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

**DESIGNATION OF THE SPEAKER PRO TEMPORE**

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

WASHINGTON, DC, February 14, 2002.

I hereby appoint the Honorable Michael K. SIMPSON to act as Speaker pro tempore on this day.

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

**PRAYER**

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

During times of repentance or in moments of humiliation, as well as times of overwhelming joy or affirmation, You enlighten us by Your spirit, Lord. At such times with the psalmist of old, we see inner depths in ourselves and we pray: “Out of the depths, I cry to You, O Lord. Lord, hear my voice.”

Trusting this ancient wisdom to guide us further, our Nation and this Congress seeks forgiveness in You, Lord, and counts on Your Word always.

Longing for full resolution of all the issues and dangers we face as a people, we need to wait, wait for You, O Lord, for the new day You will always show us.

We trust in Your mercy as we search the immediate darkness.

The Capitol Police and guardians of security across this country watch attentively. Like them, each of us must be on alert, tracking the enemy who would destroy us from outside and quietly stirring deeper virtue within until the fullness of redemption is found in You.

With Your Holy Name on our lips we pray, now and forever. Amen.

**THE JOURNAL**

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House its approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker’s approval of the Journal.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yes 342, nays 51, answered “present” 1, not voting 41, as follows:

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This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the Senate of the following title:

H. Con. Res. 325. Concurrent Resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 96. Concurrent Resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

S. Con. Res. 97. Concurrent Resolution providing for a conditional adjournment or resumption of the Senate and a conditional adjournment of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker pro tempore (Mr. HASTINGS) is recognized for a 1-minute speech.

ANNOUNCING HIS SPEECH

Mr. HASTINGS of Washington. Mr. Speaker, the amendment further provides a program of temporary extended unemployment compensation, establishes a displaced worker insurance credit, and amends the Workforce Investment Act of 1998, with respect to the Fiscal Year 2001 temporary emergency grants, to authorize grants for employment and training assistance and temporary health care coverage assistance to workers affected by the terrorist attacks.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 622, HOPE FOR CHILDREN ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 347 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 347. Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendments with Senate amendments thereto, and to extend his remarks.

The SPEAKER pro tempore. The motion to final adoption without intervening motion or demand for division of the question.

Mr. Speaker, the amendment to be included in the motion provided for in this resolution would amend the Internal Revenue Code to: One, provide for supplemental stimulus payments; and, two, accelerate the 25 percent individual income tax rate. It also sets forth provisions specifically applicable to business, including: One, a special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004; two, a temporary increase in section 179 expensing; and, three, an increased carryback period for certain losses. The amendment extends various expiring provisions including: One, the credits for qualified electrical vehicles, work opportunity credit, and the welfare-to-work credit; and, two, provisions concerning a taxable income limit on percentage depletion for oil and natural gas produced from marginal properties, parity in the application of certain limits to mental health benefits, and the availability of medical savings accounts. The amendment also authorizes supplemental grants for the co-designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with Senate amendments thereto, and to extend his remarks.

Mr. Speaker, the amendment further provides a program of temporary extended unemployment compensation, establishes a displaced worker insurance credit, and amends the Workforce Investment Act of 1998, with respect to the Fiscal Year 2001 temporary emergency grants, to authorize grants for employment and training assistance and temporary health care coverage assistance to workers affected by the terrorist attacks.

The SPEAKER pro tempore. The Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.
by major economic dislocations. Finally, the amendment provides for temporary State health care assistance.

Mr. Speaker, as my colleagues know, this is our third effort to pass a much-needed stimulus package. Regrettably, the other body has failed thus far to act with equal dispatch on this important legislation. Today we will attempt once again to move forward with a carefully crafted, balanced package of measures to stimulate economic recovery and to provide assistance to those affected by the recent economic downturn. It is our hope that the other body will respond in an affirmative fashion to this initiative and that we can quickly move this important legislation to the President’s desk as soon as possible.

Accordingly, Mr. Speaker, I urge my colleagues to support both this resolution and the motion to be offered by the gentleman from California (Mr. THOMAS).

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

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

Mr. Speaker, I rise today to strongly oppose this rule because Republican leaders are using this rule to block immediate assistance for the millions of Americans who cannot find work in this recession.

Those are the facts, Mr. Speaker, plain and simple. They are not hard to understand, and, unfortunately, they are not surprising, because Republican leaders have consistently used their power to block bipartisan compromise on economic security.

Mr. Speaker, we want a simple straight up or down vote on a 13-week extension of unemployment benefits. The Republicans, on the other hand, want a 13-week extension, plus a junked-up stimulus package, a package they know has no chance of being passed by the United States Senate. So their leadership has the effect of denying people the 13 weeks of unemployment benefits. This is not very complicated.

Last Sunday morning I was sitting around at home and I was watching one of my favorite Sunday interview shows, Fox News Sunday, and the Republican leader of the other body was on that show. He was asked a question. He was asked, “Well, Senator, what about the fact that we are going to have a budget deficit again, that we are going to have a budget deficit of $70 billion, $80 billion or $90 billion this year?”

His response was, “Don’t worry about that budget deficit. We are never going to pass a stimulus package, so we won’t have a budget deficit.”

Now, the package that the other side has brought forward, again, has a $70 billion cost, contribution to the deficit, in fiscal year 2002, a $70 billion cost in fiscal 2003, a $175 billion cost over the next 5 years. They know it is not going anywhere.

What we are asking is a straight up or down vote on something that has already passed the Senate, a 13-week extension of unemployment benefits. They have refused to give us that straight up or down vote, and we will resist the rule because of that.

The gentleman from New York (Mr. Rangel) is offering today the opportunity to offer the measure that passed the Senate. They denied that in the Committee on Rules. We will present that on the floor again this morning. Today, unfortunately, we have done everything we can.

We can pretend politics as usual, we as a body, if we want. We can pass a non-controversial bipartisan bill to help the millions of Americans who are suffering through this recession. Make no mistake, these hard-working people need help now.

Remember, this recession started last March, nearly 1 full year ago, and a bad economy only got worse after September 11. Since that day, more than 1 million Americans have seen unemployment insurance expire, a third of all workers will exhaust their benefits over the next 6 months. Today, almost 8 million Americans are unemployed and looking for work.

These are people who work hard and play by the rules. But now, through no fault of their own, they are out of work. They have got bills to pay and children to feed. They need a helping hand just to get through until they can find another job to support their families.

Now, Mr. Speaker, in the Committee on Rules last night, the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), testified that Republican leaders in the House are trying to help laid-off workers. They have tried before, he said, and they will keep on trying.

Well, as much as one might admire such persistence, Mr. Speaker, Americans who are trying to help themselves need more than “trying.” “Trying” will not pay their rent. It will not buy you groceries. And it will not pay for your health care or prescription drugs. The truth is, what Republican leaders call “trying” is nothing more than partisan gamesmanship and politics as usual.

Mr. Speaker, Republicans can stop trying today, and instead can act to help laid-off workers. That is what the United States Senate did last week when it acted unanimously to provide 13 additional weeks of unemployment benefits to Americans who have lost their jobs in this recession, and that is what the Congress has done during the past five recessions.

Mr. Speaker, of course House Democrats would like to do much, much more than the simple measure passed by the Senate. We have tried repeatedly to expand eligibility for unemployment insurance and to ensure that you do not lose your health care when you lose your job. We have proposed fiscally responsible tax relief to stimulate the economy and give a boost to small business.

Democrats have reached out to find bipartisan consensus on these ideas. In fact, the gentleman from California (Mr. DOOLEY) came to the Committee on Rules last night with a substitute motion that would have combined business depreciation relief with the extension of unemployment benefits, but Republican leaders refused to budge. They would rather play election-year politics than work together to restore the economy.

Mr. Speaker, we can stop that today. We can fill the most pressing need created by the recession. We can pass extended unemployment assistance so the President can sign it into law tomorrow, but for that to happen, Republicans will have to put politics aside for just a few hours this morning. They will have to stop using out-of-work Americans as pawns for their partisan games. They will have to stop holding laid-off workers hostage to the amendment the gentleman from California (Mr. THOMAS) is offering today, a warmed-over version of the same old Republican plan that has failed twice before in the United States Senate.

Mr. Speaker, that Republican plan is not bipartisan. It will not do much to help laid-off workers or provide economic stimulus. And because it will put Americans further in debt, it threatens Social Security and Medicare and is just plain dangerous to the economy over the long term.

Republican leaders have the majority in the House. They can bring it up any time they want. Today, however, by attaching it to the bill passed by the Senate, Republican leaders are blocking immediate help for those Americans hardest hit by the recession.

Mr. Speaker, the choice we face this morning could not be more simple: Out-of-work Americans have been waiting months for assistance. If you defeat this rule, we can act today to give these workers the help they need. But if you pass this rule and block the non-controversial bipartisan Senate bill, you will force laid-off workers to keep on waiting.

Mr. Speaker, I urge my colleagues to show a little heart on this Valentine’s Day. Do not hold laid-off workers hostage. Defeat the rule and provide them with the help they need now.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to avoid improper references to Senators, such as quoting remarks of Senators in the media.

Mr. HARTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

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

Mr. Speaker, I cannot believe that my friend from Texas thinks we should not try, that we should not try, to help those who are currently unemployed because of the events of September 11,
because of the recession, and we should not try to help people get a job.

People want a paycheck. Yes, we got to help those who are currently displaced by the horrible events of September 11 and the worsening economy that followed, because even more people are looking for help, and we are going to try and try and try.

This is the third time that we have brought to the floor a balanced package that helps those who are displaced. In fact, it helps those who are displaced who have lost their jobs a lot more than the clean unemployment insurance legislation that the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Texas, the ranking member, for yielding time.

Two hundred billion dollars and 10 years later, I predict for you that this measure that we are going to vote on in this bad rule will not have given one child hope. I cannot imagine how much cynicism it took to name this the "Hope for Children Act."

Last night House Members diligently studied, debated and approved new campaign finance laws for America, and the Committee on Rules, the gentleman from Texas (Mr. FROST) and I and others, met at 11:30 at night and reported out a rule that the majority of Members did not see then and have not seen since. It is by a last-minute Members being asked to vote on this morning, before they or their staffs have even had a chance to read the text of the bill.

Yesterday afternoon, the talk was that the House was going to vote on an extension of unemployment benefits. That is what the Senate did. This is a plan that the House and bicameral that we could pass. In addition, economists and labor experts alike have pointed out that the extension of unemployment benefits is a true economic stimulus.

However, the bill that Members are being asked to vote on today is not just an extension of unemployment benefits; that is something, as I said, that the Senate passed. Instead, the majority has made it important as the extension of unemployment benefits and wrapped it up in a blanket of tax cuts to those who need them least. This bill is a third example of how the majority insists on playing politics with American lives. It is Lent season that began on yesterday. Maybe you all ought to give up the stimulus package for Lent, because it is not going to pass the Senate, and everybody over there and over here knows that.

At a time when our country’s unemployment level is the highest it has been in more than a decade and workers who lost their job in the wake of September 11 will exhaust their 26 weeks of unemployment and insurance benefits beginning mid-March, it is shameful that this rule provides for, I would have offered an amendment to lift the income tax on the unemployment compensation that many people have been receiving and, nevertheless, have to pay tax on it. Because of the fair and right thing to do.

My amendment to this rule would have provided for repealing the tax and make it retroactive through the year 2001. Why? Because in 2001, we began to see a creep-up of unemployment compensation claims as a result of the layoffs that were occurring. And that became exacerbated on September 11 and, what followed, because even more people, unemployed and on unemployment benefits, the ones which we are discussing here today, are taxable.

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pride for over 3 decades. I have seen some pretty political things happen on this floor on both sides of the aisle, but this has to be one of the most meanest things that I have seen since I have been here.

The reason for that is that we are holding hostage millions of Americans that we promised early on that we were going to help. How many of my colleagues remember when we voted to give $15 billion to bail out the airline industry? How dramatically the minority leader and the Speaker promised that we would provide health benefits and unemployment compensation to those people who, through no fault of their own, have lost their jobs and lost their health benefits. All of a sudden, this was folded into a stimulus package. We did not say that we had to pass obscene tax cuts to help these people. We said that standing alone, these were hard-working Americans that deserved help from their country during time of war and time of recession...

So each time we address this question, we have to find out how many billions of dollars of tax cuts we are prepared to absorb. What are we willing to do in order to help these people along?

The chairman of the committee says he is going to keep doing it this way until they finally get it. Well, what is it that the other body has to get? Whether they are right, whether they are wrong, whether they are eloquent, whether they are incompetent, the fact is, they have said that they have thrown up their hands in complete surrender as it relates to a stimulus package and sent over here with a unanimous vote the mere benefit of extending unemployment compensation for 13 weeks. Should they be proud of that? I think not. Should we be proud to accept that? I think not.

