Declaration of Independence. Students are also encouraged to display knowledge of when the Declaration of Independence was signed.

The National Lawyers Association Foundation is making the video, lesson plan, as well as replicas of copies of the Declaration of Independence requested by elementary school teachers in school classes, public and private, available at no charge, as long as funds are available. The video and lesson plan is also available to any interested individuals or organizations such as home schoolers, lawyers, bar associations and public service groups who desire to use the video and lesson plan for a nominal fee. Replicas of the Declaration of Independence are also available to the public for a nominal fee as long as funds are available.

The National Lawyers Association Foundation also plans to continue the project to encourage students to take videos regarding taking the Declaration of Independence available to students in the upper grades, as well as making available to all citizens, copies of the Declaration of Independence and the Constitution.

The National Lawyers Association Foundation has been awarded over 65,000 students across America have benefited from the materials provided by their volunteer efforts. The National Lawyers Association Foundation serves a need of the American public and the world to appreciate how the Founding Fathers develop the nation, created and established that there are no classes of people in America and all people are endowed with the same unalienable rights by their Creator.

The language in the Declaration of Independence has been quoted and spoken about by may of our American presidents and also needs to be in the hearts and in the vocabulary of our American citizens. The National Lawyers Association Foundation is working to make the words of the Declaration of Independence valued by all Americans and help serve the need for the principles of the declaration to be spoken and honored, not only to America, but to the world at large.

URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATRIC, TRANSPARENT, AND FAIR ELECTION PROCESS LEADING UP TO THE MARCH 31, 2002, PARLIAMENTARY ELECTIONS
HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. HOFFEL. Mr. Speaker, I rise today in strong support of this resolution, which urges the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

I would first like to thank my colleague, Louise Slaughter, for her hard work in initializing the development of this important resolution. I am appreciative of her leadership on issues relating to Ukraine, and I am pleased to have worked so closely with her in crafting this legislation. I would also like to thank my House International Relations Committee colleagues, Elton Gallegly and Chris Smith, for their contributions to this resolution, and to acknowledge their commitment to a meaningful democratization process in Ukraine.

The importance of Ukraine’s March 31, 2002 parliamentary elections—the third parliamentary elections since gaining independence over ten years ago—should not be underestimated.

Since the collapse of the Soviet Union in 1991, Ukraine has worked to achieve a more western, democratic approach in its governance, and the upcoming elections mark an historical crossroads for a country undergoing dramatic democratic transformation. Significant challenges remain—restrictions on basic democratic freedoms are alarming; its nuclear plants are in need of clean-up; the media suffers from blatant harassment and government corruption runs rampant.

Ukraine has also come a long way in just a decade. Its economy grew more than six percent last year. It not only voluntarily gave up the third-largest nuclear arsenal in the world, but has also consistently, with the U.S. assistance, sought to eliminate its stockpile of strategic missiles. Basic political reforms have begun in earnest.

The resolution we have introduced today acknowledges the democratic reforms that Ukraine has achieved, but it also sheds light on the vast improvements Ukraine must make in order to become a full-fledged democracy.

The resolution encourages the Government of Ukraine to implement basic tools in order to ensure free and fair elections including a transparency of election procedures, access for international election observers, multiparty representation on election commissions and equal access to the media for all election candidates.

Now more than ever, as Ukraine strives to realize a more robust democracy, it needs the encouragement of the United States as well as its scrutiny. I urge my colleagues to join me in supporting this important resolution when it comes before them on the House floor.
Mr. LEWIS of California. Mr. Speaker, I rise today to celebrate the 75th anniversary of the Furnace Creek Inn, which has provided an oasis of hospitality in the midst of one of the most inhospitable places in the world: Death Valley National Park. The Inn, which among other amenities has the first golf course in the California desert, is marking its 75th year in February.

The harsh beauty of Death Valley has been recognized since 1933 when it was designated a National Monument. Within its boundaries are America’s lowest point—280 feet below sea level at Badwater—and mountains that rise more than 11,000 feet. While prospectors found gold and silver nearby, the real treasure of the area was borax, which is still mined in the Mojave Desert today for uses ranging from detergents to oven-to-table glass to termite protection for lumber.

Many Americans are familiar with the 20-mile teams that hauled the precious mineral 165 miles to the nearest rail line for the Harmony Borax Works, built by W.T. Coleman in 1882. The works were moved in 1889 to Daggett, but borax mining was resumed in Death Valley in the 1920s by the Pacific Coast Borax Company.

Noting the success of Palm Springs Desert Inn as a resort, Pacific Coast Borax decided to enter the tourism business, and the Furnace Creek Inn opened on February 1, 1927. Los Angeles architect Albert C. Martin designed the mission-style structure set into the low ridge overlooking Furnace Creek Wash. Adobe bricks were hand made by Paiute and Shoshone laborers. A Spanish stonemason named Steve Esteves created the Moorish-influenced stonework, while meandering gardens and Deglet Noor palm trees were planted. The Inn had 66 rooms by the time it was completed in 1935, along with a spring-fed swimming pool that has views of the surrounding mountains and valley.

Tourism to Death Valley at the time surged in 1933 with the designation as a national monument. This meant that new, paved roads to and throughout the monument would be constructed, thus heralding automobile and tourist access to the site. In 1994 the area was designated a National Park, making it the largest park in the continental United States.

Mr. Speaker, thousands of guests have experienced the stark grandeur of Death Valley in elegance at the Furnace Creek Inn. The current owner, Amares Parks and Resorts, Inc., has completely refurbished the Inn and its amenities, preserving this unique hotel for future generations. Please join me in commemorating and congratulating them on this historic occasion.

Mr. ISRAEL of New York. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young students: Kristen Veeck. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Kristen and bring the attention of Congress to this successful young woman on her day of recognition.

**ELIMINATE VICTIMS FUND COLATERAL COMPENSATION REQUIREMENT**

Mr. GILMAN of New York. Mr. Speaker, today I am introducing a bill to revise the victim's compensation fund to eliminate the offset clause which unnecessarily penalizes those men and women who prepared for their future through pension funds, life insurance policies, and other related investments. I believe that such a clause is not in accordance with the spirit of the original legislation which seeks to compensate every victim's family in an impartial manner.

On Thursday January 17th, I joined many of my constituents at the family rally in New York City to call on special master Feinberg to amend the final interim rule under which the fund is currently operating. At the rally, I was pleased to announce that Mr. Feinberg has indicated that he will be accepting comments on the fund for the next several weeks until the final rule is promulgated. However, I now believe that we cannot leave such an important decision to chance.

Accordingly, this legislation will ensure that the victims’ families are fairly and individually compensated from this Federal victim’s compensation fund without prejudice to any existing collateral payments. It is imperative for the Congress to rectify this matter at this time.

**PERSONAL EXPLANATION**

Mr. FLETCHER of Kentucky. Mr. Speaker, I was unable to be present for rolcall vote No. 4 on January 24, 2002. Had I been present for rolcall vote No. 4, I would have voted “Yea,” in favor of passage of S. 1762, the Higher Education Act Amendments.

Mr. MURTHA of Pennsylvania. Mr. Speaker, dental care is the most frequently cited unmet health need of children. In fact, unmet children’s dental care need is three times greater than the unmet need for children’s medical care, four times greater than the unmet need for prescription drugs, and five times greater than the unmet need for children’s vision care. Dental decay is the most prevalent chronic disease of childhood.

To help in eradicating this hidden epidemic, Congresswomen LOWEY, ROYBAL-ALLARD, MORELLA and Congressmen UPTON, NORWOOD, STARK, DOYLE, MORAN, ANDREWS and I are introducing the “Children’s Dental Health Improvement Act of 2002”. With its enactment, this legislation will improve the access and delivery of dental care to low-income children across the country.

In September 2000, the U.S. Surgeon General reported in “Oral Health in America: A Report of the Surgeon General” that 14 percent of children in America were without health insurance coverage and that more than twice that number, 23 million children, were without any level of dental care. Pediatric health care providers and children’s hospitals across America see the results of this lack of care every day, as they care for children with serious dental problems that could have easily been avoided had they had access to preventative and routine dental care.

The need to improve the oral health of America’s children is well documented. According to the National Health and Nutrition Interview Survey, poor children age 2–9 have twice the levels of untreated decayed teeth as nonpoor children. According the U.S. Surgeon General, “there are at least 2.6 children without dental insurance for each child without medical insurance.” The progressive tooth decay causes children to suffer pain and infection, dysfunctions in eating and speech, distraction and irritable behavior and creates attendant learning disabilities and limitations. According to the National Institute of Dental and Craniofacial Research reports, 80 percent of tooth decay is isolated in only 25 percent of the children, with the most untreated disease occurring in low-income children. In addition, the social impact of oral disease in children is
null
IN HONOR OF REVEREND STANLEY SPREWER

HON. DAVID E. BONIOR
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2002

Mr. BONIOR. Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Mr. BONIOR. Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer returned to his community, his family and his friends.

Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A "faithful shepherd of God's flock", Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.
With an abiding concern for the people of Guam, Mr. Leon Guerrero was determined to establish a responsive, full service banking institution to meet the unique and specialized needs of island residents. Not only did he perceive this type of institution to be sorely lacking on Guam; as a pioneering businessman, he was also driven by a desire to serve his community, utilizing his considerable business acumen.

December 11, 1972, was opening day for the Bank of Guam and its thirteen original staff members. From its humble beginnings in the Santa Cruz area of Hagåtña through its expansion with branches in Saipan, Rota, Tinian, Chuuk, Kwajalein, and San Francisco, the Bank of Guam has progressed at a truly impressive pace. The Bank's services range from full service banking, ATM machines, investment opportunities and even home banking. Currently managed by a cadre of business professionals following in the footsteps of their founder, the Bank is fulfilling its promises to the people of Guam and to the people of Micronesia as a responsible banking institution.

In conjunction with the hallmarks of responsibility and service, the Bank of Guam is also known for its sincere commitment to the community as a whole. This commitment has made the Bank a successful operation possible during these past thirty years. With competent staff members and an experienced Board of Directors, the Bank of Guam is leading the banking community of the region into the 21st century.

Although this is a brief overview of the Bank of Guam's numerous accomplishments, one can understand how the successful operation possible during these past thirty years. With competent staff members and an experienced Board of Directors, the Bank of Guam has served our island communities. I am sure that it will continue to provide excellent services. In the words of Jesus S. Leon Guerrero, "There are two reasons why we shouldn't take the risk in starting the Bank of Guam. Number one, provide service to the community that was not available, and then, two, back up that service with a commitment to take care of our people." The Bank of Guam has proven on innumerable times it's commitment to this philosophy.

I offer my congratulations to the Bank of Guam for thirty years of dedicated service to the community. The legacy that Jesus S. Leon Guerrero has created will continue to be strong, vibrant and beneficial to the people of Guam for generations to come. We have every confidence that the Bank's current president, Anthony Leon Guerrero, and his excellent staff will continue to build upon this legacy.

Si Yu'os Ma'ase Bangkon Ifit.

RECOGNITION OF JANE HEALY

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to thank Jane Healy for her many years of public service and the contributions she has made to so many people in Colorado. On February 1, 2002, she will be celebrating her 70th birthday. Many of those 70 years have been involved in public service. I wanted to take this opportunity not only to wish her a most happy birthday, but also to highlight her outstanding career and accomplishments.

Upon my election to the 2nd Congressional District in 1986, I was fortunate to have Jane join my staff as the Director of Constituent Services. I was very appreciative because I had learned of her many years of constituent service work for my predecessor, David Skaggs, as well as similar work for other Colorado elected officials including Senator Gary Hart and Mayor Bill Iraqi.

Jane's work in these offices earned her a reputation as a caring and extremely effective advocate for individual Coloradans with state and federal agencies. She had developed great expertise in relevant agency rules and procedures and had earned the respect of agency personnel. As a result, she could provide simple, direct advice and was especially helpful to many people who would have been frustrated and confused without her assistance.

Nowhere was this expertise more pronounced than in the complex area of immigration matters and the procedures and processes of selecting nominees for appointment to the service academies.

On immigration matters, Jane became the “dean” of the Colorado delegation staff—particularly on issues related to visas and the status of foreign nationals living and working in the United States. Oftentimes when an issue was too complex for other offices to handle, she would be asked advice on how to proceed. On the service academy selection process, she was especially adroit at making this potentially stressful and unmanageable system of selecting nominees to our armed services academies a smoothly functioning and enjoyable experience, while always underscoring the honorable nature of the effort and treating it with the highest respect and decorum.

When she joined my staff, she helped set the standard of excellence for casework service. She helped train novice staff members in the art of casework and correspond-ence. Her knowledge and expertise has served my office well—but more importantly, it has helped countless numbers of people over the years. It is estimated that over the course of her career, she directly helped resolve over 20,000 cases on an impressive array of issues.

Jane’s dedication was unequaled. Coworkers would notice that she would frequently leave the office at the end of the day with bags of casework papers on which she continued working at home. My staff and I deeply miss her talents in calligraphy, here editing skills, her love of Ireland, and her chocolate raspberry pies.

On a personal note, Jane also worked as the Colorado State Coordinator for my father’s presidential campaign in 1976. She proudly displayed in her office a photo taken during that campaign showing her with my dad. She also has been involved in many other community activities, such as serving on the Board of North Metro Community services, which provides needed services to disabled citizens in the northern portions of the Denver-metro area. To serve so broadly, so successfully, and with such grace, heart, and spirit is deserving of recognition.

Mr. Speaker, I ask my colleagues to join me in expressing our gratitude to Jane Healy for her exemplary public service to the people of Colorado and their elected officials. Her many accomplishments go beyond reckoning, and I wish her good health and happiness in the future.

PAYING TRIBUTE TO LUD E. WASHINGTON

HON. SCOTT MCINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute to a local hero whose life-long pursuit of improving and enriching the lives of others is an inspiration to us all. Lud E. Washington recently died just short of his 80th birthday and his 50th wedding anniversary has been involved in his wife Marguerite, but his life was one of immense fulfillment and a source of endless joy for those who knew and loved him. As his family mourns the loss, I believe it is appropriate to remember Lud and pay tribute to him for his contributions to his community, his state and his country.

Lud was a true pioneer who fought courageously to break down racial barriers and open doors for future generations of African-Americans and minorities. He gave his time and energy to those who needed him most. He began his career by running the all African-American Lincoln Home, which served as a boarding house for African-Americans of all ages who were in need of a caretaker and mentor. He dedicated his life to ensuring that no child grew up without the proper guidance, love, or care. Lud believed that he could, by offering his help to one child at a time, have a dramatic impact on an entire community.

Lud was the first African-American foreman at the Pueblo Army Depot, an undertaking that served as an indispensable resource for the young African-Americans of the Pueblo community. By fostering a spirit of leadership, camaraderie and cooperation, the Troop helped provide the positive reinforcement that so many children had previously not been able to find elsewhere. Lud’s efforts and courage in the face of long odds are a testament to his indestructible and benevolent human spirit.

Mr. Speaker, we are all terribly saddened by the loss of Lud Washington, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that Lud left with all of us. His life is the very embodiment of all that this country stands for, and I am deeply honored to be able to bring the attention of this body of Congress to his life. Lud Washington will be deeply missed by his family, his friends and the entire community.
TRIBUTE TO HENRY MESSER AND CARL HOUSE ON THEIR 50 YEARS TOGETHER AND TO THE TRIANGLE FOUNDATION AND ITS 10 YEARS OF ACTIVISM

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BONIOR. Mr. Speaker, today I rise to recognize the Triangle Foundation, an organization that is dedicated to the struggle for justice, and civil rights in Michigan. I also wish to honor the Triangle Foundation’s founder, Henry Messer, and his partner, Carl House, and acknowledge their continued activism, and their 50 years together.

The Triangle Foundation of Michigan has been fighting for the rights of gay, lesbian, bisexual, and transgender (GLBT) people in Michigan for ten years. Through the work of a dedicated and highly capable staff, the Triangle Foundation has been the leader on GLBT issues in Michigan. Their efforts have helped to enact anti-discrimination laws in many Michigan cities and turn back unfair and unjust policies in others. The Triangle Foundation’s energy on the electoral front has given a voice to those who support civil rights initiatives and who understand that discrimination has no place in America.

The Triangle Foundation’s dedication to the struggle for civil rights is a testament to the devotion and involvement of Henry Messer and Carl House. As early as the 1950s, they were helping to organize and support GLBT rights movements in New York City. Dr. Messer, who is a retired Assistant Professor of Neurosurgery at the University of Michigan, was also a member of the Mattachine Society, which, founded in 1951, is often considered a beginning force in the contemporary gay rights movement in the U.S.

In the late 1970s, Henry Messer and Carl House moved to Michigan, but did not leave behind their strong ideals and commitment to justice. Instead they continued their strong activism in state and local politics and issues affecting GLBT people. This culminated in 1991 when Henry Messer, with Carl by his side, founded the Triangle Foundation and propelled Michigan into the GLBT rights movement.

Because of the work of Henry Messer, Carl House, the Triangle Foundation, and many others in the struggle, we have come a long way in our efforts to expand civil rights to everyone—but we still have a long way to go. Through continued activism and education, we can and will reach our goals.

SALUTATION TO ELLSWORTH AIR FORCE BASE

HON. JOHN R. THUNE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. THUNE. Mr. Speaker, I rise today to recognize the men and women of Ellsworth Air Force Base dedicated to the struggle for dignity. Ellsworth Air Force Base is the home of the 28th Bomb Wing of B-1 bombers and more than 3,500 military and civilian members. Each of these men and women proudly serve their country in numerous ways every day. And when duty calls, they are ready and willing to stand in harm’s way on behalf of their country.

The people of Ellsworth Air Force Base have a history of performing well in U.S. missions. In Operation Desert Fox during the Gulf War, crews from Ellsworth helped the B-1 make its combat debut, and they also participated in Operation Allied Force in Kosovo.

Most recently, B-1 air and ground crews returned to Ellsworth after participating in Operation Enduring Freedom in Afghanistan. The B-1 and their crews were involved in every aspect of the most precise, intense bombing campaign in history, flattening terrorist targets and taking out Taliban strongholds. These bombers were the key to winning the war in Afghanistan.

I also want to pay tribute to Ellsworth’s commander, Brigadier General Edward Rice, Jr., who commanded all B-1 and B-2 operations over the skies of Afghanistan. His recent promotion says more about his value to our nation than almost anything.

Mr. Speaker, the men and women of Ellsworth Air Force Base are tremendous assets behind their strong ideals and commitment to our national security. For all the sophistication of the military hardware in use today, we know it to South Dakota and to our country. I am proud of the important role they play both at home and abroad. For all the sophistication of the military hardware in use today, we know it.

Mr. Speaker, I salute the men and women of Ellsworth Air Force Base. All of America owes both the B-1 and these people their thanks.

THIRTIETH ANNIVERSARY OF THE GUAM HILTON RESORT AND SPA

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. UNDERWOOD. Mr. Speaker, Conrad Hilton began his famous career by renting out rooms in the San Antonio adobe house where he grew up. He officially entered the hotel business in 1919 when he took over a small hotel in Cisco, Texas. Today, the name “Hilton” has become synonymous to the word “hotel” with their coast-to-coast operations in the United States as well as in Spain, Turkey, Cuba, Egypt, and many other nations.

As with its sister facilities throughout the world, the Hilton Guam Resort and Spa, now celebrating its thirtieth anniversary, has made an indelible mark on Guam’s tourism industry as well as the local community. A partner in the island’s development, Guam Hilton became the first international deluxe hotel to build facilities on the island in 1972, as Guam’s tourism industry was still in its earliest stage. Over the next thirty years, the hotel has expanded its operations at its original location in Tumon Bay, the center of the island’s tourist trade. From its initial 250 guest rooms with three food and beverage outlets, the Hilton Guam Resort and Spa is now comprised of three main buildings housing 687 guest rooms along with seven Food and Beverage outlets. The hotel complex offers health conscious menus which has recently been added to their unique tropical cuisine.

Sport enthusiasts for years have taken advantage of the Hilton’s sports programs and facilities. Their tennis facilities feature five night lighted courts. A variety of programs are available for novice and experienced players along with supervised activities and exercise programs for all ages. A state-of-the-art fitness club with saunas, a water park, jacuzzi, a children’s playground and activities room, jogging and walking trails, and a private beach club offering a variety of watersports equipment rental have also been made available to guests.

Major tourist attractions, diving, deep-sea fishing and world class golf facilities may also be conveniently arranged through the hotel’s tour desk representatives.

A wide range of spa activities, massage therapies, body treatments and salon services complement the sports and leisure activities. Patrons can relax in idyllic surroundings while trained hands of the Mandara spa staff provide soothing services in an unhurried fashion. Professional consultants from the Adventist Medical Services are also available to administer health programs.

On Valentine’s Day of 1997, overlooking a spectacular view of the island’s most popular sandbar Two Lovers Point, the hotel held its first wedding at the newly opened wedding chapel, St. Grace by the Sea was held. Later that year, the hotel’s 25th Anniversary was celebrated by the first ever laser light show on Guam with the event’s proceeds going to local non-profit organizations such as Guma Mami, the Guam Chapter of the American Cancer Society and the American Red Cross.

For the past three decades, the Hilton Guam Resort and Spa has been a main contributor in the development and progress of the island’s tourism industry. Through the years, Hilton has made great contributions and provided innovations that make Guam extraordinary and more appealing to both its residents and visitors. Under the able leadership of Mr. Manfred Pieper, I expect and I am assured that Hilton will continue to build upon its thirty-year legacy. On behalf of the people of Guam, I offer my congratulations to the management and employees of the Hilton Guam Resort and Spa on their 30th anniversary.

ON NIST’S VALUE TO THE COUNTRY AND ITS CONTRIBUTIONS TO OUR NATIONAL SECURITY

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. UDALL. Mr. Speaker, I rise to call attention to the National Institute of Standards and Technology (NIST) and to its contributions to our national security.

You might have seen NIST in the news lately. Two of my constituents—Dr. Eric Cornell, a researcher at NIST’s labs in Boulder, Colorado, and Carl Wieman, a researcher at the University of Colorado—were awarded the Nobel Prize for Physics for their work in creating a new state of matter. The goal of the scientists was to create Bose-Einstein condensation, an extreme state of matter predicted by Indian physicist Satyendra Nath Bose and later expounded upon by Albert Einstein.
I am proud that the work of Dr. Wieman and Dr. Cornell is a result of federally funded research at NIST and at the University of Colorado. But I am also proud of other work that NIST is doing. I’m including in the record a recent article from the Colorado Daily on NIST’s contribution to our homeland security effort. From biometrics and explosives detection to fire-fighting computer modeling tools and new applications for nanotechnology, NIST is playing an important role in bolstering our homeland security.

When NIST is involved in long-term research projects covering all scientific areas, the Institute is also working on security-related projects that will yield more immediate results. As NIST’s new director Arden Bement states in the article, “our work is to take technology that’s currently ready, make it available, reliable, accurate and a dependable safeguard for the U.S. public.”

Commerce Secretary Donald Evans recently praised NIST’s relevance to the challenges this country faces, noting that NIST is “one of the real treasures” in the federal government, with “a tremendous track record.”

On this, Secretary Evans is exactly right. That’s why I hope the Secretary and the rest of the Administration will support my efforts this year to see that NIST gets the funding it deserves.

In particular, funding is needed to address a backlog of critically needed repairs and maintenance at NIST’s laboratories in Boulder, Colorado, where a staff of about 530 scientists, engineers, technicians, and visiting researchers conduct research in a wide range of chemical, physical, materials, and information sciences and engineering.

As technology advances, the measurement and standards requirements become more and more demanding, requiring measurement laboratories that are clean, have reliable electric power, are free from vibrations, and maintain constant temperature and humidity. Most of the NIST Boulder labs are 45 years old, many have deteriorated so much that they can’t be used for the most demanding measurement needs. Industry and the rest of the private sector are deteriorating rapidly. Every day these problems go unaddressed means added costs, program delays, and inefficient use of staff time.

Since 1999, I have fought for increased funds for NIST’s Boulder labs. I’ve already begun the fight for FY2003 funding. Along with my colleagues in the Colorado delegation, Sen. ALLARD, Rep. DEGETTE, and Rep. SCHAFER, I sent a letter in December to OMB Director Daniels asking for his help. I am also including this letter in the RECORD today.

[From UPI Science News, Jan. 18, 2002]

WASHINGTON (UPI)—The National Institute of Standards and Technology, the primary physical science research laboratory in the country, is working to give the homeland security effort as much technology as possible, the institute’s director said Wednesday.

Arden Bement, who took the reins at NIST in early December, said security-related programs were underway before Sept. 11. Bement said he currently devotes about 25 percent of his time to the issue.

“Right now, the immediacy of our work is to take technology that’s currently ready, make it available, reliable, accurate and a dependable safeguard for the U.S. public,” Bement told reporters. “Our researchers are providing technical support to other agencies, even if it means to continue and be amplified in the next few months.”

One area NIST researchers are focusing on is biometrics — the science of identifying a person through physical features. Bement said a broad spectrum of applications, including face recognition and retinal scans, is being explored for this investigative work. One of the technologies should be recommended for widespread use in the next few months, he said.

Another aviation-related area of research involves explosives detection. Researchers are examining the feasibility of an “airflow shower” to capture and identify chemical emissions from explosives or biological agents in carry-on luggage or hidden on a passenger, Bement said.

“We’re also (examining) millimeter-wave radiation as a means of detecting any concealed objects on individuals,” Bement said.

NIST’s computer modeling tools are studying possible fires spread through the World Trade Center and contributed to the structure’s collapse, Bement said.

“These models are essential to understanding just what temperature the steel experienced,” he said. “Such simulations could be used to help train firefighters in judging the likely behavior of future large-scale fires in high-rise buildings.”

The results also likely will be incorporated into future building codes, he said. The institute’s modeling resources played a key role in verifying that mall possibly infected with anthrax could be sterilized with radiation, he said.

Looking forward, Bement wants to apply his experience with the national power grid toward better safeguards for the vital resource. Electric utilities use disparate systems for collecting and distributing information about power needs, as well as for trading generating capacity among themselves, he said. Standardizing these tools is essential to putting better physical and computer security in front of the industry, he said.

As for the rest of the scientific world, Bement said nanotechnology — the science of physically manipulating matter at the atomic or molecular level — will be among the fastest growing areas for commercial development. NIST has to help those industries standardize the tools for accurately measuring their work. Although this is Bement’s first job inside NIST, he has had plenty of experience with the organization as part of several scientific advisory boards. He comes to the directorship from Purdue University, where he headed the School of Nuclear Engineering. He was also director of the Midwest Superconductivity Center and the Convergence Center for the Intelligent Management of the Electrical Power Grid.

CONGRESS OF THE UNITED STATES,

MITCHELL, R. Larry
Director, Office of Management and Budget,
Washington, DC.

DEAR DIRECTOR DANIELS: As you prepare to finalize the budget for fiscal year 2003 for the Commerce Department, we strongly urge you to include funding for needed construction and repairs at the Boulder, Colorado, laboratory of the Institute of Standards and Technology (NIST).

Of the many federal research facilities in Colorado, one of the most impressive is the current NIST Boulder campus. Its national importance was highlighted just recently with the awarding of the Nobel Prize in physics to scientists from Colorado’s NIST laboratories and from JILA, the joint institute of NIST and the University of Colorado.

But to continue to make these important contributions, NIST’s Colorado facilities need help. The National Research Council’s Board on Assessment of NIST Programs wrote in its FY98 report about “poor air quality, degradation of capability by control, excessive vibration and power fluctuations and other deficiencies” at the Boulder facilities, and went on to note that the “system is used to work; major problems contribute to extra cost, program delays, and inefficient use of staff time.”

NIST’s existing Convergent and Advanced Technology wrote in its 1999 annual report that “Unless NIST has facilities comparable to or better than those of industry, NIST is not possible to provide state-of-the-art assistance...at the level of accuracy required.”

The current plan for NIST’s Construction of Research Facilities program on NIST’s 45-year-old Boulder, Colorado campus is the culmination of a long and thorough effort to ensure that NIST keeps pace with advances in science and technology. Some of the requirements of the country for advanced technical measurements and standards.

The first steps to complete several urgently needed construction projects and major renovation projects include construction of a central utility plant, construction of a new primary electrical service plant, as well as a new building for the Central Utility Plant ($29.7 million)—which will supply filtered power, heating, and cooling to all laboratory buildings on the site. An October 1998 study reviewed and updated previous studies of problems with the Boulder laboratories and confirmed that the most effective way to solve them was to build a centralized utility plant and HVAC distribution System for a total of $72 million. The plant will by no means solve all of the campus’s environmental control problems. None of these other problems, however, can be solved cost-effectively without a new central plant.

New Primary Electrical Utility ($5.4 million)—The NIST Boulder campus experiences frequent power outages and power spikes due to the remaining overhead power lines. Loss of power, even for a few seconds, can cause some research projects require data collection times to have to be completely repeated. Voltage dips can cause delicate microscope probes to crash into expensive samples and produce inaccurate measurement readings lowering the quality of data. NIST plans to alleviate its power continuity and power quality problems by constructing an underground power conduit. Congress appropriated $500 thousand for the design of this project in FY 2001 budget.

Design and Limited Renovation of Building 4 ($3.7 million), Renovation Design of Building 1 ($9.1 million), and Renovation of Wing 3 and 4 of Building 1 ($12.5 million)—Despite the fact that Boulder’s Building 1 is nearly 50 years old, it can no longer be used to house research space if major renovation is undertaken. The basic building layout of six largely independent on-grade wings provides a clear conceptual model for building space. Most of the building’s current vibration problems are caused by aging and poorly...
TRIBUTE TO WORLD SABBATH DAY OF RELIGIOUS RECONCILIATION

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BONIOR. Mr. Speaker, today I rise to recognize World Sabbath Day and the hope for religious peace and justice that I believe it will bring. I strongly believe that religious prejudice and violence have no place in our world, and I feel that only through education and tolerance can we make a difference.

This is why World Sabbath Day and the work of Reverend Rodney Reinhart and Reverend Ed Mullins are so important to expanding compassion and freedom in our world. Through the communication and honesty that is brought forth from people of different faiths, we learn about each other, and how to respect our differences.

What World Sabbath Day represents, and what Reverend Reinhart and Reverend Mullins know so well, is that religious persecution of any type should not be tolerated or condoned anywhere. One of the fundamental tenets upon which our country was founded was the freedom to choose one’s religion. I believe that we as a nation have a moral obligation to uphold that principle at home as well as abroad. The United States needs to be more aggressive in promoting tolerance of religious minorities throughout the world.

Reverend Reinhart and Reverend Mullins know this, and they have been to Africa, the United Nations, and several other places in North America to promote World Sabbath Day. And although there is much work to be done to end religious bigotry and hatred, World Sabbath Day is a good start.

PAYING TRIBUTE TO HENRY SALAZAR

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I rise today to pay tribute to the passing of a great man from the state of Colorado. Henry Salazar passed away on December 22, 2001 after a long battle with Alzheimer’s disease. Henry was 85 years old, and as his family and friends mourn his passing, I would like to draw attention to his good deeds and accomplishments throughout his life.

Henry was known as a hardworking and compassionate man who valued education over wealth during his entire life. Eight children were raised with high religious morals, encouraged to receive an education, maintained their integrity, and served the citizens of their community. Seven children, fourteen grandchildren, and his dedicated and loving wife, Emma, survive Henry.

Henry carried on in the family tradition as a rancher on his family’s homestead in Los Rincones, Colorado. The homestead has been a part of the Salazar family since the 1850s also a pillar of the San Luis Valley community for over a century. Throughout his life, Henry was dedicated to his community and nation. He served in the army during World War II, attaining the rank of Staff Sergeant. After the war, he worked as a rancher and farmer and served in the Colorado Port of Entry. His community efforts included preservation of local landmarks, most notably the preservation of the Los Cerillos Cemetery where he will be buried. I personally met and spoke to Henry on a number of occasions, including a little over a year ago when Henry spoke at the kick-off ceremony to make the Great Sand Dunes a national park, an undertaking which was greatly appreciated by everyone in the community and in the state. Every time I met with him or his family I felt fortunate.

Mr. Speaker, Henry Salazar was a great and noble man who deserves the recognition and praise by this body of Congress. It is always a sad moment when a loved one passes away from our lives. Henry Salazar was a loved and compassionate man who went out of his way to improve the lives of all those he touched. Those who remember him for his kind words and the good deeds will certainly mourn his passing. My heart goes out to his family, teaching his students and serving the community efforts included preservation of local landmarks. The homestead has been a part of the Salazar family since the 1850s also a pillar of the San Luis Valley community for over a century. Throughout his life, Henry was dedicated to his community and nation. He served in the army during World War II, attaining the rank of Staff Sergeant. After the war, he worked as a rancher and farmer and served in the Colorado Port of Entry. His community efforts included preservation of local landmarks, most notably the preservation of the Los Cerillos Cemetery where he will be buried. I personally met and spoke to Henry on a number of occasions, including a little over a year ago when Henry spoke at the kick-off ceremony to make the Great Sand Dunes a national park, an undertaking which was greatly appreciated by everyone in the community and in the state. Every time I met with him or his family I felt fortunate.