But worse than just going home and saying, that is all we could do is extend this, is for them to leave the others behind. One would be to do nothing. To say, because it was not enough, we in the Congress felt that we should do nothing. Because we did not provide for health benefits, we should do nothing. That would be worse.

But the second worse thing, the second painful thing is to be hypocritical enough to allow these latched souls to believe that we are doing something to help them, knowing that this bill has been turned over to the Senate, knowing that we leave the other side of the aisle to face defeat because the Senate cannot and will not even take it up. Who knows this? Mr. Speaker, 435 Members of this House of Representatives know today that the Senate will not, and they should lose politically and parliamentarily and not take it up.

To give false hopes to these people is one of the meanest things that I have ever seen happen. And who are these people? Are they illegal aliens? Are they people who are not citizens? Are they terrorists? Are they people that get our vital patriotic juices up so that we are against them? Oh, no.

These are people that work every day, that have families, rent to pay, electricity to pay, mortgage payments, tuition. These are families that are breaking up all over America because of the burden of not being able to have the dignity of having a job. Why are we not helping them? Why are we not helping them for them to give them unemployment benefits? Of course not. These people do not want handouts. They want a hand up. They want a job. But just because genius minds on the Republican side decide that if that job is going to exist, the best way to give them refunds of tax benefits that they have paid; the best way to give them jobs is to make permanent the tax system sometime in 2011; the best way to give them jobs is to come up with a new health delivery system that destroys the employer-employee relationship.

Wonderful ideas, but what about the guy and the lady that has a family, that has lost their home, that has lost their job? We have a reason for being and they are waiting for us just to help out a little bit. Are we going to give them sophisticated and complex reasons why we cannot help? What a rough day to be a Member of this House of Representatives.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

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

I always enjoy my colleague's description of legislation. It is difficult to recognize it when he finishes. I find it interesting the fact that we are now reduced to simply saying that 13 weeks of unemployment insurance is the proper response to a Nation in need, not just those who are currently finding themselves, through no fault of their own, unemployed, but also those one side or the other side is that what we ought to do is the lowest common denominator. That is not acceptable. Business needs some help, low-income individuals need some help. Those who are unemployed need some help. This package does it. Why do we not, instead of talking about how little we can do, look at this package as the appropriate response and tell the Senate what the Senate did was not good enough.

Mr. FROST, Mr. Speaker, I yield myself 30 seconds.

I have listened very patiently to my colleague and friend from California. What my colleague from California is urging is the old-fashioned game of chicken. Let us all play chicken with the Senate while people who are out of work do not get the 13 weeks of extended benefits. It is time for those kinds of games to stop.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I have given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, this bill has two problems. The first problem is that the majority has written a brand-new stimulus bill costing at least $150 billion over 10 years and brought it to the floor on the day that we are recessing for the President's Day holiday or work week. The Senate is, if they have not left already will be leaving soon, and so what happens is even if the House is to adopt this, the Senate is not going to take it up for at least another week and the fact or longer. People who have been unemployed since last spring of 2001 are going to get nothing.

Now, we can argue over what should be in a stimulus package and what should not be in there; but the fact is that we very easily extend unemployment compensation for 13 weeks today, and it would be done for the time being until we get back. But the other side...
do not do this coverage just for COBRA people, for people who worked for big companies who get off that job and can buy their own COBRA insurance. We also cover the people who work for small businesses, under 20 people, that do not have their own COBRA. That is very important. Our bill is much broader, much deeper.

Let us talk about these rich people whose marginal tax rate is being reduced. There are 660,000 entrepreneurs in my State of Washington alone. These rich people who are in the 27 percent rate bracket that we want to bring down immediately to 25. They are that single parent who is earning $30,000 a year who cannot even afford to live in the community where her school exists and has to drive miles every day. This is the rich person that our opposition talks about, Mr. Speaker, that we are trying to help. You let us try to help that person. We are trying to help that person in many different ways.

The reality is that the Senate has delayed this bill. For the third time we will send this bill back over to the Sen- ate. We have who is willing to sign this bill, a bill that contains rebate checks for low-income working folks who did not get checks last year, a bill that includes accelerated depreciation so small businesses and businesses of every size can catch up and make purchases for their company and buy those computers which would help stimulate that portion of our economy. I would like to put death tax permanence in this bill, but we are keeping this bill clear so we can move it through as fast as possible.

Mr. Speaker, I urge the Senate to get off their chairs, to stand up for the people at home, the people who are going to lose their jobs because of Boeing, the folks who are losing their jobs all over this country. See the wisdom of this bill and the delicate balance we have defined and pass this bill out as we pass it today.

ANNOUNCEMENT OF A CAUCUS PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to not urge action on the part of the other body.

Mr. FROST, Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Ms. JACKSON-LEE), who represents a number of unemployed people who used to work for Enron.

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

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

Mr. Speaker, I believe what is recognized as the greatest assistance provided by the other body is that we are in a crisis. We are in a recession. We helped the airlines; but yet with 12,000 and thousands of employees being laid off we did not help those em- ployees. As the months and weeks got longer and longer, we saw more and more companies across the Nation lay- ing off hard-working Americans.

Mr. Speaker, I urge the Senate to get off their chairs, to stand up for the people at home, the people who are going to lose their jobs because of Boeing, the folks who are losing their jobs all over this country. See the wisdom of this bill and the delicate balance we have defined and pass this bill out as we pass it today.

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people that are unemployed by helping not only the wage earner but also the wage payer, or is it more cynical to offer a stimulus bill that does nothing for the people that you want folks to be hired back by?

And only in Washington, D.C. would you be accused of having tried thrice to accomplish something and now you are blocking it.

Should we do more? We have been accused by the gentleman from Texas. Well, we are. We are offering not just 13 weeks but we are triggering additional unemployment benefits and vouchers to pay 60 percent of the cost of health insurance coverage. And this business of using workers as passageways who uses the hurting family as a pawn, the one who labors to meet their need for assistance today and a job tomorrow, or the person content with accepting uncompromising obstruction that does nothing to help the plight of the unemployed?

I urge passage of the rule and this measure.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, the laid-off workers of America are waiting and waiting and waiting. They are waiting for help they need and have been promised time and time again. But it looks as if they will once again be held hostage by the majority leadership's decision to attach their economic agenda to a worker-relief bill.

In October we were promised, and displaced workers were promised, an assistance package as soon as the Senate passed a bill to help the airline industry. Airlines got help; displaced workers did not. Broken promise.

In December we were promised, and displaced workers were promised, they would receive help. It did not happen. Broken promise. Even the President wants this Congress to pass a stand-alone worker-relief bill instead of continuing to play stimulus politics. I have here a chart that shows part of a letter from the President of the United States to me on December 11 on which he called on Congress to send him a stand-alone worker-relief bill regardless of the success or failure of any other elements of the economic stimulus measures now pending.

This week we saw the Senate passed worker-relief legislation; but instead of fulfilling the promise to displaced workers, House is still trying to get a so-called stimulus package and displaced workers are the victims once again.

Who are these displaced workers? These are people who just need assistance. They lost their jobs through no fault of their own because of the recession or because of September 11. They were taxpayers before, and they will be taxpayers again just as soon as they find a job. But they need to be able to survive until they find that next job. 300,000 workers ran out of unemployment benefits in December. More ran out in January, and each month more will run out until we pass this package and give assistance to these people again.

Today we have the opportunity to expend for 13 weeks unemployed benefits. The President has asked for a stand-alone package. The Senate has passed it. Laid-off workers deserve it. Let us give them a helping hand. Let us vote against this rule. Promises made, promises broken. The American people are watching and the clock is ticking.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time. I am very impressed with the letter that my colleague, the gentleman from Kansas (Mr. MOORE), just presented before us. And I would commend it to my colleagues. He is absolutely right. The President said that by the end of the year he did want a package that would address the unemployment issue. But notice that next line in there. The President also insisted on having a health benefits package.

Guess what? The measure we are going to be voting on right here will help meet the demand that the President has put forward. It seems to me that we need to realize that if we were to wait on the other body for every action that we have taken, we would not have passed Trade Promotion Authority. We would not have passed an energy bill to help us attain domestic energy security. We would not have passed the faith-based legislation. We would not, as I was reminded last night, have passed the very important bipartisan election reform measure that came out of this institution.

It seems to me that we need to realize that the important thing for us to do right now is to focus not only on this very important issue of providing benefits to those who are suffering, those who are hurting, unemployment benefits; but also we need to focus on what it is that will address this issue. And that is what the gentleman from California (Mr. THOMAS) and the members of his committee have done, and that is job creation and economic growth.

We know full well that the President wants that because he understands that the only way that you are going to effectively deal with those who are hurting today is to create an opportunity for a job for them. And so tying these two together is something that is absolutely essential if we are going to address this in a long-run way. So I urge my colleagues to vote for this rule and vote for the package that will allow us to provide unemployment benefits and health benefits for the American people along with the very important job-creation vehicle necessary.
Mr. WELLER. Mr. Speaker, I rise in support of the rule and the underlying bill. It is interesting to listen to my friends on the Democratic side of the aisle make up excuses after excuse why we should do nothing about getting this economy moving again. Well, if that is the case, let us go home and try to resign ourselves here. Our Nation is at war against terrorism. We are building our homeland security, and we are in an economic recession, and winning the war against terrorism requires getting our economy moving again.

Almost a million Americans have lost their jobs since the terror attack on September 11, tens of thousands in the area that I represent around Chicago, and we know that terrorists directly attacked our economy.

We have to work in this Congress to help those who are unemployed. The plan that the gentleman from California (Mr. THOMAS) has brought before us is more generous than what we passed last time. It is more generous than what the Senate sent over last week, and I would note that no one falls through the cracks under this plan, and this plan also provides the opportunity to give confidence back to investors and consumers who lost it after the September 11 attack.

Twice this House has acted to get this economy moving again. We must give workers the opportunity to go back to work, and that is why we need to pass this legislation again today. Investment drove this economy in the past decade, creating hundreds of thousands of new jobs. The stimulus and economic security package that is before us today rewards investment and economic security package that is before us today is almost savage in its insensitivity to the plight of American families who have lost their jobs through no fault of their own, and unemployment insurance benefits because of all of the loopholes that have been riddled in this system. It is savage in its insensitivity to what these families are going through.

I have had an opportunity to meet with unemployed workers in Los Angeles and Indiana and New Jersey, people who have worked for 15 or 20 years, and their job disappeared through no fault of their own. Unemployment insurance benefits because of an economic downturn, and now they find themselves without any resources. Unemployment is running out, 11,000 people a day. While my colleagues are on recess, 120,000 people will lose their unemployment benefits. More people exhausted their unemployment benefits in December than any time since 1973.

What does this Congress do? What does the Republican leadership do? It insists upon playing ping-pong back and forth with the future and the lives and the well-being of these American families.

Thirteen weeks of unemployment insurance for those people running out of unemployment who have exhausted their benefit is available today, but the Republican leadership is going to play ping-pong. We are going to send it back to the Senate and go home. Happy Valentine’s Day.

Mr. Speaker, I yield myself 30 seconds. That is very peculiar logic on the other side. The Senate has sent us a 13-week extension. If the other side does not want the 13-week extension, let us have the gentleman from New York (Mr. RANGEL) who has asked on the 13-week extension, and they can vote no. Let them vote no, but they do not have the courage to do that. Instead they are denying us a vote on the 13-week extension in the guise of we have got something much better.

Well, something much better is not going to happen, and we can argue about whether they do or do not want the 13 weeks. If they do not want the 13 weeks today, then let us have a vote on that, and let them vote no against the 13 weeks extension.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the bill that is before us today is almost savage in its insensitivity to the plight of American families who have lost their jobs through no fault of their own, and unemployment insurance benefits because of all of the loopholes that have been riddled in this system. It is savage in its insensitivity to what these families are going through.

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this legislation, get it done, get it to the President’s desk as he has requested and as American workers need.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair would again remind all Members to refrain from urging action or inaction by reading or characterizing Senate action or inaction.

Mr. FROST. Mr. Speaker, let me inquire about the time remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 3 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 8½ minutes remaining.

Mr. FROST. Mr. Speaker, we reserve the balance of our time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, what we are trying to accomplish today with the passage of this third stimulus package is to create jobs and help the unemployed. I have just recently read in our local Capitol Hill newspaper that Members on both sides of the aisle want stimulus. They are breaking with their party leadership in asking for stimulus legislation to pass because in their home States they have a lot of people who lose their jobs. So what we are trying to accomplish today is to give one more chance at it, to give one more crack at it to try and do whatever we can to get Americans back to work, to help grow the economy.

Let us take a look at what is in this piece of legislation. We hear about all these impounded motives. We hear about all these bad consequences. What we are trying to accomplish is to pass the kinds of legislation that when they have passed in the past have grown the economy and gotten people back to work. We want to make it easier for employers to keep people employed. We want to make it easier for employers to invest in their businesses, to invest in their employees and hire people back to work. On top of it, for those people who have lost their jobs, we want to help them with their unemployment insurance and with health insurance.

The Senate failed to respond on these issues. I am sorry the other body, excuse me, Mr. Speaker, the other body failed to address the issue of getting people back to work and in helping dislocated workers pay for their health insurance or they are out of work.

What we are trying to accomplish here is a recognition of a fact that in recessions, unemployment lags on even well after recovery has taken place. In my home State of Wisconsin, we have an unemployment rate that is much higher than the national average. We have lost almost 50,000 jobs just in manufacturing in the State of Wisconsin. We are in trouble in the State of Arizona (Mr. HAYWORTH) be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. HAYWORTH. Mr. Speaker, if any of the words that I offered rendered some offense to anyone in this Chamber, I apologize and ask unanimous consent that they be stricken from the Record.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman’s words “arguments that they are, in fact, personally involved in, and use their necks in, to be stricken.

There was no objection.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHIE).

Mr. HINCHIE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. HINCHIE. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, this is not really an insult of me or to the House, but to the 11,000 workers added to the rolls every day who are going without unemployment insurance and whose needs are being deliberately neglected by this House, and who will not receive any assistance as a result of the gamesmanship happening here today.

Mr. HINCHIE. Mr. Speaker, there is nobody on this side of the aisle who believes that the extension of a mere 13 weeks of unemployment insurance benefit is a comprehensive response to the present recession, but we do understand that it is an important part of any response, and we do understand, as my colleagues do, it is the only thing that we can do practically at this moment. We have a bill here in this House which extends 13 weeks of unemployment insurance benefits. We could pass that bill now.

But, Mr. Speaker, the majority side of the aisle will not put that bill on the floor. Instead, Members want to debate tax policy. We are happy to debate tax policy with the other side of the aisle. The other side of the aisle wants to pass a bill that will make it so that profitable corporations in America have no tax liability. They will pay no taxes to the Federal Treasury. Instead, that tax liability under the Republican proposal would inevitably be passed on to middle-income working people.

If my colleagues want to debate those kinds of issues, bring that bill to the floor. We are happy to debate it, but for God’s sake, let us do the one thing we can do today to help the people that need help.

Every day 11,000 Americans exhaust their unemployment insurance benefits. We are leaving town today. The Speaker set the schedule. We are going on recess for 12 days. In that period of time, another 130,000 Americans will lose their unemployment insurance benefits. What are those Members
saying to them? Nothing. The other side of the aisle is turning their back on them. Let us do the one thing that we can do now that has practical benefit: Pass the unemployment insurance extender.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I am very impressed with the sudden interest in the economy for the liberal Democratic Party. This is really great. I just wonder, did they not know somehow there was a recession going on in October? Did they not know in December? I mean, what were they thinking when we had these opportunities to get America back to work? I know that the other side of the aisle has a lot of constituents who they think would rather have a government support check rather than a job opportunity.

The America I know would rather be working. The America that I know wants to help those who are unemployed when they need assistance. But the America I know would prefer to be working.

Mr. Speaker, back in October we had a great bill that was passed by this House that would have given them the faith-based initiative, like biotechnology, to help people who do not give to PACs find work, people who do not have business opportunities. This would give them that opportunity.

Mr. Speaker, we will be leaving for the district work period today and will be away for the next week. We need to fix the unemployment situation for the millions of Americans whose benefits have expired or will expire in the next few months. This is not the time to bring to the floor a whole new stimulus package that the other side will not consider this week. Let us act now and help those who are unemployed in our Nation. Vote "no" on the previous question, and help our unemployed workers now.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment just prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I tend to be an optimistic person, and I believe that three times a charm. We have been in a recession, we found out after the fact, since last March. It seems to me if we are going to get out of a recession in a comprehensive way, we need a comprehensive plan. We cannot be putting Band-Aids on every aspect of our economy.

What has not been said at all in this debate today, notwithstanding the fact that the other side has said that the stimulus package is a first step, there are two members of the majority party in the other body that were chairmen, and they said maybe we ought to relook at a stimulus package. I am optimistic that the third time is a charm in this case, and I urge the Members to vote for the previous question and the rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and move the previous question. The material previously referred to by Mr. Frost is as follows:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 207, not voting 11, as follows:

[Roll No. 36]
Ms. McCOLLUM changed her vote from "yea" to "nay." Mr. LATHAM changed his vote from "nay" to "yea." So the previous question was ordered. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

So the resolution was agreed to. The result of the vote was announced as above recorded.
Senate Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) CONCISE TITLE.—This Act may be cited as the “Temporary Extended Unemployment Compensation Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents of this Act shall be as follows:

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SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the “Secretary’’). An agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State shall make payments of temporary extended unemployment compensation to an individual—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION MAY SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under the State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TEMPORARY UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual’s rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual’s base period; or

(2) the individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights were granted.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC., RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of an agreement under this Act—

(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 law for a week for 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 claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or where inconsistent with such provisions with respect to such temporary extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, to the credit of such State in the Unemployment Trust Fund (as so established));

(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 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act 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 for an eligible individual shall be equal to 13 times the individual’s weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1), an individual’s weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents’ allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL.—Any payment shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended 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 an agreement under this Act 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 to be received under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary’s estimates of the amounts that would have been received under this Act 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 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) ADMINISTRATION OF ACCOUNT.—There are appropriated to the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 601(a))) for the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 904(a) of the Social Security Act (42 U.S.C. 1104(a))), and the Federal unemployment account (as established by section 904(g) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) APPROPRIATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to States under this Act.

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of an agreement under this Act or from any 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) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State 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) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount paid by any Federal law or Federal funds to the individual which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of any assistance or allowance with respect to any week of unemployment, under this Act.

(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 any determination made by a State agency under any unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State
law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICATION.

An agreement entered into under this Act 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.

Amend the title so as to read: “An Act to provide for temporary unemployment compensation.”.

House Amendments to Senate Amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Economic Security and Worker Assistance Act of 2002.”

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I.—INDIVIDUAL PROVISIONS

Sec. 101. Supplemental stimulus payments.

Sec. 102. Acceleration of 25 percent individual tax rate.

TITLE II.—BUSINESS PROVISIONS


Sec. 202. Temporary increase in expensing under section 179.

Sec. 203. Alternative minimum tax reform.

Sec. 204. Credit for qualified electric vehicles.

Sec. 205. Recovery period for depreciation of certain leasehold improvements.

TITLE III.—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Extensions

Sec. 301. Allowance of nonrefundable personal credits against regular and minimum tax liability.

Sec. 302. Credit for qualified electric vehicles.

Sec. 303. Credit for electricity produced from certain renewable resources.

Sec. 304. Work opportunity credit.

Sec. 305. Welfare-to-work credit.

Sec. 306. Deduction for clean-fuel vehicles and certain refueling property.

Sec. 307. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Sec. 308. Qualified zone academy bonds.

Sec. 309. Cover over of tax on distilled spirits.

Sec. 310. Parity in the application of certain limits to mental health benefits.

Sec. 311. Temporary special rules for taxation of life insurance company annuities.

Sec. 312. Availability of medical savings accounts.

Sec. 313. Incentives for Indian employment and property on Indian reservations.

Sec. 314. Subpart F exemption for active fit to the text of the amendment for approved diesel or kerosene terminals.

Subtitle B—Temporary Assistance for Needy Families

Sec. 321. Reauthorization of TANF supplemental grants for population increases for fiscal year 2002.

Sec. 322. 1-year extension of contingency fund under the TANF program.

TITLE IV—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

Sec. 401. Tax credits for activities in the New York City damaged in terrorist attacks on September 11, 2001.

TITLE V—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

Sec. 501. Allowance of electronic 1099’s.

Sec. 502. Excluded cancellation of indebtedness income of 8 corporation not to result in adjustment to basis of stock of shareholders.

Sec. 503. Limitation on use of nonaccrual experience method of accounting.

Sec. 504. Exclusion for foster care payments to apply to payments by qualified placement agencies.

Sec. 505. Interim rate range for additional funding requirements.

Sec. 506. Adjusted gross income determined by taking into account certain expenses of elementary and secondary school teachers.

Subtitle B—Technical Corrections


Sec. 514. Amendments related to the Taxpayer Relief Act of 1997.


Sec. 516. Other technical corrections.

Sec. 517. Clerical amendments.

Sec. 518. Additional corrections.

TITLE VI—UNEMPLOYMENT ASSISTANCE

Sec. 601. Short title.

Sec. 602. Federal-State agreements.

Sec. 603. Temporary extended unemployment compensation account.

Sec. 604. Payments to States having agreements for the payment of temporary extended unemployment compensation.

Sec. 605. Financing provisions.

Sec. 606. FRA of overpayments.

Sec. 607. Definitions.

Sec. 608. Applicability.

Sec. 609. Special Reel Act transfer in fiscal year 2002.

TITLE VII—DISPLACED WORKER HEALTH INSURANCE CREDIT

Sec. 701. Displaced worker health insurance credit.

Sec. 702. Advance payment of displaced worker health insurance credit.

TITLE VIII—EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE

Sec. 801. Employment and training assistance and temporary health care coverage assistance.

TITLE IX—TEMPORARY STATE HEALTH CARE INSURANCE

Sec. 901. Temporary State health care assistance.

TITLE X—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

Sec. 1001. No impact on social security trust funds.

Sec. 1002. Emergency designation.

TITLE I—INDIVIDUAL PROVISIONS

SEC. 101. SUPPLEMENTAL STIMULUS PAYMENTS.

(a) IN GENERAL.—Section 6242 relating to acceleration of 10 percent income tax rate bracket benefit for 2001 is amended by adding at the end the following new subsection:

“(2) SUPPLEMENTAL STIMULUS PAYMENTS.—

“(1) IN GENERAL.—Each individual who was an eligible individual in the individual’s first taxable year beginning in 2000 and who,

Before October 16, 2001, filled a return of tax imposed by subtitle A for such taxable year shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

“(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

“(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

“(ii) $500 in the case of taxpayers to whom section 1(b) applies,

“(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, or

“(B) the taxpayer’s advance refund amount under subsection (e).”

“(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to a subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

“(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6428(d)(1) is amended by striking “27.0%” and inserting “25.0%”.

(2) Subparagraph (B) of section 6428(d)(1) is amended by striking “26.0%” and inserting “25.0%”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) IN GENERAL.—The table contained in paragraph (1) of section 1 of the Tax Relief Extension Act of 1999, as inserted to reduce in rates after June 30, 2001, is amended—

(1) by striking “27.0%” and inserting “25.0%”;

(2) by striking “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 an amendment in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.
(b) R EPEAL OF 90 P ERCENT LIMITATION ON FOREIGN TAX CREDITS.—
(1) Paragraph (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subclause (II) of section 53(d)(1)(B)(i) is amended by striking “and if section 58(a)(2) (de-
repeal of 90 percent limitation on net operating loss deduction).—Subpara-
graph (A) of section 56(d)(1), as amended by section 204, is amended to read as follows:—
(1) The amount of such deduction shall not exceed alternative minimum taxable income
determined without regard to such deduction, and—
(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 204. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.
(a) In general.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

(b) Election To Disregard 5-Year Carryback.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

(c) Repeal of 90 percent limitation on net operating loss deduction.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from a taxable year may elect to discontinue the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such an election is made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the tax return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.—
(1) In general.—Subparagraph (A) of section 56(d)(1) (relating to alternative tax net operating loss deduction) is amended to read as follows:

II. 90 PERCENT OF ALTERNATIVE MINIMUM TAX DETERMINED WITHOUT REGARD TO SUCH DEDUCTION, PLUS.

(1) The amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (I) of subparagraph (F) shall not be determined without regard to such deduction, plus.

(2) The lesser of—

(1) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending during 2001 or 2002, or

(II) alternative minimum taxable income determined without regard to such deduction.
reduced by the amount determined under
clause (i), and.”

(b) Effective Date.—The amendment
made by this subsection shall apply to tax-
able years beginning before January 1, 2002.