Mr. Speaker, Henry Salazar was a great and noble man who deserves the recognition and praise by this body of Congress. It is always a sad moment when a loved one passes away from our lives. Henry Salazar was a loved and compassionate man who went out of his way to improve the lives of all those he touched. Those who remember him for his kind words and the good deeds will certainly mourn his passing. My heart goes out to his family, teaching his students and serving the community during this time of remembrance and bereavement. We’ll miss you, Henry.

REMEMBERING DEAN L. ANTHONY SUTIN

HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. CONYERS. Mr. Speaker, I rise to remember Dean Anthony Sutin who was taken from us in a senseless act of violence at Appalachian Law School on January 16, 2002. Dean Sutin was a renowned legal scholar and teacher. I know him well, but I will not go into detail about his personal life. Dean Sutin was a highly accomplished scholar and teacher. He was a member of the faculty of Appalachian Law School, and he was a leader in the legal community. He was a leader in the legal community.

Dean Sutin’s death was a tragedy for the legal community. He was a leader in the legal community. Dean Sutin’s death was a tragedy for the legal community. He was a leader in the legal community. Dean Sutin’s death was a tragedy for the legal community. He was a leader in the legal community. Dean Sutin’s death was a tragedy for the legal community. He was a leader in the legal community. Dean Sutin’s death was a tragedy for the legal community. He was a leader in the legal community. Dean Sutin’s death was a tragedy for the legal community. He was a leader in the legal community.
Battlefield, he moved to Fredericksburg, Virginia in 1972. Bob has been the Chief Historian at Fredericksburg & Spotsylvania National Military Park ever since.

After nearly 30 years of work, his reputation is largely based on two things: his prolific career as a writer and his work as a battlefield preservationist. Bob’s first published book appeared in 1973. Since then he has produced almost a dozen books, most of them devoted to the history of individuals and sites associated with the Civil War battles in the East. His published articles, book reviews, and related material number in the hundreds.

He also has considerable experience and success as a Civil War battlefield preservationist. In the 1980’s he was a co-founder and vice-president of the Association for the Preservation of Civil War Sites—a group that has evolved from an earnest local organization that met in its members’ living rooms into a powerful national presence that saves thousands of battlefield acres annually. Bob has been especially active in protecting historic acreage around Fredericksburg, where the size of the national park increased significantly during his tenure, helping maintain the integrity of these hallowed battlefields and preserving our history for future generations.

I recently had the distinct privilege of viewing the battlefield site in Fredericksburg with Bob. His insight and passion for his work left me captivated. His riveting stories of the small events that turned the tide and determined the final outcome of this battle left me feeling as if these events were actually unfolding before my eyes. It is this zest that Bob has brought to the Park Service for the last thirty years that will have an impact for generations to come. His legacy will be to have passed this knowledge on to his loved ones. Nearly one half of the country’s Civil War battlefield parks presently have historians who learned their trade at Fredericksburg while Bob was the chief historian. In retirement his influence will carry on. The Park Service, and indeed our nation, will miss his service.

I would like to wish my friend the very best upon his retirement from the National Park Service.

INTRODUCTION OF THE SEPTEMBER 11TH VICTIM COMPENSATION FUND FAIRNESS ACT

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the September 11th Victim Compensation Fund Fairness Act, which makes an essential change to the provisions of the September 11th Victim Compensation Fund, in order to justly compensate the thousands of families whose loved ones died in the attack on our nation. Specifically, this legislation will repeal the collateral compensation provision of the September 11th Victims Compensation Fund. The current provision requires the Special Master to reduce the amount of federal compensation by the amount of other compensation the family has received, including life insurance and pension benefits. This provision resulted in unintended consequences that will negatively affect many of the victims’ families.

Our Nation is faced with a difficult challenge. Thousands of American families are trying to recover from the horrible loss of their loved ones on September 11th. As a Congress, we have a moral obligation to these families, including providing compensation to them for the tremendous sacrifice made by their loved ones. We did this because we recognized that our assistance was essential in helping families recover.

However, the tragic events of this day left us in uncharted territory and we moved forward quickly as a Congress to enact laws to help these families. We must be sure that what we enacted in the days immediately following September 11th provides the best assistance possible to these families who have suffered so much.

The September 11th Victims Compensation Fund was created in the Air Transportation Safety and Stabilization Act, which was enacted on September 22, 2001. This was a month and a half after our country suffered the deadliest attack in its history. The Victim Compensation Fund was designed to aid these families fairly and justly. Unfortunately, the full implications of the collateral compensation provision in this fund have only recently become clear. As new regulations of the fund are developed and families receive compensation estimates, many are realizing that they will receive little if any federal support.

I do not believe that this is what Congress intended. Congress created this Fund to compensate families for their losses on September 11th. But because of a provision that reduces the total compensation by the amount of pension benefits and life insurance received, the very families we set out to help have the potential to receive nothing from the Nation’s fund. That is not only unfair but also unacceptable. The Victim Compensation Fund inadvertently created a loophole and it is our responsibility to correct it.

The men and women who purchased life insurance or accrued pension funds did so to provide for the future of their families. We must preserve and justly compensate families for the sacrifice that their loved ones made for our country. We cannot turn our back on our fellow Americans.

I strongly urge my colleagues to support this important legislation.

PAYING TRIBUTE TO RUDY RUDIBAUGH

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Rudy Rudibaugh and recognize his contributions to this nation. Now a resident of Parlin, Colorado, Rudy began his service as a sailor during World War II when he joined the Navy and served in the Pacific Theatre. During his tour, Rudy was involved in five allied invasions, including the invasion and subsequent liberation of the Philippines.

Rudy was assigned to Underwater Demolition Team 10, serving as a “frogman” or commando. As a member of the team, Rudy was a demolition expert assigned to demolish obstacles that would prevent the landing of allied forces on Japanese controlled islands. Rudy’s exploits as a frogman were recently brought to light by the Veterans of Foreign Wars organization. A recent surprise ceremony honored Rudy on an island of the Palau Island Nation chain. It was here that Rudy, along with several UDT demolition experts, cleared underwater obstacles and traps opening a path for occupation of the island by United States Marine forces.

Rudy and his wife Deb, currently reside in the town of Parlin, where he serves as a local outfitter.

Mr. Speaker, it is a great privilege to recognize Rudy before this body of Congress and thank him for his dedicated service during the war. If it were not for servicemen such as Rudy, America would not enjoy the many freedoms that we have today. He served selflessly in a time of great need, bringing credit to himself and to this great nation. Thanks Rudy for your service.

READY, WILLING, AND NO LESS ABLE: VETERANS WITH PHYSICAL CHALLENGES WINNING IN THE COMPETITION FOR LIFE

HON. CORRINE BROWN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Ms. BROWN of Florida. Mr. Speaker, despite the tragedy of September 11th, last year’s Veterans Braintrust, an event that has become one of the traditional highlights of the Congressional Black Caucus Foundation Annual Legislative Conference was a somber occasion. As we commenced the event at a time when our country had experienced one of the more tragic events in its history, We paused for a moment to remember those who lives were lost as we convened for this family affair.

While we didn’t know what kind of turn out we would get after the terrible disaster we call “911.” We want to thank veterans for coming and always giving such tremendous support and participation for veteran’s issues and concerns nationally. But last year especially we really appreciated veteran advocates coming that morning.

This Braintrust brought veterans and their families together from throughout the country and gave us an opportunity to discuss critical issues affecting veterans with physical disabilities such as voting rights; wheelchair accessibility; community based care; family support; reasonable employment and expanding entrepreneurial opportunities. Minister Clyde E. Simpson of the True Light Baptist Church gave the invocation and I had the very special honor to bring up Ms. Melba Moore, Recording Artist and Tony Award winner who sang...
‘God Bless America.’ Then Hon. SANFORD BISHOP, Jr. (D–GA) co-sponsored introduced our keynote speaker who exemplified our theme Ready, Willing, and No Less Able: Sen. Max CLELAND, Georgia’s Senior Senator, disabled Vietnam combat veteran, and former VA Administrator, who has fought in defense of veterans programs and services that many African Americans risk their lives to earn. Sen. CLELAND noted, approximately 300,000 to 400,000 Vietnam veterans came back who were wounded from combat. But, the physical wounds healed up fairly quickly. However, then the emotional aftermath began to set in. Quite frankly, it was that emotional aftermath that he had to deal with, and sometimes still deals with decades later. By 1978 we gave it a name PTSD.

Equally important, he said, America’s veterans have always taken care of this country, but this country has not always taken care of our veterans. So we are grateful for this burst of national euphoria we haven’t seen since Pearl Harbor, and we want to take advantage of this flurry of interest in veterans. Particularly, Tom Brokaw’s book, the “Greatest Generation” about WWII and now HBO’s special “Band of brothers.” However, the truth of the matter is anybody who has ever served in the military, they are “Our Band of Brothers and Sisters.” He looked at it in that manner. Afterward Braintrust members Mr. Morocco Coleman, Executive Committee member and Mr. Clyde Poag, MSW made a special presentation as a token of our appreciation to Sen. CLELAND, and it read from the entire body of the Florida Gulf Coast Chapter since 1991. Mr. Del McNeal, the new Executive Director of the Florida Gulf Coast Chapter, the Braintrust (A), Mr. McNeal is a combat-injured veteran, who has been a member of PVA since the 1970’s and served as the Executive Director of the Florida Gulf Coast Chapter since 1991.

More importantly, Assistant Secretary Mansfield spoke, the “American Dream” and they were: Able, Veterans, Challenges and Winning. This focus was done within the purpose of creating a dialogue between the veteran’s community, and lawmakers, which can develop into policies that enhance the quality of life for all our nation’s veterans. However, winning was the key to his presentation for the night. He stated we know from scientific studies that everyone with a catastrophic disability goes through a number of phases “Anger, Avoidance, Denial, Understanding, and Acceptance.” Yet, as you work your way through these processes, the veteran’s ability to direct yourself on a path towards winning, or to resign yourself to the unhappy life of being a loser. Although, some days and even some years have been worse than others there are some common threads that contribute toward each of our choosing the winning path. One of the keys to this success has been veterans training, knowledge of teamwork, and group support contributing to reaching goals. Thus, veterans training and consequently learning to deal with adversity and to focus on the misfortune, can provide a significantly positive factor. Other threads were hospital rehabilitation time with fellow veterans (or peers) facing similar challenges contributed in a positive manner to his progress, and linking-up with similar minded individuals, as well as having an opportunity to work and give to other veterans and disabled people generally. Finally, he asked for our support in efforts to continue the Department of Veterans Affairs (DVA’s) work as a leader in the United States and throughout the world in providing rehabilitation assistance and sated what we have done.

This year Braintrust awards were given to the following exceptional African Americans and veterans who are physically challenged; rehabilitation service providers; supportive personal, home and community care providers and disability advocates: Associate Minister Clyde Sims, Jr.; Larry Hughes; Lee Williams; Hope Cooper; Pastor Jerry Cochran; Alvin Roberts; George Brummel; Judge Hughley - Mr. Robert Walker, MSW; Leon Wilson, MSW; Odel Brown; Dr. Wilbert Tatum; William ‘Bill’ Demby; Webster Anderson; Kater Cornwell; Carl Brashear; Oliver Kuykendall; Robert Mountain; Winnie Jackson; Staff Sgt. Hilliard Carter; Thomas Duncan; Robert White; Dr. Paul Tooker; Robert Muller; Edween Jackson; Tom Brown; Eugene Tatum, Sr.; Henry Tillman, Ill; Terence Goodman; Horace Grace; Jack Marshall; Henry Verner; the National Veterans Wheelchair Games; Department of Rehabilitation, Social Work & Addictions University of North Texas (UNT); Disabled Business Persons Association (DBA); Roosevelt Institute (Roosevelt Warm Springs Institute for Rehabilitation); World T.E.A.M. Sports; The Rural Institute, University of Montana; Center for Research on Women with Disabilities; and Howard University Research and Training Center for Access to Rehabilitation and Economic Opportunity.

Further, I would like to acknowledge the following individuals and groups for their support: Dr. Ura Jean Oyemade Bailey, Arthur Barham, Mrs. Margaret Brown, Robert Coward, Jr.; John Walker, Robert Burns, Pastor Jerry Cochran, Morocco Coleman, DC Center for Independent Living, Rusty Denman III, Eastern Paralyzed Veterans of America (EPVA), Rep. Lane Evans (D–IL), Venessa K. Franklin, Wayne Gatewood, Jr., Gus Caussin, Denman III, Eastern Paralyzed Veterans of America (MVT), Singer Melba Moore, Delores Glenn, Ph.D. Doctoral Fellow, Anthony Hawkins, Dr. Charles Johnson, Col. Clarence Johnson, USAF, Dr. William Lawson, Paul Leung, Ph.D., James Love, Roy Martin, Sandra McClellan, Ruby Miller, Minority Veterans of Texas (MVT), Singer Meiba Moore, Delores Monye, National Council on Disabilities (NCD), Jan Northstar, Paralyzed Veterans of America (PVA), Col. Pete Peterson, USA, Ret., Clyde Poag, MSW, Bay Area Western PVA, Eda Robinson, Janet Sims-Wood, Ph.D., Wayne Smith, Wallace Tery, Clifton Toulson, Univer.

Let me also say, as Ranking Democratic member of the House Veterans Affairs Sub-Committee on Oversight and Investigations, I have been on the House committee for ten years, or my entire time in Congress. I am on the committee because I feel it’s the right thing to do. And as we prepare for war, I remind my colleagues we cannot forget the men and women that have paid their dues while serving this great country. During each Veterans Day (which is my birthday) we wrap ourselves in the flag. But how you can really tell, how much we love and support veterans are how we treat you in the budget! So as a friend giving you some love, it’s not the words, it’s the deeds. Consequently, I work very hard to make sure we honor our nation’s obligation by being here to listen to your concerns and find out how we can make things better for you. So in this heightened time of patriotism that we are concentrating on the freedom that has been granted to people who have already served, or been through it. So I am committed to make sure that we honor our words with our deeds. We have a
contract with our veterans and we have to make sure that the check that was written never comes up insufficient funds!

Lastly, I would like to thank Ron Armstead, Executive Director who was instrumental in putting together this Braintrust. And I would certainly be remiss without thanking the members of our Congressional staffs Jolanda Williams, Daisy Hannah, Beverly Gilyard, and Nick Martinelli who worked so hard to make this event a success. Again thank you.

GOD is good, all the time. All the time, GOD is good.

And GOD Bless America.

30 YEARS LATER: REMEMBERING THE VICTIMS OF BLOODY SUNDAY

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. PAYNE. Mr. Speaker, I rise today to ask my colleagues here in the U.S. House of Representatives to join me in remembering one of the most tragic days in the history of Northern Ireland. It was on January 30, 1972, that British soldiers opened fire in a brutal show of force against Irish Catholic protestors who left 13 dead and a number of others wounded. Following the example of Dr. Martin Luther King, Jr., the demonstrators had been engaged in a peaceful protest against a repressive system which deprived them of basic rights in their own country.

As a member of the House International Relations Committee who has visited Northern Ireland a number of times to monitor the Orange Order parades and document civil rights violations against the Catholic residents of Garvaghy Road, I understand the historical roots of the conflict and the intense passions of those on both sides of the divide.

The tragic events of September 11th in our own nation have drawn us closer to the people of Northern Ireland and other countries where fear of violence and personal harm is a fact of daily life.

As we stand in solidarity with the people of Northern Ireland, I believe the United States should do everything in our power to ensure the success of the peace process which has moved forward through the work of former President Clinton’s special envoy, Senator George Mitchell.

In order to continue progressing towards a future of peace and reconciliation, it is important that the disturbing questions of the past be put to rest. Therefore, the new investigation into Bloody Sunday must be far-reaching and complete. There remains a strong sense of outrage regarding the original inquiry into Bloody Sunday, when Lord Widgery’s probe hastily concluded that the violence against unarmed civilians was justified.