(d) Effective Date.—Except as provided in
subsection (c), the amendments made by this
section shall apply to not operating losses for
taxable years ending after December 31, 2000.

SEC. 205. RECOVERY PERIOD FOR DEPRECIATION
OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 15-Year Recovery Period.—Subpara-
graph (E) of section 168(e)(3) (relating to 15-
year property) is amended by striking “and” at
the end of clause (i), by striking the pe-
riod at the end of clause (ii) and inserting “, and”,
and, by adding at the end the following new
clause:

“(iv) any qualified leasehold improvement
property.

(b) QUALIFIED LEASEHOLD IMPROVEMENT
PROPERTY.—Subsection (e) of section 168 is
amended by adding at the end the following
new paragraph:

“(6) QUALIFIED LEASEHOLD IMPROVEMENT
PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified
leasehold improvement property’ means any
improvement to an interior portion of a
building which is nonresidential real prop-
erty if—

“(i) such improvement is made under or
pursuant to a lease (as defined in subsection
(h)(7))—

“(I) by the lessee (or any sublessee) of such
portion, or

“(II) by the lessor of such portion,

“(ii) such portion is to be occupied exclu-
sively by the lessee (or any sublessee) of such
portion, and

“(iii) such improvement is placed in ser-
vice more than 3 years after the date the
building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT IN-
CLUDED.—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 benefici-
ing a common area, and

“(iv) the internal structural framework of
the building.

“(C) DEFINITIONS AND SPECIAL RULES.—For
purposes of this paragraph:

“(i) AMOUNT OF LEASE TREATED AS
LEASE.—A 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 sen-
tence, the term ‘related persons’ means—

“(I) members of an affiliated group (as
defined in section 504), and

“(II) persons having a relationship de-
scribed in subsection (b) of section 267, ex-
cept that, for purposes of this clause, the
phrase ‘80 percent or more’ shall be sub-
stituted for the phrase ‘more than 50 per-
cent’ each place it appears in such sub-
section.

“(D) IMPROVEMENTS MADE BY LESSOR.—

“(I) IN GENERAL.—In the case of an im-
provement made by the person who was the
lessee of such improvement when such im-
provement was placed in service, such im-
provement shall be qualified leasehold im-
provement property (if at all) only so long as
such improvement is held by such person.

“(ii) EXCEPTION FOR CHANGES IN FORM
OF BUSINESS.—Property shall not cease to be
qualified leasehold improvement property under
clause (i) by reason of—

“(I) death,
SEC. 311. TEMPORARY SPECIAL RULES FOR TAXATION OF LIFE INSURANCE COMPANIES.

(a) Reduction in Mutual Life Insurance Company Deductions Not To Apply in Certain Years.—Section 809 (relating to reduction in certain deductions of material life insurance companies) is amended by adding at the end the following:

"(i) Differential Earnings Rate Treated as Zero for Certain Years.—Notwithstanding subsection (c) or (f), the differential earnings rate shall be treated as zero for purposes of computing both the differential earnings amount and the recomputed differential earnings amount for a mutual life insurance company's taxable years beginning in 2001, 2002, or 2003.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 312. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are amended by striking "2020" each place it appears and inserting "2023".

(b) Effective Date.—Paragraphs (2) and (3)(B) of section 220(i) are amended by striking "2019" and inserting "2023".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 313. INCENTIVES FOR INDIAI EMPLOYMENT AND PROPERTY ON INDIAI RESERATIONS.

(a) Employment.—Subsection (f) of section 45A is amended by striking "December 31, 2001" and inserting "December 31, 2004".

(b) Property.—Paragraph (8) of section 183(i) is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 314. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) In General.—Section 953(e)(10) is amended by striking "June 30, 2004" and inserting "January 1, 2007".

(b) Special Allowance for Certain Employers.—(1) In General.—Subparagraph (b) of section 469 is amended to read as follows:

"(b) Special Allowance for Certain Employers.—(1) In General.—As provided in clause (ii), the amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of:

"(i) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(ii) the reserve determined under paragraph (5).

"(ii) Ruling Request, Etc.—The amount of the reserve under clause (i) shall be the foreign state reserve for the contract (less any catastrophe, deficiency, equalization, or similar reserves), if, pursuant to a ruling request submitted by the taxpayer or as provided in published guidance, the Secretary determines that the factors taken into account in determining the foreign state reserve provide an appropriate means of measuring income.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2001.
(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection, or

(III) whether residential real property, or residential rental property, which is described in subparagraph (B),

(ii) substantially all of the use of which is in the New York Liberty Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

(iii) the original use of which in the New York Liberty Zone commences with the taxpayer after September 10, 2001,

(iv) which is acquired by the taxpayer by purchase after section 179(d) after September 10, 2001, but only if no written binding contract for the acquisition was in effect before September 11, 2001, and

(v) was used by the taxpayer on or before the termination date.

The term ‘termination date’ means December 31, 2006 (December 31, 2009, in the case of nonresidential real property and residential rental property).

(II) ELIGIBLE REAL PROPERTY.—Nonresidential real property or residential rental property is described in this subparagraph only to the extent it is replaced by real property damaged, or replaces real property destroyed or condemned, as a result of the September 11, 2001, terrorist attack. For purposes of determining whether real property shall be treated as replacing real property destroyed or condemned if, as part of an integrated plan, such property replaces real property which is included in a continuous area which includes real property destroyed or condemned.

(C) EXCEPTIONS.—(I) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified New York Liberty Zone leasehold improvement property’ shall not include any property to which the alternative depreciation system under section 168(g) applies.

(II) 30 PERCENT ADDITIONAL ALLOWANCE PROPERTY.—Such term shall not include property to which section 168(k) applies.

(III) LEASEHOLD IMPROVEMENT PROPERTY.—Such term shall not include any qualified leasehold improvement property (as defined in section 168(o)(6)).

(E) ELECTRICAL PROPERTY.—If a taxpayer makes an election under this section 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.

(D) 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 (iv) of paragraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001.

(II) SALE-LEASEBACKS.—For purposes of subparagraph (A)(iii), if property—

(I) is originally placed in service after September 10, 2001, by a person, and

(II) is 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 arrangement to which clause (II) applies.

(E) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The deduction allowed by this subsection shall be allowed in determining alternative minimum taxable income under section 55.

(1) 5-YEAR RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.—

(I) IN GENERAL.—For purposes of section 168, the term ‘5-year property’ includes any qualified New York Liberty Zone leasehold improvement property.

(II) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this section, the term ‘qualified New York Liberty Zone leasehold improvement property’ means qualified leasehold improvement property (as defined in section 168(e)(6)) if—

(A) such building is located in the New York Liberty Zone,

(B) such improvement is placed in service after September 10, 2001, and before January 1, 2007, and

(C) no written binding contract for such improvement was in effect before September 11, 2001.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—The applicable depreciation method under section 168 shall be the straight line method of section 168(f)(3). For purposes of this subsection, the term ‘qualified leasehold improvement property’ means qualified leasehold improvement property—

(I) which is nonresidential real property and residential rental property (as defined in section 168(k)), and

(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowable under section 167(f)(1)(B) for which a deduction is allowa
(A) a State or local bond (as defined in section 1093(c)(1)) which is a general obligation of the City of New York, New York.  

(B) a State or local bond (as so defined) other than a private activity bond (as defined in section 141(a)) issued by the New York Municipal Water Finance Authority or the Metropolitan Transportation Authority of the State of New York, or  

(C) a qualified 501(c)(3) bond (as defined in section 145(a)) which is a qualified hospital bond (as defined in section 145(c)) issued by or on behalf of the State of New York or the City of New York, New York.  

(3) AGGREGATE LIMIT.—For purposes of paragraph (2), the aggregate limit under this subsection by the Governor shall not exceed $4,500,000,000 and the aggregate amount of bonds which may be designated under this subsection by the Mayor shall not exceed $4,500,000,000.  

(4) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) if—  

(A) no advance refundings of such bond would be allowed under any provision of law after September 11, 2001.  

(B) the advance refunding bond is the only outstanding bond with respect to the bonds described in paragraph (2).  

(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.  

(1) INCREASE IN EXPENDING UNDER SECTION 179.—  

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) thereof—  

(3) SPECIAL RULES FOR NEW YORK LIBERTY ZONE BUSINESS EMPLOYER CREDIT.—  

(A) IN GENERAL.—In the case of the New York Liberty Zone business employer credit—  

(i) this section and section 39 shall be applied separately with respect to such credit, and  

(ii) in applying paragraph (1) to such credit—  

(I) the tentative minimum tax shall be treated as zero, and  

(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) of the tax year (other than the New York Liberty Zone business employer credit).  

(B) NEW YORK LIBERTY ZONE BUSINESS EMPLOYER CREDIT.—For purposes of this subsection, the term ‘New York Liberty Zone business employer credit’ means the portion of work opportunity credit under section 51 determined under section 1400L(a).  

(2) CANCELLATION OF INDEBTEDNESS.—Subclause (II) of section 38(c)(2)(A)(i) is amended by inserting ‘or the New York Liberty Zone business employer credit’ after ‘employment credit’.  

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.  

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.  

(2) INCREASE IN EXPENDING UNDER SECTION 179.—  

(1) IN GENERAL.—For purposes of section 179—  

(A) the limitation under section 179(b)(1) shall be increased by the lesser of—  

(i) $35,000, or  

(ii) the cost of section 179 property which is qualified New York Liberty Zone property placed in service during the taxable year, and  

(B) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified New York Liberty Zone property shall be 50 percent of the cost thereof.  

(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection, the term ‘New York Liberty Zone property’ means the property described by 179(d)(10) as qualified New York Liberty Zone property.  

(3) RECAPTURE.—Rules similar to the rules of subclause (D) shall apply before the due date of the tax with respect to any qualified New York Liberty Zone property which ceases to be used in the New York Liberty Zone.  

(4) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Notwithstanding subsections (g) and (i) of section 1033, clause (i) of section 1033(a)(2)(B) shall be applied by substituting ‘5 years’ for ‘2 years’ with respect to property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001, in the New York Liberty Zone but only if substantially all of the use of the replacement property is in the City of New York, New York.  

(h) NEW YORK LIBERTY ZONE.—  

(1) REFERENCES TO GOVERNOR AND MAYOR.—For purposes of this section, the term ‘New York Liberty Zone’ means the area located south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in Manhattan, New York City, New York.  

(2) DETERMINATION OF QUALIFIED PLACEMENT AGENCIES.—For purposes of this section, the term ‘qualified placement agency’ means the Department of Social Services of the City of New York, New York.  

(3) MINIMUM TAX.—  

(1) IN GENERAL.—Subsection (c) of section 48A(d) is amended to read as follows:  

"(g) SPECIAL RULE FOR CERTAIN SERVICES.—  

(A) IN GENERAL.—In the case of any person using an accrual method of accounting with respect to any advance refunding of a bond described in paragraph (2) if the requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) the following new paragraph:  

(i) such services are in fields referred to in paragraph (2)(A), or  

(ii) such person meets the gross receipts tests of subsection (c) for all prior taxable years.  

(B) EXCEPTION.—This paragraph shall not apply to any amount if interest is required to be included on such net amount as any penalty for failure to timely pay such amount.  

(C) REGULATIONS.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer’s experience.  

(2) EFFECTIVE DATE.—  

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.  

(9) EXCLUDED CANCELLATION OF INDEBTEDNESS.—  

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.  

(2) INCREASE IN EXPENDING UNDER SECTION 179.—  

(1) IN GENERAL.—For purposes of section 179—  

(A) the limitation under section 179(b)(1) shall be increased by the lesser of—  

(i) $35,000, or  

(ii) the cost of section 179 property which is qualified New York Liberty Zone property placed in service during the taxable year, and  

(B) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified New York Liberty Zone property shall be 50 percent of the cost thereof.  

(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection, the term ‘New York Liberty Zone property’ means the property described by 179(d)(10) as qualified New York Liberty Zone property.  

(3) RECAPTURE.—Rules similar to the rules of subclause (D) shall apply before the due date of the tax with respect to any qualified New York Liberty Zone property which ceases to be used in the New York Liberty Zone.  

(4) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Notwithstanding subsections (g) and (h) of section 1033, clause (i) of section 1033(a)(2)(B) shall be applied by substituting ‘5 years’ for ‘2 years’ with respect to property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001, in the New York Liberty Zone but only if substantially all of the use of the replacement property is in the City of New York, New York.  

(h) NEW YORK LIBERTY ZONE.—For purposes of this section, the term ‘New York Liberty Zone’ means the area located south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in Manhattan, New York City, New York.  