Mr. Speaker, the history of our nation is intertwined with that of Northern Ireland, and it is fitting that as we remember the victims of Bloody Sunday and their families, we continue to support the cause of peace and justice in Northern Ireland.

Honor of Horace Smith

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Horace Smith from my home State of Ohio who in many ways exemplifies the qualities of our great citizens. Horace Smith was a man greatly committed to our community and its people.

Mr. Smith was born August 12, 1917 in Knoxville, Tennessee, moved to the area 45 years ago. Among his honorable achievements, Mr. Smith received numerous awards as a Staff Sergeant serving in the U.S. Army during World War II. He received the medal for Good Conduct, the American Theater Medal, and Four Bronze Stars.

Horace Smith was dedicated to his job at Virden Lighting For 20 years before retiring in 1978. In addition to his strong dedication to his job, he committed his time to numerous organizations in Cleveland. Mr. Smith was a deacon of the Morning Star Baptist church where he served as both a Trustee and Leader of Boy Scout Troupe No. 436. Furthermore, he was a member of the 32nd Degree Mason, the Shriners King Solomon Lodge No. 18, and Bezaeleal Consistory No. 15.

While serving the people of Cleveland as their mayor, I was honored to have Mr. Smith as a member of the Cleveland Planning Commission. He served Cleveland in countless ways including over 30 years as Precinct Committeeman of the Cuyahoga County, Democratic Party Executive Committee, and a member of the board of Directors of Glenville Y.M.C.A. Mr. Smith also volunteered his time with other local officials during political campaigns including former Congressman Louis Stokes, former Mayor Carl Stokes, and former Mayor Michael White. It has been a great honor for all of us to work with Horace Smith.

My fellow colleagues, please join me in celebrating the life of Staff Sergeant Horace Smith, a highly beloved member of our community for over 45 years. His achievements and service to the community, have earned him great respect by his family and all of us in the community.

Hilliard Delivers "State of Rural America" Speech Before Progressive Caucus

HON. EARL F. HILLIARD
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. HILLIARD. Mr. Speaker, The State of Rural America is facing a far greater decline than the rest of America in this economic recession. Agricultural America is suffering in a far greater degree than the rest of the nation. During the Great Depression of 1929, the Deep South suffered earlier than other parts of the nation and more severely.

The reasons for this suffering in rural America are many, but the lack of jobs and economic infrastructure are the primary reasons. Most Americans who live on small farms do not get their income primarily from them—they get it from jobs in the cities and towns, and there are too few jobs in rural areas, and when they exist, they tend to pay poorly.

To deal with this long-time suffering, Congress needs to concentrate on rural development like never before. We need to create increased incentives to bring industry and jobs to rural America. We must realize that small farmers and independent producers recycle wealth into their communities, while large, absentee farmers may not. Investments made in small and independent farmers and businesses stay in the rural areas and grow.

We need to increase educational opportunities there, so that the children do not hit dead ends in their development. We need to see that the children get fully nutritional meals—it is one of the crudest ironies and greatest injustices in America that the children of farmers are often undernourished.

We need to increase programs that support cooperative arrangements between farmers, making them more sustainable as they work together, purchase and sell together.

Rural areas need micro-loans—they have small economies and the businesses are small. However, we need to make the micro-loans more usable, and the Small Business Administration’s micro-loan program needs to be expanded to make the loans available up to $50,000, rather than the $35,000 cap, which is presently active.

The 8A program of the Small Business Administration has been essential in supporting business development in rural areas. It is in danger of being destroyed by the present administration, which has already published proposed rules which will make it unusable. We absolutely must defend the 8A program!

The Food Stamp Program is one that provides a market to many farmers and nutrition to many poor people. The current minimum of $10 is too low, and shows a lack of concern for the hungry Americans who live in the rich nation of the world. People on Food Stamps should get at the very least $120.00 per month.

Further, the Food Stamp Program must be extended to legal immigrants. These workers are legally here, they contribute not only labor but also pay taxes to the American economy, and they should be able to access sufficient food for themselves and their children.

The Children Program (WIC) should be funded sufficiently to meet the needs of the pregnant women and infants in this nation—this means that it must not be flat-funded in this recession, but expanded. However, the diet it provides, while necessary, is not sufficient in all ways, and is supplemented efficiently by the farmers market nutrition program, which makes available fresh fruits and vegetables necessary for the healthy development of our next generation. It must not be cut to make it seem that food stamps are being maintained.

Finally, we must deal with the crisis affecting black farmers. In 1910, at the peak of times for black Americans, who live in the rich nation of the world, 100,000 black farmers were landowners. Today there are only about 10,000 farms owned by black farmers—a drop of 90%! We
are finding that states have collaborated with rich farmers and with banks to scramble black farmers out of their land, and Congress must deal with this. Not only must it cease, but farmers who have been cheated must be made whole. This is no worse than armed robbery!

Despite the settlement of the Black farmers class action lawsuit, Pigford vs. Glickman, which has cost the USDA millions to date. The Department is still making payments and civil rights violations still persist at the Department of Agriculture.

Little or nothing has been done to see to it that the discriminatory practices which led to this lawsuit have ended.

The administration has failed to hold the USDA accountable to producers, to the American people and to Congress. This must be fully resolved, and Congress should make sure that it is resolved.

I think our farmers are heroic, especially our small farmers. But they need more reliable allies, and Congress must join the battle fully. Our food, our children, and our Nation demand it.

PAYING TRIBUTE TO GOVERNOR JOHN LOVE

HON. SCOTT McNINNS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. McNINNS. Mr. Speaker, it is with profound sorrow that I rise today to pay tribute to and recognize the extraordinary service and sacrifice of a great statesman and national leader. On January 21, 2002, former Colorado Governor John Love, a leader and pillar of the State of Colorado and this nation, passed from us during the night at the age of 86. To many Coloradans, Governor Love will be remembered as a great statesman, but to those who knew him best, he will be remembered as John, a caring and kind soul always willing to lend a helping hand. I would like to take this opportunity, before this body today, to highlight Governor Love’s many years of service to this nation.

Born in Illinois, John Love’s family came to Colorado in 1919, settling in the city of Colorado Springs. Following high school, he entered the University of Denver, earning a bachelor’s degree in law by 1941. While the escalation of World War II waged on, John answered his country’s call to service and joined the armed forces as a naval aviator. His exemplary service and courage in battle were rewarded with several Air Medals and two Distinguished Flying Crosses, the highest award bestowed to aviators in the arena of flight. Following the war, John returned to Colorado with his wife Ann, whom he married in 1942, and opened a private law practice.

In the years following the war, John stayed active in local politics, served as a member of the Colorado Springs Chamber of Commerce and the GOP Central Committee. Dissatisfied with Colorado’s chief executive, and having no political office experience, John considered a bid to run for governor. In 1962, John entered the Colorado gubernatorial race and ran as the “citizen’s governor” with a platform of growing the state economy and increasing educational opportunities. He defeated incumbent Steve Nichols, and became Colorado’s 36th Governor.

During his three terms as Governor, John was responsible for increasing public support for secondary and higher education, improving health care, reducing state income taxes, eliminating the state property tax, and implementing economic policies that resulted in record growth for the state economy. His efforts gave new nation-wide insight in an appointment to Director of the Energy Policy Office for the Nixon Administration, an office that would later become the Department of Energy.

Mr. Speaker, John Love was a great servant and patriot of this nation. His tenure as Governor, role as energy director, and self-sacrifice to defend his nation clearly deserves the recognition of this body of Congress and the thanks of a grateful nation. It has always been known that his greatest passion was his love and dedication to his family. John Love is survived by sons Dan and Andy, and daughter Becky. Ann, his wife and companion for over fifty years, passed from us in 1999. It is with a solemn heart that we say goodbye and pay our respects to a great statesman, and a patriarch of the State of Colorado. John Love dedicated his life to improving the lives of his fellow Americans, and he will be greatly missed.

TRIBUTE TO MR. GEORGE H. SCHNARRE

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. BACA. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. George H. Schnarre for his service as the President of the San Bernardino Area Chamber of Commerce.

Mr. Schnarre is an individual of great distinction, and we join with his colleagues, family and friends in honoring his remarkable service to the San Bernardino community. He has truly achieved the American dream while remaining a firm commitment to his community exemplified by his work with the Chamber of Commerce.

George Schnarre was born during the Great Depression to Missouri sharecroppers. In the 1940’s the Schnarre family migrated to California setting down roots in the San Bernardino area. After graduating from San Bernardino High School, George began studies at Valley College, but they were cut short by the Korean War. George Schnarre answered the call of duty joining the United States Navy as a dental technician. Upon the completion of his duty to his country, George returned to his studies at the University of California at Riverside while working part time in the grocery business. Thus began George’s career in the Southern California business community.

While working his way up in the grocery industry, George Schnarre earned his real estate license. After moving back to his roots in San Bernardino, George entered the real estate business full time. Eventually George began his own real estate firm, George H. Schnarre Inc. Real Estate. Over time George’s firm grew to encompass 13 offices.

While George built his real estate firm, he always made sure there was time to serve his community and his industry at the local, state and national levels. He obtained lifetime credentials to teach any real estate subject at the Community College level. Among numerous activities within the community, George participated in area little league and girls softball leagues, and is an active Rotarian, Mason, Shriner, and member of the San Bernardino Ebell Club. George is a valued member of the community and expertise in the business culminated in his service as Director of the San Bernardino Area Chamber of Commerce as well as on four other local Chambers.

George Schnarre is not only a business and community leader, he is a family man. We are joined in recognizing the accomplishments of this outstanding individual by his wife, Claudia A. Schnarre, son George W. Schnarre, daughter Cindy Schnarre Healy and grandson David Jones.

And so, Mr. Speaker, I join George’s loving family, recognizing George’s long and distinguished career in real estate, and we express admiration for his service to the San Bernardino Area Chamber of Commerce.

HONORING DAVE THOMAS

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. RAHALL. Mr. Speaker, “the man who really counts in the world is the doer,” President Theodore Roosevelt once wrote, “not the man who only talks or writes about how it ought to be done.” Dave Thomas was the definition of a doer. He was one of the youngest soldiers to manage an Enlisted Men’s Club for the U.S. Army, and his innate business acumen led to success after success, making him a millionaire by the time he turned thirty-five.

But truly successful people do not hoard their earnings or ignore the pain of others. Dave Thomas believed in civic responsibility and eagerly involved himself in the communities he called home. In Columbus, Ohio, where he founded Wendy’s Old Fashioned Hamburgers in 1969, Mr. Thomas supported financially and morally the Children’s Hospital, Recreation Unlimited, and the Ohio State University Cancer Research Institute.

I worked with Dave Thomas to further the mission of the St. Jude Children’s Research Hospital, on whose Professional Advisory Board I have served since 1996. Located in Memphis, Tennessee, St. Jude was founded by Danny Thomas in 1962. It is one of the world’s leading centers of research and treatment for life-threatening childhood illnesses, particularly cancer. Remarkably, no child pays for St. Jude’s services. The American Lebanese Syrian Associated Charities raise the funds to cover all costs of patient care.

Dave Thomas served six productive years on the St. Jude’s Boards of Directors and Governors from 1978-81 and from 1994-97. Richard C. Shadyiac, Sr., St. Jude’s National Executive Director, “recalled him as a very close personal friend of Danny Thomas.” Mr. Shadyiac went on to say that “Mr. Thomas made major contributions and stock gifts to St. Jude’s, especially in its early, formative years.”

Most Americans know Dave Thomas from his television commercials. They embody his easy demeanor and engaging personality. Not
many captains of industry would return to high school, as Dave Thomas did in 1993, to earn a diploma forty-five years after leaving school to work full time. Fewer still would have the grace and humor to attend the prom. Dave Thomas lived a life of purpose and action. He was devoted to his family, committed to his business, and endlessly generous with his time and wealth.

HONORING THE METROPOLITAN HOUSING AND URBAN DEVELOPMENT AGENCY’S EXECUTIVE DIRECTOR GERALD NICELY ON THE OCCASION OF HIS RETIREMENT AFTER THIRTY YEARS OF SERVICE

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Gerald Nicely, Executive Director of the Metropolitan Development and Housing Agency (MDHA) in Nashville on the occasion of his retirement after more than thirty years of service to Metropolitan/Davidson County Tennesseans.

I consider Mr. Nicely a longtime friend and have had the opportunity to work with him on housing issues for Tennesseans a number of times. One of the most important projects we worked on together was securing significant federal funding for the revitalization of the Vine Hill Homes through the HOPE VI funding effort. Additionally, our continued cooperation resulted in millions of federal housing dollars being allocated to Middle Tennessee for numerous programs and housing improvements.

His accomplishments include outstanding leadership overseeing key downtown projects such as construction of Adelphia Stadium, the new downtown library, the Country Music Hall of Fame, the convention center, the Frist Center for the Visual Arts and Gaylord Entertainment Center Arena. He also directed renovations at the historic Ryman Auditorium and the revitalization of the Riverfront Park area. These marked improvements under Nicely’s direction have resulted in the highest praise from his peers and residents of the community as well as awards on the local, state, and national levels.

A native of East Tennessee, Gerald Nicely received his bachelor’s and master’s degrees in Economics from the University of Tennessee. The Metropolitan Planning Commission hired him as Staff Economist in 1968, and by 1979, he was promoted to Director of the Housing Development Division, beginning a twenty-two year run managing MDHA. His tenure as director was interrupted only once, in 1993–1994, when he was named Chief of Staff for then Nashville Mayor Phil Bredesen.

Nicely has always believed in giving back to the community through attendance and service on various boards and civic organizations. For instance, he currently serves as founding board member of the Nashville Housing Fund and the Nashville Homestead Corporation; as charter board member of the Frist Center for the Visual Arts; as Vice Chairman of Nashville, Inc.; and on the board of the Metropolitan Action Commission. A past president of the Public Housing Authorities Directors Association, today he serves as trustee for that organization. Additionally, he served two terms on the board of the Tennessee Housing Development Agency (THDA).

Membership in civic organizations includes the Downtown Rotary Club of Nashville; the Nashville Area Chamber of Commerce; the National Association of Housing and Redevelopment Officials; the Tennessee Association of Housing and Redevelopment Authorities; Urban Land Institute; and Leadership Nashville Alumni Association.

As Director of MDHA, Nicely met the ongoing challenge of managing the public housing authority, as well as directing efforts to revitalize and renew urban areas, purchase land and design projects throughout the county. His fortitude, vision, and professionalism as an administrator have helped propel Nashville forward into the 21st Century.

Mr. Speaker, I offer my sincerest wishes for future success to Mr. Nicely and his family on this momentous occasion and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, few Americans dedicate the majority of their lives to the people of their country and the residents of their State. Even fewer place their own lives in harm’s way to protect the values and freedoms we, as Americans, hold dear.

One such person is my friend, Colonel Mike Warner (Ret). Mike has had a distinguished career serving our country in the United States Army. Mike served in the U.S. Army for 27 years as an officer. During his distinguished career as an Active Army officer, Colonel Warner had numerous staff command assignments including assignments in Korea, Germany, and throughout the United States. Colonel Warner is a highly decorated soldier, receiving two Legions of Merit, two Bronze Stars, a Purple Heart, three Meritorious Service Medals, and the Army Commendation Medal. Additionally, he has received campaign medals for service in Vietnam and overseas service ribbons for his tours of duty in Europe and Korea.

For his final assignment, Mike served as Commander of Fort Dix, in Burlington County, New Jersey. At Fort Dix, Mike was responsible for the 35,000 acre military installation and a $125 million operating budget. After retiring from Active Duty, Colonel Warner continued to serve the people of the State of New Jersey, Governor Christine Todd Whitman appointed Colonel Warner as the State’s third Deputy Commissioner for Veterans Affairs. In March of 1994 as Deputy Commissioner, Mike was responsible for providing support for New Jersey’s 650,000 veterans and their families, managing a $55 million budget, the operation of three 300-bed nursing homes, and the Nation’s largest State veterans cemetery.

Mike Warner is also a dedicated citizen, giving his free time to many charitable and civic organizations. He is a member of the Alumni Associations of Marquette University and the Army War College, the Association of the U.S. Army and Retired Officers Association, the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans of America, and is a lifetime member of the Military Order of the Purple Heart and the Disabled American Veterans. Additionally, Mike is a member of the Burlington County Boy Scouts of America Executive Council, the Pemberton Rotary, and serves on the Board of Directors of the USO of Philadelphia.

Our country and communities need dedicated people like Colonel Mike Warner. He is a true American Patriot and it is my pleasure to call him friend.