(1) REFERENCES TO GOVERNOR AND MAYOR.—For purposes of this section, the terms ‘Mayor’ and ‘Mayor of the City of New York’ mean the Mayor of the State of New York and the Mayor of the City of New York, New York, respectively.  

(b) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.
placement agency means any placement agency which is licensed or certified by—

(A) a State or political subdivision thereof, or

(B) an entity designated by a State or political subdivision thereof, for the foster care program of such State or political subdivision to make foster care payments to providers of foster care.

(d) Special Rule—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 506. INTEREST RATE RANGE FOR DETERMINATION OF CURRENT LIABILITY

(a) Amendments to the Internal Revenue Code of 1986—

(1) Special Rule—Clause (i) of section 412(i)(3) to interest rate is amended by adding at the end the following new subclause:

‘‘(III) SPECIAL RULE FOR 2002 AND 2003.—For any plan year beginning in 2002 or 2003, notwithstanding subsection (i), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subsection (i), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subsection (i); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).

(2) Quarterly Contributions—Subsection (m) of section 412(m)(1) is amended by adding at the end the following new paragraph:

‘‘(7) SPECIAL RULES FOR 2002 AND 2003.—In any case in which the interest rate used to determine the current liability is determined under subsection (1)(7)(C)(i)(III)—

‘‘(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceeding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).

(b) 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) is amended by adding at the end the following:

‘‘(D) Certain expenses of elementary and secondary school teachers.—In the case of taxable years during which the taxpayer is an elementary or secondary school teacher, instructor, counselor, principal, or aide in an elementary or secondary school, the amount of the deduction allowed by section 162 with respect to qualified expenses paid or incurred by the taxpayer with respect to such school shall be treated as a deduction allowable under this section.

(b) Definition, Special Rules.—

(1) Eligible Educator.—Section 62 is amended by adding at the end the following:

‘‘(e) DEFINITION, SPECIAL RULES.—

‘‘(1) ELIGIBLE EDUCATOR.—In general.—For purposes of this section, 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) SPECIAL RULES.—In the case of an eligible educator described in subparagraph (A), the following rules apply:

‘‘(i) The term ‘school’ means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

‘‘(ii) Coordination with exclusions.—A deduction shall be allowed under subsection (b)(1) with respect to the aggregate amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

(c) Eligible Educator.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Technical Corrections

SEC. 511. AMENDMENTS RELATED TO ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) Amendments Related to Section 101 of the Act.

(1) In General.—Subsection (b) of section 4628 is amended to read as follows:

‘‘(b) CREDIT TREATED AS NONREFUNDABLE PERSONAL.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subsection A of part IV of subchapter A of chapter 1 of the Act.

(2) Conforming Amendments—

(A) Subsection (d) of section 4628 is amended to read as follows:

‘‘(d) Coordination with Advance Refunds of Credit—

‘‘(1) In general.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6212(b)(1).

‘‘(2) Coordination with advance refunds—In the case of a refund or credit made or allowed under section (e) with respect to a joint return, half of such refund or credit shall be treated as having been made to and allowed to each individual filing such return.''

(b) Paragraph (2) of section 6223(e) is amended to read as follows:

‘‘(2) Advance refund amount.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year and, if a joint return is filed, the amount for the other individual filing the joint return.''

(c) Amendments Related to Section 202 of the Act—

(1) Corrections to Credit for Adoption Expenses.

(A) Paragraph (1) of section 22a(a) is amended to read as follows:

‘‘(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the aggregate amount of credits allowable under this section smaller than $250, paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom; or

‘‘(B) Eligible Educator.—Section 62 is amended by adding at the end the following:

‘‘(1) ELIGIBLE EDUCATOR.—In general.—For purposes of this section, 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 an elementary or secondary school for at least 900 hours during a school year.''

(B) Subsection (a) of section 23 is amended by adding at the end the following new paragraph:

‘‘(3) $10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of adoption of a child with special needs with respect to which the taxpayer is the custodian during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an aggregate amount of $10,000 (in the case of a joint return, $5,000) paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.''

(C) Paragraph (1) of section 29(b) is amended by striking ‘‘subsection (a)(1)(A)’’ and inserting ‘‘subsection (a)(1)’’.

(D) Paragraph (1) of section 29(b) is amended by striking ‘‘subsection (a)(1)(A)’’ and inserting ‘‘subsection (a)(1)’’.

(E) Subsection (i) of section 29 is amended by adding the following: ‘‘the dollars amounts in subsections (a)(3) and (b)(1)’’.

(F) Expenses paid or incurred during any taxable year beginning before January 1, 2002, may be taken into account in determining the credit under section 29 of the Internal Revenue Code of 1986 only to the extent that the aggregate of such expenses does not exceed the applicable limitation under section 23(b)(1) of such Code as in effect on the day before the date of the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(2) Corrections to Exclusion for Employer-Provided Adoption Assistance.

(A) Paragraph (a) of section 137 is amended to read as follows:

‘‘(a) EXCLUSION.—

‘‘(A) In general.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6212(b)(1).’’
“(1) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

“(2) $10,000 EXCLUSION FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXCESS.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the qualified adoption expenses of the employer for such adoption for such taxable year shall be increased by an amount equal to the excess (if any) of $10,000 over the actual aggregate qualified adoption expenses with respect to such adoption during such taxable year and all prior taxable years.”

“(B) Paragraph (2) of section 137(b) is amended by striking “subsection (a)(1)” and inserting “subsection (a)”.

“(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002, except that the amendments made by paragraphs (1)(C), (1)(D), and (2)(B) shall apply to taxable years beginning after December 31, 2003.

“(4) AMENDMENTS RELATED TO SECTION 255 OF THE ACT.—

“(1) Section 45F(d)(1)(B) is amended by striking “subsection A, B, or D of this part” and inserting “this chapter or for purposes of section 55”.

“(2) Section 38(b)(15) is amended by striking “$500,000” and inserting “$500,000 or 3 times the applicable dollar amount under subsection (B) to the extent that the amount of such elective deferrals does not exceed the applicable dollar amount under section 414(v)(2)(B)(i) for the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)(2))”.

“(3) Section 401(a)(30) is amended by striking “$420(g)(1)” and inserting “$420(g)(1)(A)”.

“(4) Section 414(v)(2) is amended by adding at the end the following:

“(D) AGGREGATION OF PLANS.—For purposes of this paragraph, plans described in clauses (i), (ii), and (iv) of paragraph (6)(A) that are maintained by the same employer (as determined under subsection (b), (c), (m) or (o)) shall be treated as a single plan, and plans described in clause (iii) of paragraph (6)(A) that are maintained by the same employer shall be treated as a single plan.”

“(5) Section 414(v)(3)(A)(i) is amended by striking “section 402(g), 402(h), 403(b), 404(a), 404(b), 404(p)”, and inserting “section 401(a)(30), 402(h), 403(b), 404(a), 404(b), 404(p), 408(b), 408B, 410(b), or 416” and inserting “section 401(a)(30), 402(h), 403(b), 408(b), 408B, 410(b), or 416”.

“(6) Section 414(v)(4)(B) is amended by inserting before the period at the end the following:

“(D) PLAN TERMINATION RULES.—In the case of a plan that terminates after the end of the taxable year, then subparagraph (A) shall be reduced (but not below zero) by the aggregate distributions made before the plan’s last distribution year, and subparagraph (C) shall not apply with respect to any of such defined contribution plans and defined benefit plans.”.

“(m) AMENDMENT RELATING TO SECTION 618 OF THE ACT.—Section 255(b)(2)(A) is amended to read as follows:

“(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the contributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includible in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.

“(n) AMENDMENTS RELATING TO SECTION 611 OF THE ACT.—

“(1) Section 45F(e)(1) is amended by striking “(m)” and inserting “(m)”.

“(2) Section 619(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “established” and inserting “first effective”.

“(o) AMENDMENTS RELATING TO SECTION 611 OF THE ACT.—

“(1) Section 402(g)(1) is amended by adding at the end the following:

“(C) CATCH-UP CONTRIBUTIONS.—In addition to subparagraph (A), in the case of an eligible participant (as defined in section 414)v gays income shall not include the following:

“(A) adoption savings contributions determined under subsection (b) to the extent that the excess of such contributions over the applicable dollar amount under section 414(v)(2)(B)(i) is unrelated to the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)’s).”

“(2) Section 401(a)(30) is amended by striking “$420(g)(1)” and inserting “$420(g)(1)(A)”.

“(3) Section 414(v)(2) is amended by adding at the end the following:

“(D) AGGREGATION OF PLANS.—For purposes of this paragraph, plans described in clauses (i), (ii), and (iv) of paragraph (6)(A) that are maintained by the same employer (as determined under subsection (b), (c), (m) or (o)) shall be treated as a single plan, and plans described in clause (iii) of paragraph (6)(A) that are maintained by the same employer shall be treated as a single plan.”

“(4) Section 414(v)(3)(A)(i) is amended by striking “section 402(g), 402(h), 403(b), 404(a), 404(b), 404(p)”, and inserting “section 401(a)(30), 402(h), 403(b), 408(b), 410(b), or 416” and inserting “section 401(a)(30), 402(h), 403(b), 408(b), 410(b), or 416”.

“(5) Section 414(v)(4)(B) is amended by striking “section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416” and inserting “section 401(a)(4), 401(a)(30), 402(h), 403(b), 408(b), 410(b), or 416”.

“(6) Section 414(v)(4)(B) is amended by inserting before the period at the end the following:

“(D) PLAN TERMINATION RULES.—In the case of a plan that terminates after the end of the taxable year, then subparagraph (A) shall be reduced (but not below zero) by the aggregate distributions made before the plan’s last distribution year, and subparagraph (C) shall not apply with respect to any of such defined contribution plans and defined benefit plans.”.

“(7) Section 414(v)(5) is amended—

“(A) by striking ‘‘, with respect to any plan year,’’ in the matter preceding subparagraph (A),

“(B) by amending subparagraph (A) to read as follows:

“who would attain age 50 by the end of the taxable year,”, and

“(C) in subparagraph (B) by striking “plan year” and inserting “plan (or other applicable plan).”

“(8) Section 414(v)(6)(C) is amended to read as follows:
(C) Exception for section 457 plans.—This subsection shall not apply to a participant for any year for which a higher limitation applies to the participant under section 457(b)(3) after崂个人 age 50 or older.—In the case of an individual who is an eligible participant (as defined by section 414(v)) and who is a participant in an eligible defined contribution plan of an employer described in paragraph (1)(A), subsections (b)(3) and (c) and shall be applied by substituting for the amount otherwise determined under the applicable subsection the greater of—

([A] the sum of—

([1]) the plan ceiling established for purposes of section 414(v)(2) (without regard to subsection (b)(3)), plus

([II]) the applicable dollar amount for the taxable year determined under section 414(v)(2));

([B] the amount determined under the applicable subsection (without regard to this paragraph).

(9) Amendments relating to section 632 of the act.—

(1) Section 403(b)(1) is amended in the matter following paragraph (2) by striking “‘then amounts contributed’” and all that follows and inserting the following: “‘then contributions and other additions by such church or convention (or association of churches) or such organization during such years for such minister or lay person shall be considered to have been contributed by one employer.’”

(2) Section 403(b) is amended by striking paragraph (6).

(3) Section 403(b)(3) is amended—

(A) by striking the sentence by inserting the following before the period at the end: “; and which precedes the taxable year by no more than five years”; and

(B) by the second sentence by striking “or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated.”

(4) Section 415(c)(7) is amended to read as follows:

(7) Special rules relating to church plans—

(A) Alternative contribution limitation.—

([I]) In general.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3), (B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant which is included in the plan ceiling established for purposes of section 414(v)(2) shall be treated as consisting first of the portion of such contribution which is includible compensation and second of the portion of such contribution which is elective deferral contributions or other additions for the taxable year of which none of the amount described in section 414(v)(2) shall be treated as includible compensation.

([II]) $40,000 aggregate limitation.—The total amount of additions with respect to any participant which may be taken into account for purposes of this paragraph for all years may not exceed $40,000.

(9) Section 408(d)(3) of the act or section 408(d)(3)(A)(ii) shall not be considered to have been contributed by one employer.

(10) Section 401(a)(9) of the act or section 401(a)(9)(A) shall not be considered to have been contributed by one employer.

(11) Section 415(c)(3).
under clause (ii) of paragraph (2)(A) is made, whichever is later.”.

(2) Section 404(k) is amended by adding at the end the following new paragraph:

“—in accordance with section 411, an applicable dividend described in clause (iii)(II) of paragraph (2)(A) shall be subject to the requirements of section 411(a)(1).”

(x) Effective Date.—Except as provided in subsection (c), the amendments made by this section shall take effect as if included in the provisions of the Community Renewal Tax Relief Act of 2000 to which they relate.

SEC. 512. AMENDMENTS RELATED TO COMMUNITY RENEWAL TAX RELIEF ACT OF 2000.

(a) Amendment Related to Section 101 of the Act.—Section 469(c)(3)(E) is amended by striking clauses (ii), (iii), and (iv) and inserting the following:

“(ii) second to the portion of such loss to which subparagraph (C) applies, and

(iii) third to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

(iv) fourth to the portion of such credit to which subparagraph (B) applies.”

(b) Amendment Related to Section 309 of the Act.—Section 151(c)(6)(C) is amended—

(1) in paragraph (3), by striking “income tax” and inserting “income tax credit,”

(2) in subparagraph (A), by inserting “principal place of abode requirements,” and

(3) by striking “sale or exchange” and inserting “principal place of abode requirements of section 2(a)(1)(A), section 2(b)(1)(A), and section 32(c)(3)(A)(ii).”

(c) Amendment Related to Section 309 of the Act.—Subparagraph (A) of section 335(h)(1) is amended to read as follows:

“(a) which is assumed by another person as part of the exchange.”

(d) Amendments Related to Section 401 of the Act.

(1) Section 1234A is amended by inserting “or” after the comma at the end of paragraph (1), by striking “or” at the end of paragraph (2), and by striking paragraph (3).

(2) Section 1234B is amended in subsection (a)(1) and subsection (b) by striking “sale or exchange” and inserting “sale, or exchange, or termination.”

(e) Section 1234C is amended by adding at the end the following new subsection:

“(f) Cross Reference.—For special rules relating to dealer securities futures contracts, see section 1256.”

(2) Section 1256(c) is amended—

(A) in the heading, by striking “securities... credit,” and inserting “securities and futures contracts to sell,” and

(B) by inserting after “closing of a short sale of” the following: “(or a securities futures contract to sell).”

(3) Section 1233(e)(2) is amended by striking “and” at the end of paragraph (C), by striking “or” at the end of paragraph (D), and by adding at the end the following:

“(E) entering into a securities futures contract to sell shall be treated as entering into a short sale, and the sale, exchange, or termination of a securities futures contract to sell shall be treated as the closing of a short sale.”

(e) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Community Renewal Tax Relief Act of 2000 to which they relate. SEC. 513. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) Amendments Related to Section 545 of the Act.—Section 857(b)(7) is amended—

(1) in clause (i) of subparagraph (B), by striking “amount of which” and inserting “to the extent the amount of the rents,” and

(2) in subparagraph (C), by striking “if the amount” and inserting “to the extent the amount.”

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 545 of the Tax Relief Extension Act of 1999.

SEC. 514. AMENDMENTS RELATED TO THE TAX-PAYER RELIEF ACT OF 1997.

(a) Amendments Related to Section 311 of the Act.—Section 311(e) of the Taxpayer Relief Act of 1997 (Public Law 105-34; 111 Stat. 836) is amended—

(1) in paragraph (2)(A), by striking “recognized” and inserting “included in gross income,” and

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

“(b) Disposition of Interest in Passive Activity.—Section 486(g)(1)(A) of the Internal Revenue Code of 1986 shall not apply by reason of an election made under paragraph (1).”

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 311 of the Taxpayer Relief Act of 1997.

SEC. 515. AMENDMENT RELATED TO THE BALANCED BUDGET ACT OF 1997.

(a) Amendment Related to Section 4006 of the Act.—Section 26(b)(2) is amended by striking “and” at the end of subparagraph (P), by striking the period and inserting “. or” at the end of paragraph (Q), and by adding at the end the following new subparagraph:

“(R) section 138(c)(2) (relating to penalty amount), and inserting”.

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 4006 of the Balanced Budget Act of 1997.

SEC. 516. OTHER TECHNICAL CORRECTIONS.

(a) Amendments Related to Enhanced Payments of Earned Income Credit.—

(1) Section 32(c)(2)(E) is amended by striking “subpart” and inserting “part”.

(2) The amendments made by this subsection shall take effect as if included in section 474 of the Tax Reform Act of 1984.

(b) Disclosure by Social Security Administration to Federal Child Support Agencies.—

(1) Section 6103(l)(8) is amended—

(A) in the heading, by striking “state and local,” and inserting “federal, state, and local,” and

(B) in subparagraph (A), by inserting “federal” before “state or local.”

(2) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) Treatment of Settlements Under Partnership Audit Rules.—

(1) The following provisions are each amended by inserting “or the Attorney General (or his delegate)” after “Secretary” each place it appears:

(A) Paragraphs (1) and (2) of section 6224(c),

(B) Section 6224(g)(2),

(C) Section 6231(b)(1)(C),

(D) Section 6231(b)(11)(C), and

(E) Section 6231(b)(11)(D).

(2) The amendments made by this subsection shall apply with respect to settle-
and inserting amount shall be rounded to the nearest multiple of $10, such amount shall be rounded to the nearest multiple of $10.

(2) Subsection (f) of section 137 is amended by adding at the end the following new flush sentence:

"If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10."

(2) The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001—Section 21(d)(2) is amended—

(1) in subparagraph (A) by striking "$200" and inserting "$250"; and

(2) in subparagraph (B) by striking "$400" and inserting "$500".

TITLE VI—UNEMPLOYMENT ASSISTANCE

SEC. 601. SHORT TITLE.

This title may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

SEC. 602. 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 of Labor (in this title referred to as the Secretary). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) Provisions of Agreement.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law (as so extended) with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State or Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) Exhaustion of Benefits.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) Authorization of Payments.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable under such agreement for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this section unless the base period with respect to which the individual has had all rights to regular compensation under the State law, the individual had 20 weeks of employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) otherwise inconsistent with the provisions of this title or with 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 this subsection shall not exceed the amount established in such account for such individual.

(e) Election of States.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 603. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) In General.—Any agreement under this title shall provide that the Secretary shall, upon request by the Governor of a State that is in an extended benefit period, authorize such State to become entitled to any Federal law other than this title or chapter 85 of title 5, United States Code, or extended unemployment compensation payable to individuals by the State pursuant to such agreement.

(b) Treatment of Reimbursable Compensation.—No payment shall be made to any State under this section in respect of any amount of temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(c) Determination of Amount.—Sums 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, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any preceding calendar month were less than the amounts which should have been paid to the State. 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.

SEC. 604. 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 such State an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) Election of Payment Against Reimbursement.—There shall be paid to each State that has entered into an agreement under this title such State an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(c) Assistance to States.—There are appropriated from the Urge one fund of the Treasury, without fiscal
year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary may determine to make payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) certain payments on the basis of services to which section 3309(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. 606. FRAUD AND OVERPAYMENTS.

(a) In General.—If an individual knowingly makes 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 or representation or of such nondisclosure 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 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) Recovery by State Agency.—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 agency shall require such individuals to repay the amounts of 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 made 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.—In General.—The State agency may recover the amount to be repaid, or any part thereof, from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any other unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to 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 no 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 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 by the Secretary of Labor in the manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 607. DEFINITIONS.

In this title, the terms “compensation,” “regular compensation,” “extended compensation,” “additional compensation,” “benefit year,” “base period,” “State,” “State agency,” “State law,” and “week” have the respective meanings given such terms by the applicable temporary extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 608. 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) covered under section 903 of the Social Security Act of 2003.

SEC. 609. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 2002.

(1) IN GENERAL.—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)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as in effect before such date of enactment.

(b) SPECIAL FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

“Special Transfer in Fiscal Year 2002

(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

(2)(A) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be—

(i) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

(I) section 659(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001,

(II) section 5402 of Public Law 106–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

(II) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

(B) Notwithstanding the provisions of subparagraph (A),—

(i) the aggregate amount transferred to the States under this subsection may not exceed a total of $8,000,000,000; and

(ii) the amount transferred under paragraph (A) shall be reduced ratably, if and to the extent necessary in order to comply with the limitation under clause (i).

(3) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

(I) to individuals with respect to their unemployment, and

(II) which are allowable under subparagraph (B) or (C).

(4) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

(I) regular compensation, or

(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has 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.
TITLE VII—DISPLACED WORKER HEALTH INSURANCE CREDIT

SEC. 701. DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) In General.—In chapter B of title 55 is added by inserting after section 6428 the following new section:

SEC. 6429. DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) In General.—In the case of an individual who, in connection with a trade or business conducted by such person, receives such a pool.

(b) Matching Funds for Operation of Pools.—

(1) In General.—In the case of a State that has established a qualified high risk pool that restricts premiums charged under this title to no more than 150 percent of the premium for applicable standard risk rates and that offers a choice of two or more coverage options through the pool, from the funds appropriated under section (c)(2) and allotted to the State under paragraph (2), the Secretary shall provide a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

(2) Allotment.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

(c) Constructions.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

(d) Qualified High Risk Pool and State Defined.—For purposes of this section, the term ‘qualified high risk pool’ has the meaning given such term in section 2744(c)(2), and the term ‘State’ includes the 50 States and the District of Columbia.

(3) Construction.—Nothing in this subsection shall be construed as affecting the ability of a State to use funds, as described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) Information Reporting.—

(i) Requirement of Reporting.—Every person

(ii) who, in connection with a trade or business conducted by such person, receives

‘(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

(i) is entitled to benefits under part A of title XIX or XXI of such Act.

(c) Certain Other Coverage.—Such individual

(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.

(4) Determination of Unemployment.—

For purposes of paragraph (1), an individual shall be treated as unemployed during any period—

(A) for which such individual is receiving unemployment compensation (as defined in section 1503(b)(1) of such Act) in the case of an individual who may be covered by insurance for which credit is allowable under section 6429 of the Internal Revenue Code for an eligible coverage month, if the individual seeks to obtain health insurance coverage under such section during an eligible coverage month under such section.—

(i) paragraph (1) of such section 2741(b) shall be applied as if any reference to 18 months is a State standard is deemed a reference to 12 months, and

(ii) paragraphs (4) and (5) of such section 2741(b) shall not apply.

Promotion of State High Risk Pools.—Title XXVII of the Public Health Service Act is amended by inserting after section 2744 the following new section:

SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

(a) Seed Grants to States.—The Secretary shall provide from the funds appropriated under subsection (c) of $1,000,000 to each State that has not created a qualified high risk pool as of the date of the enactment of this section for the State’s costs of creation and initial operation of such a pool.

(b) Matching Funds for Operation of Pools.—

(1) In General.—In the case of a State that has established a qualified high risk pool that restricts premiums charged under this title to no more than 150 percent of the premium for applicable standard risk rates and that offers a choice of two or more coverage options through the pool, from the funds appropriated under section (c)(2) and allotted to the State under paragraph (2), the Secretary shall provide a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

(2) Allotments.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

(c) Construction.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

(d) Qualified High Risk Pool and State Defined.—For purposes of this section, the term ‘qualified high risk pool’ has the meaning given such term in section 2744(c)(2), and the term ‘State’ includes the 50 States and the District of Columbia.

(3) Construction.—Nothing in this subsection shall be construed as affecting the ability of a State to use funds, as described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) Information Reporting.—

(i) Requirement of Reporting.—Every person

‘(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.

(4) Determination of Unemployment.—

For purposes of paragraph (1), an individual shall be treated as unemployed during any period—

(A) for which such individual is receiving unemployment compensation (as defined in section 1503(b)(1) of such Act) in the case of an individual who may be covered by insurance for which credit is allowable under section 6429 of the Internal Revenue Code for an eligible coverage month, if the individual seeks to obtain health insurance coverage under such section during an eligible coverage month under such section.—

(i) paragraph (1) of such section 2741(b) shall be applied as if any reference to 18 months as a State standard is deemed a reference to 12 months, and

(ii) paragraphs (4) and (5) of such section 2741(b) shall not apply.

Promotion of State High Risk Pools.—Title XXVII of the Public Health Service Act is amended by inserting after section 2744 the following new section:

SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

(a) Seed Grants to States.—The Secretary shall provide from the funds appropriated under subsection (c) of $1,000,000 to each State that has not created a qualified high risk pool as of the date of the enactment of this section for the State’s costs of creation and initial operation of such a pool.

(b) Matching Funds for Operation of Pools.—

(1) In General.—In the case of a State that has established a qualified high risk pool that restricts premiums charged under this title to no more than 150 percent of the premium for applicable standard risk rates and that offers a choice of two or more coverage options through the pool, from the funds appropriated under section (c)(2) and allotted to the State under paragraph (2), the Secretary shall provide a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

(2) Allotments.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

(c) Construction.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

(d) Qualified High Risk Pool and State Defined.—For purposes of this section, the term ‘qualified high risk pool’ has the meaning given such term in section 2744(c)(2), and the term ‘State’ includes the 50 States and the District of Columbia.