Mr. SAXTON. Mr. Speaker, few Americans dedicate the majority of their lives to the people of their country and the residents of their State. Even fewer place their own lives in harm’s way to protect the values and freedoms we, as Americans, hold dear.

One such person is my friend, Colonel Mike Warner (Ret). Mike has had a distinguished career serving our country in the United States Army. Mike served in the U.S. Army for 27 years as an officer. During his distinguished career as an Active Army officer, Colonel Warner had numerous staff command assignments including assignments in Korea, Germany, and throughout the United States. Colonel Warner is a highly decorated soldier, receiving two Legions of Merit, two Bronze Stars, a Purple Heart, three Meritorious Service Medals, and the Army Commendation Medal. Additionally, he has received campaign medals for service in Vietnam and overseas service ribbons for his tours of duty in Europe and Korea.

For his final assignment, Mike served as Commander of Fort Dix, in Burlington County, New Jersey. At Fort Dix, Mike was responsible for the 35,000 acre military installation and a $125 million operating budget. After retiring from Active Duty, Colonel Warner continued to serve the people of the State of New Jersey, Governor Christine Todd Whitman appointed Colonel Warner as the State’s third Deputy Commissioner for Veterans Affairs. In March of 1994 as Deputy Commissioner, Mike was responsible for providing support for New Jersey’s 650,000 veterans and their families, managing a $55 million budget, the operation of three 300-bed nursing homes, and the Nation’s largest State veterans cemetery.

Mike Warner is also a dedicated citizen, giving his free time to many charitable and civic organizations. He is a member of the Alumni Associations of Marquette University and the Army War College, the Association of the U.S. Army and Retired Officers Association, the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans of America, and is a lifetime member of the Military Order of the Purple Heart and the Disabled American Veterans. Additionally, Mike is a member of the Burlington County Boy Scouts of America Executive Council, the Pemberton Rotary, and serves on the Board of Directors of the USO of Philadelphia.

Our country and communities need dedicated people like Colonel Mike Warner. He is a true American Patriot and it is my pleasure to call him friend.

Mr. SAXTON. Mr. Speaker, few Americans dedicate the majority of their lives to the people of their country and the residents of their State. Even fewer place their own lives in harm’s way to protect the values and freedoms we, as Americans, hold dear.

One such person is my friend, Colonel Mike Warner (Ret). Mike has had a distinguished career serving our country in the United States Army. Mike served in the U.S. Army for 27 years as an officer. During his distinguished career as an Active Army officer, Colonel Warner had numerous staff command assignments including assignments in Korea, Germany, and throughout the United States. Colonel Warner is a highly decorated soldier, receiving two Legions of Merit, two Bronze Stars, a Purple Heart, three Meritorious Service Medals, and the Army Commendation Medal. Additionally, he has received campaign medals for service in Vietnam and overseas service ribbons for his tours of duty in Europe and Korea.

For his final assignment, Mike served as Commander of Fort Dix, in Burlington County, New Jersey. At Fort Dix, Mike was responsible for the 35,000 acre military installation and a $125 million operating budget. After retiring from Active Duty, Colonel Warner continued to serve the people of the State of New Jersey, Governor Christine Todd Whitman appointed Colonel Warner as the State’s third Deputy Commissioner for Veterans Affairs. In March of 1994 as Deputy Commissioner, Mike was responsible for providing support for New Jersey’s 650,000 veterans and their families, managing a $55 million budget, the operation of three 300-bed nursing homes, and the Nation’s largest State veterans cemetery.

Mike Warner is also a dedicated citizen, giving his free time to many charitable and civic organizations. He is a member of the Alumni Associations of Marquette University and the Army War College, the Association of the U.S. Army and Retired Officers Association, the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans of America, and is a lifetime member of the Military Order of the Purple Heart and the Disabled American Veterans. Additionally, Mike is a member of the Burlington County Boy Scouts of America Executive Council, the Pemberton Rotary, and serves on the Board of Directors of the USO of Philadelphia.

Our country and communities need dedicated people like Colonel Mike Warner. He is a true American Patriot and it is my pleasure to call him friend.

Mr. SAXTON. Mr. Speaker, few Americans dedicate the majority of their lives to the people of their country and the residents of their State. Even fewer place their own lives in harm’s way to protect the values and freedoms we, as Americans, hold dear.

One such person is my friend, Colonel Mike Warner (Ret). Mike has had a distinguished career serving our country in the United States Army. Mike served in the U.S. Army for 27 years as an officer. During his distinguished career as an Active Army officer, Colonel Warner had numerous staff command assignments including assignments in Korea, Germany, and throughout the United States. Colonel Warner is a highly decorated soldier, receiving two Legions of Merit, two Bronze Stars, a Purple Heart, three Meritorious Service Medals, and the Army Commendation Medal. Additionally, he has received campaign medals for service in Vietnam and overseas service ribbons for his tours of duty in Europe and Korea.

For his final assignment, Mike served as Commander of Fort Dix, in Burlington County, New Jersey. At Fort Dix, Mike was responsible for the 35,000 acre military installation and a $125 million operating budget. After retiring from Active Duty, Colonel Warner continued to serve the people of the State of New Jersey, Governor Christine Todd Whitman appointed Colonel Warner as the State’s third Deputy Commissioner for Veterans Affairs. In March of 1994 as Deputy Commissioner, Mike was responsible for providing support for New Jersey’s 650,000 veterans and their families, managing a $55 million budget, the operation of three 300-bed nursing homes, and the Nation’s largest State veterans cemetery.

Mike Warner is also a dedicated citizen, giving his free time to many charitable and civic organizations. He is a member of the Alumni Associations of Marquette University and the Army War College, the Association of the U.S. Army and Retired Officers Association, the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans of America, and is a lifetime member of the Military Order of the Purple Heart and the Disabled American Veterans. Additionally, Mike is a member of the Burlington County Boy Scouts of America Executive Council, the Pemberton Rotary, and serves on the Board of Directors of the USO of Philadelphia.

Our country and communities need dedicated people like Colonel Mike Warner. He is a true American Patriot and it is my pleasure to call him friend.
PUBLISHMENT OF THE LATE PRESIDENT LEOPOLD SEDAR SENGHOR
HON. CHARLES B. RANGEL OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002
Mr. RANGEL. Mr. Speaker, I rise today to recognize a great leader, the past President of Senegal, Leopold Sedar Senghor who past away on December 20th, 2001. President Senghor was a educator, poet, statesman, and a friend of the United States of America.

President Senghor was born in a small town of Joa, Senegal in 1906. He received a scholarship to attend school in France where in 1935 he became the first African to receive the “Agréé” (doctorate degree) in French language and literature.

After teaching for a number of years, he served in the French army during World War II (1935–1945), was captured, and spent two years in German prison camps. It was a prisoner of war that he managed to write some of his best poetry. After the war, Senghor was recruited by the French Socialist Party and was later elected to represent Senegal in the National Assembly in Paris in which capacity he served until the French territories became independent. In 1960, France granted independence to Senegal and Leopold Senghor was elected its first president.

Few chief of states could match his political skill of charisma. This was especially notable when President John F. Kennedy hosted President Senghor at a state visit in 1961 at the White House. As recorded in the memoirs of Ambassador of Senegal at that time—the Honorable Philip Kaiser—the two gentlemen developed a special bond. Ambassador Kaiser remarked “they were both intellectuals, both highly cultivated, both Catholic in countries predominantly Protestant or Moslem, and not the least of all, both creative, pragmatic politicians.

During the 1960s, President Senghor’s friendship with the United States grew and was evident in his support for President Kennedy during the Cuban missile crisis. Washington strategist realized that Moscow could evade the U.S. naval blockade around Cuba by flying Soviet planes, with atomic warheads aboard, to Havana if they were able to land and refuel in Dakar, Senegal’s capital. President Senghor agreed with Washington’s request to deny the Russians landing rights in Dakar, Senegal in order to evade the U.S. naval blockade around Cuba.

Mr. Speaker, I ask that you and my colleagues join me in celebrating the life and the political accomplishments of a friend of the United States of America, the late President Leopold Sedar Senghor of Senegal.

TRIBUTE TO MRS. MARIAN M. OLIVER
HON. JAMES E. CLYBURN OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002
Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Marion M. Oliver of South Carolina, a retired educator with numerous years in the public school systems. A dedicated servant to her fellow citizens, she has amassed many years of volunteer service to her community, citizens of Orangeburg and Barnwell Counties in expressing our deep appreciation and gratitude to her for a lifetime of outstanding service.

Mrs. Oliver was born February 17, 1912, in Bamberg County, South Carolina. She attended schools in through high school. After graduating high school she worked at the education at Claflin University in Orangeburg, SC. There she received a Bachelor of Arts in Early Childhood Education. After graduation, her desire to help others lead her to a thirty-seven-year teaching career in Orangeburg and Barnwell Counties, South Carolina.

Though Mrs. Oliver has no biological children, she has raised two, Dwight and Pearl Ethel, as her own and has been a mentor to many others in her community. She has invested much of her time supporting her church and community through personal involvement and countless fundraisers. In addition to her leadership positions in her church, Sunday School Teacher and President of United Methodist Women, she is an active member of the National Association for the Advancement of Colored People (NAACP).

At age eighty-nine, Mrs. Oliver is still active with United Methodist Women and several other organizations in her community including Cooperative Ministries of Orangeburg, American Association of Retired Persons (AARP), Retired Teachers’ Association, and a local need-based service group called Senior Support Group. Because of her tireless dedication to church and community, Mrs. Oliver is now reaping the harvest of her efforts through the admiration she receives from her neighbors and appreciation she receives from those whose lives she has touched.

Mr. Speaker, I ask that you and my colleagues join me in honoring Mrs. Marian M. Oliver for the immeasurable service she has offered to her community through her roles as a teacher, civic leader and volunteer. I sincerely thank Mrs. Oliver for her life-long commitment to helping others and wish her good luck and Godspeed.

PAYING TRIBUTE TO GAY CAPPIS
HON. SCOTT MCKINNIS OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002
Mr. MCKINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Gay Cappis and thank her for her extraordinary contributions as County Clerk for San Miguel County. Her life-long dedication to both her job and the people of San Miguel County is matched only by the level of integrity and honesty with which she has conducted herself each and every day while at her post. She will always be remembered as an employee with the utmost dedication and talent, and will continue to be known as a leader in her community. As she celebrates her retirement, let it be known that I, along with each and every person with whom she has worked and the people of San Miguel County, are eternally grateful for all that she has accomplished in her more than 50 years of public service.

Gay worked in the San Miguel County office for over 24 years, beginning as a typist at the age of 19 for County Clerk Shelly Clark. Gay was later appointed Deputy County Clerk by Mollie Rae Carver in 1964. She was then appointed County Clerk in 1970 and has run successfully for this important position to this day. For over 50 years, Gay has selflessly given her time, energy and unrelenting commitment to the people of San Miguel County. Although we are sad to lose her services, we are happy that she will now have more time to travel and relax with her husband George and enjoy her well deserved retirement.

Mr. Speaker, it is clear that Gay Cappis is a woman of unparalleled dedication and commitment to both her professional endeavors and the people of her community. It is her unrelenting passion for each and every thing she does, as well as her spirit of honesty and integrity with which she has always conducted herself, that I wish to bring before this body of Congress. She is a remarkable woman, who has achieved extraordinary things in her career and for her community. It is my privilege to extend to her my congratulations on her retirement and wish her the best in her future endeavors.

SLAUGHTER-HOEFFEL-SMITH RESOLUTION ON THE UKRAINIAN PARLIAMENTARY ELECTIONS
HON. LOUISE MCINTOSH SLAUGHTER OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002
Ms. SLAUGHTER. Mr. Speaker, today I, along with my colleagues Rep. JOSEPH HOEFFEL and Rep. CHRISTOPHER SMITH, introduced this resolution that the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002 parliamentary elections.

In April 2001, I was troubled to learn about the Ukrainian Parliament’s vote to remove reform-minded Prime Minster Viktor Yushchenko. This change of government came in the midst of the ongoing political turmoil resulting from allegations over the involvement of President Leonid Kuchma in the
case of murdered journalist Heorhiy Gongadze. Meanwhile, reports of government corruption and harassment of the media have raised concerns about the Ukrainian government’s commitment to democratic principles. As a founding member and Co-chair of the Congressional Ukrainian Caucus, I have spoken out for a more democratic Ukraine and expressed my continued concern about the lack of progress in the Gongadze case and recent political instability.

On March 31, 2002, Ukraine will hold its third parliamentary elections since becoming independent more than ten years ago. It is widely believed that the outcome of the parliamentary elections will determine whether Ukraine continues to pursue democratic reforms, or experiences further political turmoil. The intent of my resolution is to make the Government of Ukraine aware that the U.S. Congress is monitoring the conduct of the parliamentary election process closely, and will not just be focusing on Election Day results.

According to the Organization for Security and Co-operation in Europe (OSCE/ODIHR) final report on Ukraine’s most recent national election, the presidential election of 1999 was marred by violations of Ukrainian election law and failed to meet a significant number of OSCE election commitments. There is now concern that the 2002 parliamentary elections will be compromised by similar violations. Two recent reports on the 2002 parliamentary elections released by the Committee on Voters of Ukraine (CVU), a leading Ukrainian watchdog group on elections, have cited numerous violations in the campaign process.

My resolution urges the Government of Ukraine to enforce impartially the new election law signed by President Kuchma on October 30, 2001, which was cited in a OSCE/ODIHR report dated November 26, 2001 as making improvements in Ukraine’s electoral code and providing safeguards to meet Ukraine’s commitments on democratic elections. The resolution also urges the Government of Ukraine to meet its commitments on democratic elections and address issues identified by the OSCE in its final report on the 1999 elections, such as state interference in the campaign and pressure on the media. Finally, the resolution calls upon the Government of Ukraine to allow both domestic and international election monitors full access to the parliamentary election process.

It is my hope that this resolution will send a clear message to the Government of Ukraine that the U.S. Congress will not simply rubber stamp funding requests for Ukraine without also considering the serious issues involved in Ukraine’s democratic development. In particular, the conduct of the 2002 parliamentary elections will have a major impact on funding considerations when Members of Congress are again confronted with the task of balancing their support of the U.S.-Ukrainian relationship with Ukraine’s progress in making democratic reforms.

I urge my colleagues to support the Slaughter-Hoeffel-Smith resolution, and encourage the Government of Ukraine to conduct a democratic, transparent, and fair parliamentary election process.

**CONGRESSIONAL RECORD**

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

**Tuesday, January 29, 2002**

Mr. LANTOS. Mr. Speaker, as a nation we have recently celebrated the contributions of Dr. Martin Luther King, Jr., in American history and justice into the twenty-first century. He has maintained an active role in politics and has been an outspoken champion of human rights and progressive social movements. His recent sponsorship of legislation discouraging racial profiling, and his dedicated support of the National Museum of African-American History and Culture, further illustrate his commitment to a society that is truly free of racial inequality.

Mr. Speaker, I would ask that Congressman Lewis’ remarks be printed in the CONGRESSIONAL RECORD.

Mr. Speaker, I encourage my colleagues in the House to consider the position articulated by Dr. King, and in so doing, develop an appreciation for the parallel sufferings of the Jewish and African-American communities.

From the San Francisco Chronicle, January 21, 2002.

**KING’S SPECIAL BOND WITH ISRAEL**

BY JOHN LEWIS

The Rev. Martin Luther King Jr. understood the meaning of discrimination and oppression. He sought ways to achieve liberation and peace, and he thus understood that a special relationship exists between African-Americans and American Jews.

This message was true in his time and is true today.

He knew that both peoples were uprooted involuntarily from their homelands. He knew that both peoples were shaped by the tragic experience of slavery. He knew that both peoples were forced to live in ghettos, victims of segregation.

We knew that both peoples were subject to laws passed with the particular intent of oppressing them simply because they were Jewish or black. He knew that both peoples have been subjected to oppression and genocide on a level unprecedented in history.

King understood how important it is not to stand by in silence. He understood the cry, “Let my people go.”

Long before the flight of the Jews in the Soviet Union was on the front pages, he raised his voice—“I cannot stand idly by, even though I happen to live in the United States and even though I happen to be an American Negro and not be concerned about what happens to the Jews in Russia.” For what happens to them happens to me and you, and we must be concerned.”