(3) Construction.—Nothing in this subsection shall be construed as affecting the ability of a State to use funds, as described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) Information Reporting.—

(i) Requirement of Reporting.—Every person

‘(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.

(4) Determination of Unemployment.—

For purposes of paragraph (1), an individual shall be treated as unemployed during any period—

(A) for which such individual is receiving unemployment compensation (as defined in section 1503(b)(1) of such Act) in the case of an individual who may be covered by insurance for which credit is allowable under section 6429 of the Internal Revenue Code for an eligible coverage month, if the individual seeks to obtain health insurance coverage under such section during an eligible coverage month under such section.—

(i) paragraph (1) of such section 2741(b) shall be applied as if any reference to 18 months as a State standard is deemed a reference to 12 months, and

(ii) paragraphs (4) and (5) of such section 2741(b) shall not apply.

Promotion of State High Risk Pools.—Title XXVII of the Public Health Service Act is amended by inserting after section 2744 the following new section:

SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

(a) Seed Grants to States.—The Secretary shall provide from the funds appropriated under subsection (c) of $1,000,000 to each State that has not created a qualified high risk pool as of the date of the enactment of this section for the State’s costs of creation and initial operation of such a pool.

(b) Matching Funds for Operation of Pools.—

(1) In General.—In the case of a State that has established a qualified high risk pool that restricts premiums charged under this title to no more than 150 percent of the premium for applicable standard risk rates and that offers a choice of two or more coverage options through the pool, from the funds appropriated under section (c)(2) and allotted to the State under paragraph (2), the Secretary shall provide a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

(2) Allotments.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

(c) Construction.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

(d) Qualified High Risk Pool and State Defined.—For purposes of this section, the term ‘qualified high risk pool’ has the meaning given such term in section 2744(c)(2), and the term ‘State’ includes the 50 States and the District of Columbia.

(3) Construction.—Nothing in this subsection shall be construed as affecting the ability of a State to use funds, as described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) Information Reporting.—

(i) Requirement of Reporting.—Every person

‘(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.
payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6242(d)), and

(2) in paragraph (2) of such section, (A) the name, address, and TIN of each individual referred to in subsection (b) with respect to whom benefits were received or for whom such a reimbursement is claimed, and (B) the aggregate of the advance credit amounts provided to such individual for which reimbursement is claimed,

(c) the number of months for which such advance credit amounts are so provided, and

(d) an accurate statement as to the manner and form of such reimbursement.

(3) By inserting, at the end of paragraph (2), the following:

"(3) C LERICAL AMENDMENT.—The table of sections for subchapter B of chapter 61 of title 29, United States Code, is amended by adding at the end the following new item:

"Sec. 6242. Displaced worker health insurance credit."

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 702. ADVANCE PAYMENT OF DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF DISPLACED WORKER HEALTH INSURANCE CREDIT.

"(a) General Rule.—The Secretary shall thereby establish a program for making payments on behalf of eligible individuals to providers of health insurance for such individuals.

(b) Eligible Individual.—For purposes of this section, an eligible individual means any individual for whom a qualified health insurance credit eligibility certificate is in effect.

(c) Qualified Health Insurance Credit Eligibility Certificate.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by the Secretary to a taxpayer by any other entity designated by the Secretary to which—

(1) certifies that the individual was unemployed (within the meaning of section 6242) as of the first day of any month, and

(2) provides such other information as the Secretary may require for purposes of this section.

(d) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of displaced worker health insurance credit."

(f) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VIII.—EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE

SEC. 801. EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE.

(a) In General.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" and inserting "; and"

(2) in paragraph (3), by striking the period at the end and inserting " and";

(3) by adding at the end:

"(4) to the Governor of any State or outlying area who applies for assistance under subsection (a) with respect to whom the Governor has certified that a major economic dislocation, such as a plant closure, mass layoff, or multiple layoff, including a dislocation caused by the terrorist attacks of September 11, 2001, is in effect.

(b) Requirements.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by—

(1) by adding at the end:

"(5) TEMPORARY HEALTH CARE COVERAGE ASSISTANCE.

"(a) In General.—Temporary health care coverage assistance described in this paragraph consists of health care coverage premium assistance provided to qualified individuals under this paragraph with respect to premiums for coverage for themselves, for their spouses, for their dependents, or for any combination thereof, other than premiums for excluded health insurance coverage.

(b) Qualified Individuals.—For purposes of this paragraph—

"(I) in general.—Subject to clause (ii), a qualified individual is an individual who—

(i) is a displaced worker referred to in paragraph (3) with respect to whom the Governor has made the certification described in paragraph (5) of the Social Security Act applicable in the State or outlying area or
The term ‘congressional record’ means coverage under a qualified long-term care insurance contract and excepted benefits described in section 733(c) of the Employee Retirement Income Security Act of 1974.

‘(c) 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 XIX).

‘(2) LIMITATION.—Funds so appropriated may not be used to match other Federal expenditures or in any other manner that results in the expenditure of Federal funds in excess of the amounts provided under this section.

‘(d) Payment to States.—Funds made available under this section shall be paid to the States in a form and manner and time consistent with the requirements set forth in this section.

‘(e) Definition.—For purposes of this section, the term ‘State’ means the 50 States and the District of Columbia.

‘(f) Repeal.—Subsection (g) of section 2111 of the Social Security Act, as inserted by subsection (a), is repealed.

‘(g) Sec. 1902—Social Security Held Harmless; Budgetary Treatment of Act

‘(1) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

‘(2) TRANSFERS.—

‘(A) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the amount of Federal funds under section 201 of the Social Security Act (42 U.S.C. 401) that may be transferred to or used for other Federal purposes. For fiscal year 2003, the Secretary shall transfer to or use for other Federal purposes funds under section 201 of the Social Security Act (42 U.S.C. 401), the amount of which shall be that amount estimated by the Secretary for which Federal financial participation is sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

‘(B) ESTIMATE OF CONGRESS.—For fiscal year 2003, the Congress shall be provided with an estimate of the funds transferred to or used for other Federal purposes under section 201 of the Social Security Act (42 U.S.C. 401), the amount of which shall be that amount estimated by the Secretary of the Treasury for which Federal financial participation is sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

‘(2) Emergency Designation.—Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

‘(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the congressional report accompanying H.R. 1. The amount shall be the difference between revenues of the Federal Government for fiscal year 2002, as estimated by the President’s Office of Management and Budget, and the amount estimated by the President’s Office of Management and Budget for fiscal year 2002, as provided in the congressional report accompanying H.R. 1.
February 14, 2002

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following:

To provide tax incentives for economic recovery and assistance to displaced workers.

This amendment is in lieu of the amendment proposed to the Senate by Mr. HULSHOF.

The SPEAKER pro tempore. Pursuant to House Resolution 347, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSU) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

It was not too long ago that we all gathered on the floor of the House and listened to President Bush on his State of the Union message. It was a remarkable speech because it was interrupted by a number of standing applauses for the statements that the President made.

One of those that I listened carefully to was one that elicited a significant amount of response. It was when he talked about his economic recovery program. He said, "I can explain it in one word: jobs." When we talk about economic recovery, we have got to talk about job-creating machines in this country called business.

What we have in front of us today, Mr. Speaker, is an economic security and worker assistance act. Because frankly, during this recession, with the complications added by September 11, we are unemployed by saying, we want to end the political football of unemployment insurance between the House and the Senate. If this becomes law, the tug of war is over, because we have provided the innovative structure which says the President's new trigger for assistance, not the statutory 5 percent unemployment rate in States, but the President's new trigger should be utilized as a determiner of whether or not a State gets 13 weeks additional unemployment assistance.

Every State would get the first 13 weeks. But if this becomes law, the trigger would be a maximum unemployment rate in States, but the President's new trigger should be utilized as a determiner of whether or not a State gets 13 weeks additional unemployment assistance.

This bill is different than the one that we sent to the Senate in October; it is different than the one that we sent the other body, passed their bill to give an additional 13 weeks' unemployment benefits to the American unemployed unambiguously. Democrats and Republicans alike worked together to do this.

Think about this for a minute. There are 8 million people unemployed today; there are a million that have lost their benefits since September 11, and in the next 6 months there will be another 2 million. They are losing them at a rate of 77,000 a year. The gentleman from California, the Chair of the Committee on Ways and Means, knows that the Senate will not act on this bill. So we are basically telling the unemployed that because of politics, because they want to help their corporate friends, we are not going to be able to help the unemployed in America.

I want to conclude by making one other observation about this. Mr. Speaker, this money, this money that is being used to pay $175 billion worth of corporate tax breaks over the next 10 years comes from the payroll taxes of the average American, the waitress who assists the City of New York. They took it on the chin for all Americans. In this bill is the "liberty provision" to assist in the rebuilding of downtown Manhattan. That is a promise that we made. This bill will be a promise that we deliver.

It seems to me that when someone decides that someone else ought to do the thinking for us, we have given up on trying to be creative and responsive. This bill is different than the one that we sent to the Senate in October; it is different than the one that we sent the Senate in December. It is different in positive ways. It helps more people, more meaningfully, and it ought to be passed.

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

Mr. Matsu. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I just have to say that I am not sure if the gentleman and I are reading from the same bill, because he talks about stimulating the economy; but as I read these tax provisions for corporations, that is not what this does. He has a provision in there that would eliminate the alternative minimum tax, not for individuals, but for corporations. The Congressional Budget Office has said, this helps corporations from their past activities, it does not stimulate the economy.

There is a provision in there that encourages corporations to keep their earnings overseas and not invest in the United States. That costs about $13 billion or $14 billion over the next 10 years. That does nothing to stimulate the economy. In fact, it works in the opposite direction.

The tax provisions in this particular bill do very little to stimulate the economy of the United States. In fact, they are really corporate handouts as a result of a commitment made to the House Chamber one year when the chamber decided not to put corporate tax breaks on their individual tax cut bill. So what they are doing is using as a bootstrap the unemployment benefits, aid to New York in order to get these corporate tax breaks. In fact, the corporate tax breaks and the acceleration of the 28 percent rate, which helps basically the higher-income people, is about two-thirds of the $175 billion in tax cuts over the next 10 years.

The real tragedy is the Senate, the other body, passed their bill to give an additional 13 weeks' unemployment benefits to the American unemployed unambiguously. Democrats and Republicans alike worked together to do this.

Think about this for a minute. There are 8 million people unemployed today; there are a million that have lost their benefits since September 11, and in the next 6 months there will be another 2 million. They are losing them at a rate of 77,000 a year. The gentleman from California, the Chair of the Committee on Ways and Means, knows that the Senate will not act on this bill. So we are basically telling the unemployed that because of politics, because they want to help their corporate friends, we are not going to be able to help the unemployed in America.
the shadow of the other body. Last night we heard that we could not try to make some genuine changes to campaign finance reform because we might somehow fall out of favor with the other body. Mr. Speaker, have we relinquished our constitutional authority over our own legislative process?

I think what I would like to say, first of all, is to set the record straight on the AMT, on the alternative minimum tax. This bill, just like the one in December, does not repeal the alternative minimum tax; it will still penalize corporations that have to pay. We do, however, make some crucial reforms in the AMT to maximize the impact of, for instance, the bonus depreciation investment incentives.

Let me just talk about a real-life story to the gentleman from California who says that this stimulus bill would just help corporations. Recently the St. Louis business community was sent reeling with news that Ford announced a closure of a plant in Hazelwood, Missouri. About 3,000 workers' jobs are now in peril, not to mention the surrounding community, and not to mention the surrounding businesses that depend upon those workers to stay in business.

A handful of political leaders, including the Democratic leader, journeyed to Detroit to meet with corporate headquarters to try to convince the automaker not to shut down this worthwhile plant in St. Louis. What if? And I urge the answer to this, Mr. Speaker. It is a rhetorical question. What if we had passed this economic stimulus bill last fall? What if we had provided some real relief, this penalty and this counter-cyclical punishment of corporations that have to face this alternative minimum tax? What if we had been able to provide that economic help back last fall or even as far back as December? Would those workers, those 3,000 auto workers' jobs still be in jeopardy?

Again, I do not have the answer to that; but to me, as we debate this, in fact, we did not, holding it hostage to other agendas in this body. We should do that again.