During his lifetime King witnessed the birth of Israel and the continuing struggle to build a nation. He consistently reiterated his stand on the Israel-Arab conflict, stating “a Jew’s right to exist as a state in security is uncontested.” It was no accident that King emphasized “security” in his statements on the Middle East.

On March 25, 1968, less than two weeks before his tragic death, he spoke out with clarity and directness, stating, “peace for Israel means security, and we must stand with all our strength and will to protect Israel’s territorial integrity. I see Israel as one of the great outposts of democracy in the world, and a marvelous example of what can be done, how desert land can be transformed into an oasis of brotherhood and democracy. Peace for Israel means security and that security must be a reality.”

During the recent U.N. Conference on Racism held in Durban, South Africa, we were all shocked by the attacks on Jews, Israel and Zionism. The United States of America stood up against these vicious attacks. Once again, the words of King ran through my memory, “I solemnly pledge to do my utmost to uphold the Jews—because bigotry in any form is an affront to us all.”

In an appearance at Harvard University shortly before his death, a student stood up and asked King to address himself to the issue of Zionism. The question was clearly hostile. King responded, “When people criticize Zionists they think Jews, you are talking anti-Semitism.”

King taught us many lessons. As turbulence continues to grip the Middle East, his words should continue to serve as our guide. I am convinced that were he alive today he would speak clearly calling for an end to the violence between Israelis and Arabs.

I would call upon his fellow Nobel Peace Prize winner, Yasser Arafat, to fulfill the dream of peace and do all that is within his power to stop the violence.

He would urge continuing negotiations to reduce tensions and bring about the first steps toward genuine peace.

As we celebrate his life and legacy, let us work for the day when Israelis and Palestinians, Jews and Muslims, will be able to sit in peace “under his vine and fig tree and none shall make him afraid.”

**PAYING TRIBUTE TO LAVELLE CRAIG**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

**Tuesday, January 29, 2002**

Mr. McNINIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lavelle Craig and thank him for his contributions to the community of Canon City, Colorado. Lavelle will always be remembered as a dedicated administrator and leader of the community, and as he celebrates his retirement, let it be known that this will be a great loss for a town that has relied on him for his knowledge and wisdom in times of hardship and prosperity.

Lavelle has been a tireless servant of the business and civic community for many years. As a member of the business community, he served as a bank examiner with Fremont National Bank. Answering a call to public service in 1995, Lavelle entered into the field of politics. He was elected that year to the City Council of Canon City, serving until his retirement this year. In 1998, he was elected to the Board of County Commissioners, serving until this year. He has been acknowledged as a dedicated administrator and leader of the community.

Mr. Speaker, during his lifetime, Lavelle was a tireless servant of the business and civic community for many years. As a member of the business community, he served as a bank examiner with Fremont National Bank. Answering a call to public service in 1995, Lavelle entered into the field of politics. He was elected that year to the City Council of Canon City, serving until his retirement this year. In 1998, he was elected to the Board of County Commissioners, serving until this year. He has been acknowledged as a dedicated administrator and leader of the community.
Council and served his district for the next two years. This position laid the groundwork for Lavelle to run for Mayor, a position he has held for the past four years. Following four successful and prosperous years as the town’s chief executive, Lavelle now prepares to hand the office to his new successor.

In his service to his community, Lavelle played a crucial role in the maintenance of civic values and infrastructure. He negotiated tough contracts with the Royal Gorge Bridge Co., which provide a large amount of revenue to Canon City, thereby allowing for record low real estate taxes in the region. He promoted public work programs such as road building, public nutrition facilities, and was at the forefront of decreasing voter apathy and increasing civic involvement, a daunting and often difficult task. As for his future plans, Lavelle intends to remain active in his civic responsibilities as well as enjoy a well-deserved retirement.

Mr. Speaker, it is a great honor to recognize Lavelle Craig and thank him for his contributions to the community of Canon City, the State of Colorado, and this nation. His selfless service and dedication to improving citizen’s lives has brought much credit to himself, his family, and the community. His actions and forbearance in preserving our western ideals and lifestyle deserve the recognition and thanks from this body of Congress. Congratulations on your retirement Lavelle, and good luck in your future endeavors.

THANK YOU ANN BROWN AND THE STAFF AND VOLUNTEERS OF SAFE

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. MORAN of Virginia. Mr. Speaker, thank you Ann and all the fine staff and volunteers of SAFE. I am proud to be here today standing along side of this nation’s foremost safety advocates.

Ann Brown has dedicated much of her life to our families safety. Her particular emphasis has been on children. Because our children naturally assume that anything, particularly a toy, that their parents give them couldn’t possibly cause them harm.

But do you know that more than 1.7 million children under the age of 5 are injured each year by defective or hazardous products. For older children, the figure is almost 5.5 million.

So, as I was saying, Ann Brown is determined, she’s tough, and she doesn’t give up. And if I’m ever not on her side, I’ll know I’m on the wrong side. Because through effective regulatory action, encouraging voluntary steps by companies, and creating unique public-private partnership with industry and other governmental agencies, she has made a major difference in the quality and the safety of our lives.

In fact, no one, before Ann, has been as consistently effective in making more people aware of dangerous and defective consumer products and getting them recalled—300 products were recalled during Ann’s 7 1/2 years chairmanship of CPSC. Too many children have been injured, some have even died because people didn’t learn about the recall of a dangerous product from television, radio or their daily paper.

Sometimes they don’t hear about the recall. Oftentimes, it’s not their fault. The way the system works today, it’s surprising anyone knows about these dangers.

Most companies try to contact people directly about recalled products based on the limited records they’ve collected from the so-called warranty cards companies send out with products.

These records are grossly inadequate. In fact, 97 percent of consumers toss the cards out because they contain marketing and personal questions people just don’t want to answer. And they shouldn’t have to.

I like Ann’s idea that if you could create a simple safety card, like she has shown today, people would be much more likely to send them back.

We want to commend Mattel and BrandStamp for stepping up to the plate to help CPSC test this idea.

Ann Brown and SAFE are right that CPSC should move forward on a proposed rule to improve recall effectiveness.

So we are introducing legislation which would require CPSC, within 9 months to adopt a standard for companies to develop shorter, simpler consumer friendly Product Safety Cards, or online product registration beginning with juvenile products and small electrical appliances, and then other consumer products.

The legislation also encourages companies to look at other new technologies that will help them do the job.

This bill is designed to help the government do what it needs to do to protect American consumers.

I’m proud to be here today, standing alongside Ann Brown, my colleague from Massachusetts, Jim McGovern, and the folks from these good companies who want to save lives and prevent injury. I am proud introducing a way to let more people know about dangerous products.

THE EMPLOYEE PENSION FREEDOM ACT

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, the following is a summary of the Employee Pension Freedom Act.

I. IMPROVED DISCLOSURE

Annual Benefit Statements: pension plans would be required to provide annual pension benefit statements to participants and beneficiary statements including notification of employee and employer contributions that consist of employer stock and the importance of a well balanced and diversified investment portfolio for long term retirement security.

Accurate Financial Information: in all pension plans where participants make investment decisions, the employer and plan administrator shall establish an office of the Participant Advocate which shall monitor potential abuses of employee contributions; the plan administrator shall have the right to examine employer stock holdings.

Unrestricted Employee Choice Over Employer Contributions: when employees are provided with choices over where participants make investment decisions, participants will have the right to allocate employee contributions to any plan investment option (eliminate current law rule permitting employers to require 10% employer stock holdings).

Unrestricted Employee Choice Over Employer Contributions When Vested: the plan administrator may not require participants upon vesting of the right to transfer employer stock matching contributions to other plan investment options; the plan administrator would have up to 30 days to effect any requested transfer; in ESOPs, employees may diversify employer matching contributions over 10 years of service.

II. STRENGTHENED EMPLOYEE DIVERSIFICATION RIGHTS

Unrestricted Employee Choice Over Employer Contributions: when employees are provided with choices over where participants make investment decisions, participants will have the right to allocate employee contributions to any plan investment option (eliminate current law rule permitting employers to require 10% employer stock holdings).

Faster Vesting for Employees: covered employees will be vested in their employer contributions after completion of 5 years of participation in the plan (many plans currently vest after five or more years and some, like Enron, do not permit employees to transfer employer contributions even following vesting).

30 Days Advance Notice of Plan “Lockdowns”: the plan administrator must provide at least 30 days advance written notice of any plan change that would restrict a participant’s access to his or her account.

No More Than 10 Business Days for Lockdowns: an employer or plan administrator may not limit participants access to his or her account for a period of more than 10 business days.

IV. ADEQUATE LEGAL PROTECTION FOR EMPLOYEES

Fiduciaries Must Have Insurance or be Bonded: all defined contribution plan fiduciaries shall maintain sufficient fiduciary insurance or bonding to cover financial losses due to breach of fiduciary duty as determined by the Secretary of Labor.

Employee Pension Plan Representation: in pension plans that permit employees to direct control of their pension investments, the plan must include an equal number of employer and employee trustees to oversee the plan. Many plans today have no employee trustees overseeing employees’ funds.

No Waivers of Legal Rights: Employers may not require participants to sign waivers of statutory pension rights as part of a termination or severance agreement.

Right to be Made Whole in Court: in cases of fiduciary breach of duty by a fiduciary or knowing participant in a breach, the plan or participants may be made whole by the court.

Improved Labor Department Assistance: the Department of Labor shall establish an office of the Participant Advocate which shall monitor potential abuses of employee pension plan rights and assist pension plan participants in preventing and resolving abuses.

Feasibility Study for Guaranty Insurance: the FBGC shall study and report to Congress no later than 3 years after enactment the operation and feasibility of developing a national guaranty system of defined contribution plans.
COMMEMORATING THE 100TH BIRTHDAY OF LANGSTON HUGHES  
HON. JIM RYUN  
OF KANSAS  
IN THE HOUSE OF REPRESENTATIVES  
Tuesday, January 29, 2002  
Mr. RYUN of Kansas. Mr. Speaker, I rise today to commemorate the 100th birthday of Langston Hughes, which will take place on February 1, 2002. Langston Hughes grew up in Topeka, Lawrence, and Topeka, Kansas. His mother, Carrie Hughes, raised him on her own as she worked in the office of Topeka’s first African-American lawyer, James H. Guy.
CERVICAL CANCER AWARENESS AND THE IMPORTANCE OF EARLY DETECTION

HON. JUANITA MILLENDER-McDONALD OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Ms. MILLENDE-McDONALD. Mr. Speaker, I rise today to address the issue of Cervical Cancer Awareness and the importance of early detection to prevent deaths as we close the month of January as Cervical Cancer Awareness Month.

In the year 2002, the American Cancer Society estimates that there will be about 13,000 new cases of invasive cervical cancer in the United States and about 4,100 women will die from this disease. Many of these deaths could be avoided by increasing screening rates among all women at risk.

Cervical cancer screening using the Pap test detects not only cancer but also precancerous lesions. Detecting and treating such lesions can actually prevent cervical cancer—and thus can prevent virtually all deaths from this disease.

We should recall that the Labor-HHS Appropriations final bill approved $192.6 million for funding for breast and cervical cancer screening. We hope the administration will implement these appropriations at the level passed by Congress. However, despite the funding approved, public awareness about the importance of early detection of Cervical Cancer still remains very limited. This is especially so among certain minority and ethnic women who have less than a high school education, or who live below the poverty level.

Today I introduce a Concurrent Resolution to recognize the importance of good cervical health and the importance of early detection of cervical cancer. As January is Cervical Cancer month, I would like to encourage you to join me in supporting efforts to promote early detection of cervical cancer so that we can together eradicate this disease that has already taken the lives of many American women.

RECOGNIZING CATHOLIC SCHOOLS WEEK

HON. GEORGE W. GEKAS OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2002

Mr. GEKAS. Mr. Speaker, I rise today to honor and recognize the annual celebration of “Catholic Schools Week.” Each year, the National Catholic Educational Association and the United States Catholic Conference sponsor a week long celebration recognizing the outstanding educational contributions of America’s Catholic schools. Catholic schools locally and nationally will mark this festive occasion by hosting many community, parish and school events.

In Pennsylvania alone, Catholic elementary and secondary schools educate approximately 240,000 students yearly. These schools operate with complete devotion to each and every student, providing them with solid values and academic skills needed in becoming responsible citizens of Pennsylvania and the nation. Catholic institutions tout a 95 percent graduation rate, and 83 percent of Catholic school graduates pursue higher degrees. A truly remarkable and impressive statistic.

Not only do Catholic schools boast these high standards and excellent achievements, but fervently instill in their students the idea and necessity for commitment to family and the community. Most, if not all, Catholic students willingly provide countless hours of volunteer service to the local parish as well as the entire community. This only proves that Catholic schools students are strongly dedicated to their faith, values, family and community.

President Bush recently signed into law a comprehensive education reform package emphasizing accountability, local control and flexibility, expanded options for parents, and funding for programs that work. Given Catholic schools record of success and standard of excellence, it is only fitting that these private institutions continue to serve as a model for public education reform in America.

Mr. Speaker, it is with great pleasure that I congratulate and express great appreciation to the nation’s Catholic schools on the occasion of “Catholic Schools Week.” I especially salute the many Catholic school teachers, principals, and school administrators in my Pennsylvania Congressional district of Dauphin, Lebanon, Perry, Cumberland, and Lancaster for their hard work and dedication which has benefited so many young people. My best to all the students in their continuing academic careers and future endeavors.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

**January 3 through December 20, 2001**

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>173</td>
<td>142</td>
<td></td>
</tr>
<tr>
<td>Time in session</td>
<td>1236 hrs., 15′</td>
<td>922 hrs., 4′</td>
<td></td>
</tr>
<tr>
<td>Congressional Record:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pages of proceedings</td>
<td>14,084</td>
<td>10,967</td>
<td></td>
</tr>
<tr>
<td>Extensions of Remarks</td>
<td></td>
<td>2,526</td>
<td></td>
</tr>
<tr>
<td>Public bills enacted into law</td>
<td>27</td>
<td>109</td>
<td></td>
</tr>
<tr>
<td>Private bills enacted into law</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bills in conference</td>
<td>19</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Measures passed, total</td>
<td>425</td>
<td>592</td>
<td></td>
</tr>
<tr>
<td>Senate bills</td>
<td>90</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>House bills</td>
<td>102</td>
<td>267</td>
<td></td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>11</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>14</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>43</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>42</td>
<td>91</td>
<td></td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>123</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>Measures reported, total</td>
<td>*246</td>
<td>*523</td>
<td></td>
</tr>
<tr>
<td>Senate bills</td>
<td>139</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>House bills</td>
<td>41</td>
<td>204</td>
<td></td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House joint resolutions</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>2</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>39</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Special reports</td>
<td>24</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Conference reports</td>
<td>2</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Measures pending on calendar</td>
<td>112</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Measures introduced, total</td>
<td>2,203</td>
<td>4,318</td>
<td></td>
</tr>
<tr>
<td>Bills</td>
<td>1,883</td>
<td>3,610</td>
<td></td>
</tr>
<tr>
<td>Joint resolutions</td>
<td>29</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>Concurrent resolutions</td>
<td>93</td>
<td>298</td>
<td></td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>198</td>
<td>329</td>
<td></td>
</tr>
<tr>
<td>Quorum calls</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Yea-and-nay votes</td>
<td>380</td>
<td>313</td>
<td></td>
</tr>
<tr>
<td>Recorded votes</td>
<td></td>
<td>194</td>
<td></td>
</tr>
<tr>
<td>Bills vetoed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### DISPOSITION OF EXECUTIVE NOMINATIONS

**January 3 through December 31, 2001**

<table>
<thead>
<tr>
<th></th>
<th>Civilian nominations (other than lists), totaling 926, disposed of as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to White House</td>
<td>528</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>166</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>69</td>
</tr>
<tr>
<td>Returned to White House</td>
<td>163</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Other Civilian nominations (lists), totaling 2,483, disposed of as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to White House</td>
<td>251</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>535</td>
</tr>
<tr>
<td>Confirmed</td>
<td>1,697</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Air Force nominations, totaling 6,801, disposed of as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to White House</td>
<td>6,750</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>4</td>
</tr>
<tr>
<td>Confirmed</td>
<td>251</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Army nominations, totaling 7,142, disposed of as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to White House</td>
<td>6,981</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>53</td>
</tr>
<tr>
<td>Confirmed</td>
<td>108</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Navy nominations, totaling 5,593, disposed of as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to White House</td>
<td>5,564</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>29</td>
</tr>
<tr>
<td>Confirmed</td>
<td>29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Marine Corps nominations, totaling 3,625, disposed of as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to White House</td>
<td>3,571</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>33</td>
</tr>
<tr>
<td>Confirmed</td>
<td>33</td>
</tr>
</tbody>
</table>

**Summary**

- Total nominations carried over from the First Session: 0
- Total nominations received this Session: 26,570
- Total confirmed: 25,091
- Total unconfirmed: 166
- Total withdrawn: 69
- Total returned to the White House: 619

**BILLS ENACTED INTO PUBLIC LAW (107TH, 1ST SESSION)**

**CONGRESSIONAL RECORD — DAILY DIGEST**

January 29, 2002
HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(107th Cong., 1st Sess.)
<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Date of passage</th>
<th>Public Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.</td>
<td>S.J. Res. 6</td>
<td>Mar. 1, 2001</td>
<td>LHR</td>
<td></td>
<td>Mar. 7, 2001</td>
<td>Mar. 20, 2001</td>
<td>5</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the &quot;Ronald W. Reagan Post Office Post Office of West Melbourne, Florida&quot;.</td>
<td>H.R. 395</td>
<td>Feb. 6, 2001</td>
<td>GRO</td>
<td></td>
<td>Feb. 6, 2001</td>
<td>Apr. 12, 2001</td>
<td>7</td>
</tr>
<tr>
<td>To establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as &quot;mad cow disease&quot;) and foot-and-mouth disease in the United States.</td>
<td>S. 700</td>
<td>April 4, 2001</td>
<td>EPW</td>
<td>May 9, 2001</td>
<td>April 5, 2001</td>
<td>May 24, 2001</td>
<td>9</td>
</tr>
<tr>
<td>Concerning the participation of Taiwan in the World Health Organization.</td>
<td>H.R. 428</td>
<td>Feb. 6, 2001</td>
<td>IR</td>
<td>April 24, 2001</td>
<td>May 9, 2001</td>
<td>May 28, 2001</td>
<td>10</td>
</tr>
<tr>
<td>To authorize the Public Safety Officer Medal of Valor, and for other purposes.</td>
<td>H.R. 802</td>
<td>Feb. 28, 2001</td>
<td>Jud</td>
<td>Mar. 12, 2001</td>
<td>May 10, 2001</td>
<td>May 30, 2001</td>
<td>12</td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>-----------</td>
<td>---------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>------------</td>
</tr>
<tr>
<td>To amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes.</td>
<td>H.R. 801</td>
<td>Feb. 28 2001</td>
<td>VA</td>
<td>Mar. 26 2001</td>
<td>27</td>
<td>May 24 2001</td>
<td>June 5, 2001</td>
</tr>
<tr>
<td>To amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.</td>
<td>H.R. 1727</td>
<td>May 3 2001</td>
<td>WM</td>
<td>May 15 2001</td>
<td>65</td>
<td>May 22 2001</td>
<td>June 5, 2001</td>
</tr>
<tr>
<td>To extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.</td>
<td>S. 1029</td>
<td>June 13 2001</td>
<td>..........</td>
<td>June 20 2001</td>
<td></td>
<td>July 5, 2001</td>
<td>July 26, 2001</td>
</tr>
<tr>
<td>To amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.</td>
<td>H.R. 93</td>
<td>Jan. 3 2001</td>
<td>GRO GA</td>
<td>Aug. 30 2001</td>
<td>119</td>
<td>Aug. 3, 2001</td>
<td>Aug. 17, 2001</td>
</tr>
<tr>
<td>Number</td>
<td>Date</td>
<td>Action</td>
<td>Title of Bill</td>
<td>Date of Action</td>
<td>Reference</td>
<td>Date</td>
<td>Reference</td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td>--------</td>
<td>---------------</td>
<td>----------------</td>
<td>-------------</td>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>H.R. 2882</td>
<td>Sept. 13</td>
<td>Jud</td>
<td>To provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.</td>
<td>Sept. 13, 2001</td>
<td>Sept. 13, 2001</td>
<td>Sept. 18, 2001</td>
<td>37</td>
</tr>
<tr>
<td>H.R. 2888</td>
<td>Sept. 14</td>
<td>App Bud</td>
<td>Making emergency supplemental appropriations for the fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.</td>
<td>Sept. 14, 2001</td>
<td>Sept. 14, 2001</td>
<td>Sept. 18, 2001</td>
<td>38</td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
<td>----------------</td>
<td>-----------</td>
<td>---------------</td>
<td>-------------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td>To preserve the continued viability of the United States air transport system.</td>
<td>H.R. 2926 (S. 1450)</td>
<td>Sept. 21, 2001</td>
<td>TI WM Jud Bud</td>
<td>Sept. 21, 2001</td>
<td>59</td>
<td>Sept. 22, 2001</td>
<td>42</td>
</tr>
<tr>
<td>To implement the agreement establishing a United States-Jordan free trade area.</td>
<td>H.R. 2603 (S. 643)</td>
<td>July 24, 2001</td>
<td>WM Bud Fin</td>
<td>2001</td>
<td>76</td>
<td>Sept. 24, 2001</td>
<td>43</td>
</tr>
<tr>
<td>To amend the Immigration and Nationality Act to provide permanent authority for the admission of &quot;S&quot; visa non-immigrants.</td>
<td>S. 1424</td>
<td>Sept. 13, 2001</td>
<td>IR TI</td>
<td>2001</td>
<td>75</td>
<td>Sept. 24, 2001</td>
<td>45</td>
</tr>
<tr>
<td>To provide for the reappointment of Anne d’Harmoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.</td>
<td>S.J. Res. 19</td>
<td>July 12, 2001</td>
<td>HA RAdm</td>
<td>Sept. 13, 2001</td>
<td>0</td>
<td>Oct. 24, 2001</td>
<td>50</td>
</tr>
<tr>
<td>To provide for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.</td>
<td>S.J. Res. 20</td>
<td>July 12, 2001</td>
<td>HA RAdm</td>
<td>Sept. 13, 2001</td>
<td>0</td>
<td>Oct. 24, 2001</td>
<td>51</td>
</tr>
<tr>
<td>To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.</td>
<td>H.R. 3162 (S. 1510)</td>
<td>Oct. 23, 2001</td>
<td>Jud Int BIS IR Corn EWF TI AS-H</td>
<td>Sept. 21, 2001</td>
<td>59</td>
<td>Oct. 26, 2001</td>
<td>52</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Date</td>
<td>Action</td>
<td>Action</td>
<td>Action</td>
<td>Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. 1447</td>
<td>Sept. 21, 2001</td>
<td>TI</td>
<td>BM</td>
<td>Nov. 6, 2001</td>
<td>Nov. 11, 2001</td>
<td>Nov. 19, 2001</td>
<td>71</td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>-----------</td>
<td>--------------</td>
<td>------------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td>To amend the Improving America’s Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.</td>
<td>H.R. 768</td>
<td>Feb. 28, 2001</td>
<td>Jud</td>
<td>April 3</td>
<td>32</td>
<td>April 3</td>
<td>2001</td>
</tr>
<tr>
<td>Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.</td>
<td>H.R. 2620</td>
<td>July 25, 2001</td>
<td>App</td>
<td>July 25</td>
<td>159</td>
<td>July 31</td>
<td>2001</td>
</tr>
<tr>
<td>To prevent the elimination of certain reports</td>
<td>H.R. 1042</td>
<td>Mar. 15, 2001</td>
<td>Sci</td>
<td>Oct. 31</td>
<td>90</td>
<td>Mar. 21</td>
<td>2001</td>
</tr>
<tr>
<td>Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.</td>
<td>H.R. 2500</td>
<td>July 13, 2001</td>
<td>App</td>
<td>July 13</td>
<td>139</td>
<td>July 18</td>
<td>2001</td>
</tr>
<tr>
<td>To provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.</td>
<td>H.R. 717</td>
<td>Feb. 14, 2001</td>
<td>Corn</td>
<td>Sept. 5</td>
<td>195</td>
<td>Sept. 10</td>
<td>2001</td>
</tr>
<tr>
<td>Making further continuing appropriations for the fiscal year 2002, and for other purposes.</td>
<td>H.R. 1552</td>
<td>April 24, 2001</td>
<td>Jud</td>
<td>Oct. 16</td>
<td>240</td>
<td>Oct. 16</td>
<td>2001</td>
</tr>
<tr>
<td>To designate the Federal building and United States courthouse located at 530 West Fort Street in Boise, Idaho, as the ‘‘James A. McClure Federal Building and United States Courthouse”’.</td>
<td>H.R. 2291</td>
<td>June 21, 2001</td>
<td>GRO</td>
<td>July 30</td>
<td>175</td>
<td>Sept. 5</td>
<td>2001</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 4270 John Mar. 15, 2001</td>
<td>H.R. 1766</td>
<td>May 8, 2001</td>
<td>GRO</td>
<td>Nov. 16</td>
<td>0</td>
<td>Nov. 30</td>
<td>2001</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Date</td>
<td>Action</td>
<td>Committee</td>
<td>Action Date</td>
<td>Date</td>
<td>Action Date</td>
<td>Date</td>
</tr>
<tr>
<td>-------------</td>
<td>------------</td>
<td>--------</td>
<td>-----------</td>
<td>-------------</td>
<td>------------</td>
<td>-------------</td>
<td>------------</td>
</tr>
<tr>
<td>H.R. 2261</td>
<td>June 20</td>
<td>GRO</td>
<td>GA</td>
<td>Nov. 16</td>
<td>Oct. 16</td>
<td>Nov. 30</td>
<td>Dec. 18</td>
</tr>
<tr>
<td>H.R. 2299</td>
<td>June 22</td>
<td>App</td>
<td>App</td>
<td>June 22</td>
<td>July 13</td>
<td>Aug. 1</td>
<td>Dec. 18</td>
</tr>
<tr>
<td>H.R. 2454</td>
<td>July 10</td>
<td>GRO</td>
<td>GA</td>
<td>Nov. 16</td>
<td>Oct. 16</td>
<td>Nov. 30</td>
<td>Dec. 18</td>
</tr>
<tr>
<td>H.R. 2299</td>
<td>June 22</td>
<td>App</td>
<td>App</td>
<td>June 22</td>
<td>July 13</td>
<td>Aug. 1</td>
<td>Dec. 18</td>
</tr>
<tr>
<td>H.R. 2454</td>
<td>July 10</td>
<td>GRO</td>
<td>GA</td>
<td>Nov. 16</td>
<td>Oct. 16</td>
<td>Nov. 30</td>
<td>Dec. 18</td>
</tr>
<tr>
<td>H.R. 10</td>
<td>Mar. 14</td>
<td>WM</td>
<td>EWF</td>
<td>May 1</td>
<td>May 2</td>
<td>Dec. 5</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>H.R. 1230</td>
<td>Mar. 27</td>
<td>Res</td>
<td>EPW</td>
<td>Nov. 5</td>
<td>Nov. 27</td>
<td>Dec. 8</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>H.R. 1761</td>
<td>May 8</td>
<td>GRO</td>
<td>GA</td>
<td>Sept. 10</td>
<td>Dec. 6</td>
<td>Dec. 21</td>
<td>92</td>
</tr>
<tr>
<td>H.R. 2061</td>
<td>June 5</td>
<td>GRO</td>
<td>GA</td>
<td>Nov. 29</td>
<td>102</td>
<td>Dec. 6</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>H.R. 2540</td>
<td>July 18</td>
<td>VA</td>
<td>July 24</td>
<td>156</td>
<td>July 31</td>
<td>Nov. 15</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>H.R. 2716</td>
<td>Aug. 2</td>
<td>VA</td>
<td>BFS</td>
<td>Oct. 16</td>
<td>241</td>
<td>Oct. 16</td>
<td>Dec. 6</td>
</tr>
<tr>
<td>H.J. Res. 79</td>
<td>Dec. 19</td>
<td>App</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>H.J. Res. 80</td>
<td>Dec. 20</td>
<td>App</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>S. 494</td>
<td>Mar. 8</td>
<td>BFS</td>
<td>FR</td>
<td>July 16</td>
<td>312</td>
<td>Dec. 4</td>
<td>Aug. 1</td>
</tr>
<tr>
<td>S. 1196</td>
<td>July 18</td>
<td>VA</td>
<td>SB</td>
<td>Aug. 28</td>
<td>55</td>
<td>Nov. 16</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>S.J. Res. 26</td>
<td>Oct. 17</td>
<td>HA</td>
<td>RAdm</td>
<td></td>
<td></td>
<td>Dec. 20</td>
<td>Dec. 21</td>
</tr>
<tr>
<td>H.R. 1291</td>
<td>Mar. 29</td>
<td>VA</td>
<td>AS-H</td>
<td>Oct. 15</td>
<td>86</td>
<td>June 19</td>
<td>Dec. 8</td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>-----------</td>
<td>---------------</td>
<td>------------</td>
<td>-----------------</td>
<td>------------</td>
</tr>
<tr>
<td>To amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.</td>
<td>H.R. 2559</td>
<td>July 18, 2001</td>
<td>GRO Jud, Res</td>
<td>Nov. 27, 2001</td>
<td>235 0</td>
<td>Dec. 17, 2001</td>
<td>104</td>
</tr>
<tr>
<td>To ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.</td>
<td>H.R. 3323</td>
<td>Nov. 16, 2001</td>
<td>Corn WM</td>
<td>Dec. 4, 2001</td>
<td>105</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.</td>
<td>S. 1438</td>
<td>Sept. 19, 2001</td>
<td>...............</td>
<td>Oct. 2, 2001</td>
<td>107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.</td>
<td>H.R. 2883</td>
<td>Sept. 13, 2001</td>
<td>Int AS-S</td>
<td>Oct. 17, 2001</td>
<td>108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(S. 1428)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.</td>
<td>H.R. 1</td>
<td>Mar. 22, 2001</td>
<td>EWF Jud</td>
<td>May 14, 2001</td>
<td>110</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(S. 1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.</td>
<td>H.R. 2199</td>
<td>June 14, 2001</td>
<td>GRO GA</td>
<td>Sept. 25, 2001</td>
<td>113</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BILL NUMBER</td>
<td>DATE</td>
<td>DESCRIPTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>------</td>
<td>-------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 2657</td>
<td>July 26, 2001</td>
<td>To amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 2506</td>
<td>July 17, 2001</td>
<td>Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 3061</td>
<td>Oct. 9, 2001</td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 3338</td>
<td>Nov. 19, 2001</td>
<td>To provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. 1714</td>
<td>Nov. 15, 2001</td>
<td>To provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. 1741</td>
<td>Nov. 28, 2001</td>
<td>To amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. 1793</td>
<td>Dec. 10, 2001</td>
<td>To provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 2277</td>
<td>June 21, 2001</td>
<td>To provide for work authorization for non-immigrant spouses of treaty traders and treaty investors.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>-----------</td>
<td>---------------</td>
<td>-------------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td>To provide for work authorization for non-immigrant spouses of intra-</td>
<td>H.R. 2278</td>
<td>June 21 2001</td>
<td>Jud</td>
<td>Aug. 2</td>
<td>188</td>
<td>Sept. 5</td>
<td>Jan. 16 125</td>
</tr>
<tr>
<td>company transferees, and to reduce the period of time during which</td>
<td></td>
<td></td>
<td>Jud</td>
<td>Dec. 13</td>
<td>0</td>
<td>Dec. 20</td>
<td></td>
</tr>
<tr>
<td>certain intracompany transferees have to be continuously employed</td>
<td></td>
<td></td>
<td>House 107-</td>
<td>2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>before applying for admission to the United States.</td>
<td></td>
<td></td>
<td>Senate 107-</td>
<td>2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To make permanent the authority to redact financial disclosure</td>
<td>H.R. 2336</td>
<td>June 27 2001</td>
<td>Jud</td>
<td>Oct. 12</td>
<td>239</td>
<td>Oct. 16</td>
<td>Jan. 16 126</td>
</tr>
<tr>
<td>statements of judicial employees and judicial officers.</td>
<td></td>
<td></td>
<td>GA</td>
<td>Dec. 7</td>
<td>111</td>
<td>Dec. 11</td>
<td></td>
</tr>
<tr>
<td>To authorize the President to award a gold medal on behalf of the</td>
<td>H.R. 2751</td>
<td>Aug. 2 2001</td>
<td>BFS</td>
<td>Dec. 19</td>
<td></td>
<td>Dec. 20</td>
<td>Jan. 16 127</td>
</tr>
<tr>
<td>Congress to General Henry H. Shelton and to provide for the</td>
<td></td>
<td></td>
<td></td>
<td>2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>production of bronze duplicates of such medal for sale to the public.</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 13 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To extend the basic pilot program for employment eligibility</td>
<td>H.R. 3030</td>
<td>Oct. 4 2001</td>
<td>Jud</td>
<td>Nov. 30</td>
<td>310</td>
<td>Dec. 11</td>
<td>Jan. 16 128</td>
</tr>
<tr>
<td>verification, and for other purposes.</td>
<td></td>
<td></td>
<td>EWf</td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located</td>
<td>H.R. 3248</td>
<td>Nov. 7 2001</td>
<td>GRO</td>
<td>Dec. 5</td>
<td>319</td>
<td>Dec. 20</td>
<td>Jan. 16 129</td>
</tr>
<tr>
<td>at 65 North Main Street in Cranbury, New Jersey, as the &quot;Todd</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 18 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>Beamer Post Office Building&quot;.</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To designate the Richard J. Guadagno Headquarters and Visitors Center</td>
<td>H.R. 3334</td>
<td>Nov. 16 2001</td>
<td>Res</td>
<td>Dec. 4</td>
<td>319</td>
<td>Dec. 20</td>
<td>Jan. 16 130</td>
</tr>
<tr>
<td>at Humboldt Bay National Wildlife Refuge, California.</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To amend the Internal Revenue Code of 1986 to simplify the reporting</td>
<td>H.R. 3346</td>
<td>Nov. 27 2001</td>
<td>WM</td>
<td>Dec. 5</td>
<td></td>
<td>Dec. 20</td>
<td>Jan. 16 131</td>
</tr>
<tr>
<td>requirements relating to higher education tuition and related</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To designate the National Foreign Affairs Training Center as the</td>
<td>H.R. 3348</td>
<td>Nov. 27 2001</td>
<td>IR</td>
<td>Dec. 5</td>
<td></td>
<td>Dec. 20</td>
<td>Jan. 16 132</td>
</tr>
<tr>
<td>To extend and amend the program entitled Promoting Safe and Stable</td>
<td>H.R. 2873</td>
<td>Sept. 10 2001</td>
<td>WM</td>
<td>Nov. 13</td>
<td>281</td>
<td>Nov. 13</td>
<td>Jan. 17 133</td>
</tr>
<tr>
<td>to provide new authority to support programs for mentoring children</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 17 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>of incarcerated parents; to amend the Foster Care Independent Living</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 19 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>program under title IV-E of that Act to provide for educational and</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>training vouchers for youths aging out of foster care, and for other</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To amend the Internal Revenue Code of 1986 to provide tax relief for</td>
<td>H.R. 2884</td>
<td>Sept. 13 2001</td>
<td>WM</td>
<td>Sept. 13</td>
<td></td>
<td>Nov. 16</td>
<td>Jan. 23 134</td>
</tr>
<tr>
<td>victims of the terrorist attacks against the United States on</td>
<td></td>
<td></td>
<td>Fin</td>
<td>2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>To amend title 38, United States Code, to enhance the authority of</td>
<td>H.R. 3447</td>
<td>Dec. 11 2001</td>
<td>VA</td>
<td>Dec. 11</td>
<td></td>
<td>Dec. 20</td>
<td>Jan. 23 135</td>
</tr>
<tr>
<td>the Secretary of Veterans Affairs to recruit and retain qualified</td>
<td></td>
<td></td>
<td></td>
<td>2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>nurses for the Veterans Health Administration, to provide an</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>additional basis for establishing the inability of veterans to</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 17 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>defray expenses of necessary medical care, to enhance certain</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>health care programs of the Department of Veterans Affairs, and for</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 17 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>other purposes.</td>
<td></td>
<td></td>
<td></td>
<td>Dec. 20 2001</td>
<td></td>
<td>2001</td>
<td></td>
</tr>
</tbody>
</table>
To name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

H.R. 3392 Dec. 4 2001 VA

TABLE OF COMMITTEE ABBREVIATIONS

Agr ......... Agriculture
ANF ........ Agriculture, Nutrition, and Forestry
App .......... Appropriations
AS-H ....... Armed Services (House)
AS-S ........ Armed Services (Senate)
BHUA ....... Banking, Housing, and Urban Affairs
Bud .......... Budget
CST .......... Commerce, Science, and Transportation
EC .......... Energy and Commerce
ENR .......... Energy and Natural Resources
EPW ........ Environment and Public Works
EWI .......... Education and the Workforce
Fin .......... Finance
FS .......... Financial Services
FR .......... Foreign Relations
GA .......... Governmental Affairs
GR .......... Government Reform
HEL&P ...... Health, Education, Labor and Pensions
HA .......... House Administration
IA .......... Indian Affairs
Int .......... Intelligence
IR .......... International Relations
Jud .......... Judiciary
R .......... Rules
RAdm ........ Rules and Administration
Res .......... Resources
Sci .......... Science
SB .......... Small Business
TI .......... Transportation and Infrastructure
VA .......... Veterans' Affairs
WM .......... Ways and Means

Note.--The bill in parentheses is a companion measure.
HIGHLIGHTS

Senate and House of Representatives met in Joint Session to receive the President’s State of the Union Message.

See Final Résumé of Congressional Activity and History of Bills of the 107th Congress, First Session.

Senate

Chamber Action

Routine Proceedings, pages S193–S256

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1904–S. Con. Res. 95.

Measures Passed:

Ronald Reagan Boyhood Home National Historic Site: Senate passed H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, clearing the measure for the President.

Adjournment Resolution: Senate agreed to S. Con. Res. 95, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

Adoption Tax Credit: Senate continued consideration of H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, taking action on the following amendments proposed there-to:

Adopted:

By 90 yeas to 2 nays (Vote No. 7), Nickles (for Bond) Amendment No. 2717, to amend the Internal Revenue Code of 1986 to provide for a temporary increase in expensing under section 179 of such code.

By 92 yeas to 2 nays (Vote No. 9), Allen Amendment No. 2702 (to the language proposed to be stricken by Amendment No. 2698), to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel.

Reid (for Baucus/Torricelli/Bayh) Modified Amendment No. 2718 (to Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004, and to increase the Federal medical assistance percentage under the Medicaid program for calendar years 2002 and 2003.

Pending:

Daschle/Baucus Amendment No. 2698, in the nature of a substitute.

Reid (for Baucus) Amendment No. 2721 (to Amendment No. 2698), to provide emergency agriculture assistance.

Bunning/Inhofe Modified Amendment No. 2699 (to the language proposed to be stricken by Amendment No. 2698), to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies.

Hatch/Bennett Amendment No. 2724 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years.

Domenici Amendment No. 2723 (to the language proposed to be stricken by Amendment No. 2698), to provide for a payroll tax holiday.

Allard/Hatch/Allen Amendment No. 2722 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

Smith (NH) Amendment No. 2732 (to the language proposed to be stricken by Amendment No. 2698), to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the
national emergency declared by the President on September 14, 2001. Pages S207–10

Smith (NH) Amendment No. 2733 (to the language proposed to be stricken by Amendment No. 2698), to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State. Pages S207–10

Smith (NH) Amendment No. 2734 (to the language proposed to be stricken by Amendment No. 2698), to provide that tips received for certain services shall not be subject to income or employment taxes. Pages S207–10

Smith (NH) Amendment No. 2735 (to the language proposed to be stricken by Amendment No. 2698), to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions. Pages S207–10

Sessions Amendment No. 2736 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and provide for the payment of emergency extended unemployment compensation. Pages S210–12

Grassley (for McCain) Amendment No. 2700 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence. Pages S212–15

Kyl Amendment No. 2758 (to the language proposed to be stricken by Amendment No. 2698), to remove the sunset on the repeal of the estate tax. Page S220

During consideration of this measure, Senate also took the following action:

By 57 yeas to 35 nays (Vote No. 6), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Durbin Amendment No. 2714 (to Amendment No. 2698), to provide enhanced unemployment compensation benefits. Subsequently, a point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 for exceeding the spending allocation of Senate Committee on Finance was sustained, and the amendment thus fell. Pages S195, S204–05, S215

By 62 yeas to 33 nays (Vote No. 10), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to waive section 311(a)(2)(b) of the Congressional Budget Act of 1974 with respect to Reid (for Bau- cus/Torricelli/Bayh) Modified Amendment No. 2718 (to Amendment No. 2698), listed above. Subsequently, a point of order that the amendment was in violation of section 311(a)(2)(b) of the Congressional Budget Act of 1974 falls. Pages S195, S206–07

A unanimous-consent agreement was reached providing for further consideration of the bill at 2 p.m. on Monday, February 4, 2002, with votes expected to occur after 5 p.m. Page S230

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m., on Tuesday, January 29, 2002. Page S220

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, the report on the State of the Union; ordered to lie on the table. (PM–65) Pages S232–35

Nominations Confirmed: Senate confirmed the following nomination:

Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service. Pages S255, S256

Nominations Received: Senate received the following nominations:

John Schickel, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

William R. Whittington, of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Stephen Gilbert Fitzgerald, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

J.C. Raffety, of West Virginia, to be United States Marshal for the Northern District of West Virginia for the term of four years.
James Anthony Rose, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

3 Navy nominations in the rank of admiral.

A routine list in the Air Force.

Messages From the House:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: Five record votes were taken today. (Total—10)

Adjugment: Senate met at 10:30 a.m. and, pursuant to the provisions of S. Con. Res. 95, adjourned at 10:07 p.m., until 1 p.m., on Monday, February 4, 2002.

Committee Meetings

FINANCIAL WAR ON TERRORISM

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine the Administration's implementation of the anti-money laundering provisions (title III) of the USA PATRIOT Act (Public Law 107–56), and its efforts to disrupt terrorist financing activities, after receiving testimony from Senators Levin and Grassley; Representatives Oxley and LaFalce; Kenneth W. Dam, Deputy Secretary of the Treasury; Michael Chertoff, Assistant Attorney General, Criminal Division, Department of Justice; Richard Spillenkothen, Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; and Annette L. Nazareth, Director, Division of Market Regulation, U.S. Securities and Exchange Commission.

U.S. ECONOMY

Committee on the Budget: Committee concluded hearings to examine issues surrounding the United States economy and the federal budget, including economic and budgetary effects of certain tax cuts contained in the Economic Growth and Tax Relief Reconciliation Act of 2001, after receiving testimony from Robert D. Reischauer, Urban Institute, and Peter R. Orszag, Brookings Institution, both of Washington, D.C.; and Brian S. Wesbury, Griffin, Kubik, Stephens and Thompson, Inc., Chicago, Illinois.

ENRON CORPORATION COLLAPSE

Committee on Energy and Natural Resources: Committee concluded hearings to examine the implications for consumers and energy markets of the Enron bankruptcy, focusing on maintaining the needed investment and competition in natural gas and electricity production and transmission, after receiving testimony from Patrick Wood, III, Chairman, Federal Energy Regulatory Commission, Department of Energy; James E. Newcombe, Chairman, Commodity Futures Trading Commission, William M. Nugent, Maine Public Utilities Commission, Augusta, on behalf of the National Association of Regulatory and Utility Commissioners; Vincent Viola, New York Mercantile Exchange, New York, New York; Robert McCullough, McCullough Research, Portland, Oregon; and Lawrence J. Makovich, Cambridge Energy Research Associates, Cambridge, Massachusetts, on behalf of the North American Energy Group.

ELECTRIC POWER GENERATORS


Hearings recessed subject to call.
House of Representatives

Chamber Action


Reports Filed: No reports were filed today.

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

Recess: The House recessed at 1:07 p.m. and reconvened at 2 p.m.

Presidential Message—Destruction of Japanese Chemical Weapons Abandoned During World War II in China: Read a message from the President wherein he reported that it is in the national interest to terminate the suspensions under section 902 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (Public Law 101–246) insofar as such suspensions pertain to the export of defense articles or defense services in support of efforts by the Government of Japan to destroy Japanese chemical weapons abandoned during World War II in the People’s Republic of China—referred to the Committee on International Relations and ordered printed (H. Doc. 107–177).

Late Reports Committee on Science: The Committee on Science received permission to have until midnight on Thursday, January 31 to file reports to accompany H.R. 3400, Networking and Information Technology Research Advancement Act and H.R. 3394, Cyber Security Research and Development Act.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the Life of Dave Thomas: H. Res. 336, honoring the life of Rex David “Dave” Thomas and expressing the deepest condolences of the House of Representatives to his family on his death; and

Recognizing the Contributions of Catholic Schools: H. Res. 335, honoring the contributions of Catholic schools (agreed to by a yea-and-nay vote of 388 yeas with none voting “nay” and 1 voting “present,” Roll No. 5).

Recess: The House recessed at 2:57 p.m. and reconvened at 5 p.m.

Committee Election—Armed Services: The House agreed to H. Res. 337, electing Representative Wilson of South Carolina to the Committee on Armed Services.

Conditional Adjournment or Recess of the Senate and House: The House agreed to S. Con. Res. 95, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives until Monday, February 4.

Meeting Hour—Tuesday, February 5: Agreed that when the House adjourns on Monday, February 4, it adjourn to meet at 12:30 p.m. on Tuesday, February 5, for morning hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 6.

Recess: The House recessed at 5:30 p.m. and reconvened at 8:51 p.m. for the purpose of receiving in Joint Session the President of the United States.

President Bush’s State of the Union Message: President George W. Bush delivered his State of the Union message to a joint session of Congress. He was escorted into the House Chamber by a committee comprised of Representatives Armey, DeLay, Watts of Oklahoma, Cox of California, Pryce, Biggert, Gephardt, Pelosi, Frost, Menendez, and Millender-McDonald and Senators Daschle, Reid of Nevada, Mikulski, Dorgan, Kerry, Rockefeller, Murray, Durbin, Boxer, Breaux, Lott, Nickles, Hutchison of Texas, Craig, Frist, Gramm of Texas, McConnell, and Collins. The President’s message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 107–157).

Senate Messages: Message received from the Senate today appears on page H83.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appears on page H97. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and at 10:08 p.m., pursuant to the provisions of S. Con. Res. 95, the House stands adjourned until noon on Monday, February 4, 2002.

Committee Meetings

No Committee meetings were held.
Next Meeting of the SENATE
1 p.m., Monday, February 4

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Monday, February 4

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will resume consideration of H.R. 622, Adoption Tax Credit Act.

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E55
Barcia, James E., Mich., E42
Berry, Marion, Ark., E39
Bonior, David D., Mich., E47, E49, E51
Brown, Corrine, Fla., E52
Burton, Dan, Ind., E39
Clement, Bob, Tenn., E56
Clyburn, James E., S.C., E57
Conyers, John, Jr., Mich., E46, E51
Crane, Philip M., Ill., E43
Crowley, Joseph, N.Y., E42
Deutsch, Peter, Fla., E60
Gilman, Benjamin A., N.Y., E45
Gordon, Bart., Tenn., E59
Hayes, Bob, N.C., E60
Hilliard, Earl F., Ala., E37, E38, E40, E54
Hoefel, Joseph M., Pa., E44
Hyde, Henry J., Ill., E44
Israel, Steve, N.Y., E37, E38, E39, E40, E44, E45, E46
Kucinich, Dennis J., Ohio, E54
Lantos, Tom, Calif., E58
Lewis, Jerry, Calif., E46
Lowey, Nita M., N.Y., E43
McCarthy, Karen, Mo., E50
McInnis, Scott, Colo., E46, E47, E48, E51, E52, E55, E56, E57, E58, E60
Millender-McDonald, Juanita, Calif., E61
Miller, Gary G., Calif., E51
Miller, George, Calif., E59
Moran, James P., Va., E59
Murtha, John P., Pa., E45
Oxley, Michael G., Ohio, E38
Payne, Donald M., N.J., E34
Rahall, Nick J., W.Va., E55
Rangel, Charles B., N.Y., E57
Roukema, Murry, N.J., E52
Ryan, Jim, Kan., E60
Saxton, Jim, N.J., E37, E56
Shimkus, John, Ill., E97
Slaughter, Louise McIntosh, N.Y., E57
Tancredo, Thomas G., Colo., E42
Tanner, John S., Tenn., E38
Thune, John R., S.D., E47, E49
Udall, Mark, Colo., E36, E39
Underwood, Robert A., Guam, E47, E49
Wolf, Frank R., Va., E40

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. The Team’s hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m. Eastern Standard Time, except Federal holidays. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $19.70 per six months, $39.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $14.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15256-7954, or phone orders to (202) 512-1800, or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.