There are more than 1 million jobless workers who have had their unemployment insurance expire since September 11. They not only not have health insurance for displaced workers, those who have exhausted their regular UI benefits is expected to be 750,000 higher in the first half of 2002 than it was in the first half of 2001. The FUTA taxes, money we have set aside, equal $40 billion for this purpose, so the money is there. Make no mistake about it, we have an option to do something today; and if we do not, the responsibility rests solely with the Republican leadership in this body.

Mr. Speaker. It is a rhetorical question. What if we had passed this economic stimulus bill last fall? What if we had provided some real relief, this penalty and this counter-cyclical punishment of corporations that have to face this alternative minimum tax? What if we had been able to provide that economic help back last fall or even as far back as December? Would those workers, those 3,000 auto workers' jobs still be in jeopardy?

Again, I do not have the answer to that; but to me, as we debate this, inaction continues to be an option.

Mr. Speaker, I urge passage of this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this is a very easy issue for people to understand. If we concur in the Senate amendment to send a bill to this President today extending unemployment insurance for 13 weeks for the people who have exhausted their benefits.

Mr. Speaker, there are currently 8 million people who are unemployed looking for work in this country. If we pass the motion that is suggested by the chairman of the committee, we will get nothing done. Nothing will occur. It is the same old bill that we tried to do once before, twice before. The only thing we have is that the President today extends unemployment insurance for 13 weeks for the people who have exhausted their benefits.

Mr. Speaker, there are currently 8 million people who are unemployed looking for work in this country. If we pass the motion that is suggested by the chairman of the committee, we will get nothing done. Nothing will occur. It is the same old bill that we tried to do once before, twice before. The only thing we have is that the President today extends unemployment insurance for 13 weeks for the people who have exhausted their benefits.

Mr. Speaker, are you back here doing work again; and during that 2 weeks, there is going to be another 150,000 people in this country who will have exhausted their unemployment insurance benefits and cannot find employment. That is what is going to happen.

It is not about the pride of whether we accept what the Senate wants, the other body wants, or whether we have the right to add or subtract to it. That is not what is in question here. The question is whether we are going to hold the displaced workers, those who have lost their jobs, hostage to the Republican tax agenda to cut business taxes.

During the last five recessions, we have been able to work on a bipartisan basis to extend unemployment compensation benefits. We did that without holding it hostage to other agendas in this body. We should do that again.

There are more than 1 million jobless workers who have had their unemployment insurance expire since September 11. They not only have health insurance for displaced workers, those who have exhausted their regular UI benefits is expected to be 750,000 higher in the first half of 2002 than it was in the first half of 2001. The FUTA taxes, money we have set aside, equal $40 billion for this purpose, so the money is there. Make no mistake about it, we have an option to do something today; and if we do not, the responsibility rests solely with the Republican leadership in this body.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, I do not understand why my colleagues think going home having extended unemployment 13 weeks is help. Why is it not better to go home and have extended unemployment 13 weeks, put in an automatic trigger so unemployed people cannot be held hostage by the other body if the recession lasts? Why is it not better to go home and provide health benefits for those who are unemployed? The first time in our entire history that we have ever said to the unemployed that health security is just as important as income security when you are unemployed. Why is it that Members think, and I have had Members say to me, well, the EMTPR in New York, we will do that later. Do they not understand the other body is not capable of doing it later? They would have done it if they could have done it. Why did they not add it into the extension? It is very important. What about the extenders? My colleagues have all voted for extenders many times. Do Members not care that the welfare-to-work tax credit is going to expire? Do Members not care that the unemployment compensation benefits for those who are unemployed, to get employed, to stay employed, prisoners coming out of prison to get employed and stay employed, are Members not thinking that consistent pre-emptive action on unemployment compensation benefits, reduces the number of unemployed? The provisions in this bill, I could go on and on.

Why, after September 11, do we not want to change the carry-back of losses when we see losses all across the country in certain sector of the economy? Do Members not have any sense of fairness and responsibility? Does not the other body? Why did they send us this? Are they not thinking about people's livelihood? Are they not thinking about unemployment compensation, about health benefits for the unemployed, about jobs for the people coming off of welfare?

Get your minds focused. The other body is not capable of an action. The only thing they will ever act on is on the extension of unemployment benefits, and it is our job to put in there the essential things, help for New York, certain extenders.

When we look at the tax provision, extension of mental health parity. After all we have talked about mental health benefits? Listen, needless to say, I am heated up. I can only say do not hide behind the alternative minimum tax. We do not even repeal it. What we do to fix it will help individuals as well as businesses.

I know the politics of Enron and the politics of alternative minimum tax. I also know every company that pays these taxes pays when they are in a downturn and gets them back when they are in an upturn. We know that there is not one new dollar of Federal revenue either lost or gained. So do not distort that issue and hide behind it when the unemployed's well-being is at stake, when women coming off of welfare will lose their jobs because that tax credit is gone.

I urge Members to think, put on this unemployment comp provision, exactly what they need, so that we can do that in conference and Members can help us in conference. But we cannot let the Senate say compassion and caring is just 13 weeks long.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE (Mr. LEVIN asked and was given permission to revise and extend his remarks.)
Mr. LEVIN. Mr. Speaker, I think the basic point is if people really care they would sit down on a bipartisan basis in this House and try to work out a package. There has been zero effort to do that in this House, Zero.

It is a stimulus package, but it should not hold up action on unemployment compensation. Five months ago the Speaker stood in this House and promised the House would act on unemployment compensation. The time to keep that promise is long overdue. If we have no bipartisan discussions meaningfully in this House on a stimulus package.

We need to work out specific tax provisions. For example, on the acceleration of tax rates, CBO has said that the proposal in this package would generate little stimulus relative to its total revenue loss; that the stimulus is probably small. And as to the AMT, CBO has said eliminating the AMT as done here does little by itself to change the incentives for businesses to invest; its bang for its buck is small.

So why not sit down and work out a package on a bipartisan basis? The time has come to do both. To pass unemployment compensation relief today, then get it all put down on a bipartisan basis in the Committee on Ways and Means and work out a stimulus package. That is the way to go.

The way we are going today is a dead end for the workers of this country and for the businesses of this Nation.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from the State of Washington, Mr. MATSUI.

Mr. MCDERMOTT. Mr. Speaker, I yield myself 30 seconds.

Once again we have heard those words "we eliminate alternative minimum tax." They just cannot get over it. It is not true and no matter how many times they say it, it will not be true. If the gentleman wants his promise kept, all he has to do is go back and read the trade adjustment assistance tax. What we did, this House passed over the objection of a provision, a provision that said that if someone lost their job based upon September 11, they would be elevated for benefits as though it was related to trade. That promise was kept.

It is a problem that Members have such short memories and it does not fit your political agenda. People who lost their jobs because of September 11 have been taken care of in a House-passed bill and the Senate has not done a dang thing about it.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a very valued member of the committee, the author of the New York Liberty Bill.

Mr. HOUGHTON. Mr. Speaker, thank the gentleman for yielding me time.

We are trying to be talking at cross purposes here as we come from different bases. We have different philosophies. We have set in concrete certain impressions that we got. I will relate now I come out on this thing. I think we have three issues. First of all, the economy is still in trouble. Secondly, people need unemployment insurance, an extension of that; and, thirdly, we have a hole right in the City of New York and we have got to fill it. Now what is not clear is how we go about fixing these things. Members can say the alternative minimum tax is a boondoggle and it does not help economic recovery. But I could say anything.

But the important thing is we get investment and people back to work. Now, that is a difficult situation. When times are good, we do not do anything. When times are bad, there is the point when the government has something it has to be done. And I do not know whether it will be resolved here or whether it will be resolved in conference. But something has to be done by the United States Government to try to put a little juice and a little impetus back into the economic recovery.

If not, we are just going to languish and waiting.

Secondly, as far as up employment insurance, I do not think there is any question about it. I think we ought to do it. I do not think there is any argument on it.

As far as the Liberty Zone in New York, the only thing I can comment on there is time is of the essence. There are people making decisions about where they will reestablish themselves, what buildings they will go into, and we have 20 million square feet that was destroyed down there. Maybe some of the head offices in the financial firms will stay there, but what about the support staff? Time is terribly, terribly important.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I would say to my friend from New York (Mr. HOUGHTON) if he were the chairman of this committee we would probably have a bill here we could pass. But when we have a situation where the chairman of the committee talks for about 5 minutes about this bill, tells us it will be on the floor tomorrow, we never have a hearing on it, we do not know what is in it, how could we possibly know what is in it? We must have hearings.

Now, this bill for those Members on my side who cannot figure it out, this does two things. This is a fund-raising bill. It is a PR bill. They do it just before they go home so they can stimulate fund-raising when they are back in the district. That is why they did it in December when they did it. But also this is a bill for PR. If we do not get this out of here in the next couple of hours, a lot of those press releases that have already gone out about what we have done for the unemployed will be a little bit premature.

The fact is that if Members wanted to do something about the 3 million people who are unemployed and the 11,000 per day that are going to be exhausting their unemployment insurance and the 2,000,000 that are expected to exhaust their unemployment benefits by the end of the first 6 months, Members would have accepted the Senate bill and do something about it. We all know that 62 percent of the people who are unemployed are not even covered by the unemployment insurance. If they want to make reform in unemployment insurance, we are glad to sit down and talk. But do not wrap it in this stuff and tell us that we have to eat all these fund-raising deals to get it for the unemployment, that it is DOA. This bill is dead on arrival. It is DOA when it arrives in the other body.

Now do they want to do something for people who are unemployed or not? It apparently has not occurred to them that if they do something twice and it has not worked, doing it a third time is not going to work. That is a sign of mental illness, that they do the same thing over and over again and expect a different result.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the committee.

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

The more I hear, the better I understand that talk is cheap. I want to remind those who say that the Senate, the other body, is going to accept this as dead on arrival. I also want to remind Members of this: the majority Members of the other body support a stimulus package. It is the super-majority leader who does not and want to have an issue for the fall rather than a discussion today. People who are unemployed are not so much interested in a UI check.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will kindly suspend.

I know the Chair has made this reminder before; but again, all Members are reminded not to make characterizations of Members of the other body and their motives or motivation in enacting legislation.

The gentleman may proceed.

Mr. COLLINS. Mr. Speaker, I could not understand all you said.

The SPEAKER pro tempore. It is inappropriate under the rules of the House during the course of debate for Members to make reference to or characterize the inaction or action of a Member of the other body. The Chair took the gentleman's remarks to do such.

PARLIAMENTARY INQUIRIES

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

That ruling is one that is made regardless of whether or not the statement made are factual; is that correct?

The SPEAKER pro tempore. The truth is not a defense. The remark is out of order.

Mr. THOMAS. Mr. Speaker, so the truth is not the criteria for determining that you cannot make the statements that the gentleman from Georgia (Mr. COLLINS) made?
Mr. RANGEL. Mr. Speaker, is it not a fact that it is not a political statement?

Mr. THOMAS. Mr. Speaker, parlamentary inquiry.

The SPEAKER pro tempore. Mr. Speaker, the gentleman from California (Mr. Thomas) is not a political statement.

Mr. RANGEL. Mr. Speaker, well, whether the truth or falsity of a statement, if it is a derogatory remark made by a Member in the other body________

Mr. THOMAS. Mr. Speaker, parlamentary inquiry.

The SPEAKER pro tempore. The Chair will hear from the gentleman from New York (Mr. Rangel) first.

Mr. THOMAS. Mr. Speaker, is he making a parlamentary inquiry?

The SPEAKER pro tempore. The Chair would ask for order and comity.

If the gentleman has an inquiry, the Chair's happy to hear it.

Mr. RANGEL. Mr. Speaker, my inquiry would be, are you stating the inquiry made in a parlamentary fashion by the gentleman from California (Mr. Thomas) was not a political statement?

The SPEAKER pro tempore (Mr. LaTourette). The Chair tries to take the inquiry propounded by any Member in the best possible light, first of all.

The Chair, second of all, understood the gentleman to ask a question, whether or not a reference to the motiation of a Member in the other body has any relevance to whether it is a true observation or not.

The Chair, taking that in the best possible light, concluded that it was an appropriate inquiry.

Mr. RANGEL. Mr. Speaker, taken in its best possible light, I agree with the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from California (Mr. Thomas) still have an inquiry before we go back to the gentleman from Georgia?

The gentleman from Georgia may resume.

Mr. COLLINS. Mr. Speaker, parlamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. COLLINS. Mr. Speaker, is it proper procedure for me to state that, in my opinion, the statement I made was factual?

The SPEAKER pro tempore. The Chair will again indicate that it is not appropriate, and as we have learned from the inquiry by the gentleman from California (Mr. Thomas), it is not appropriate to characterize or give characterization to action or nonaction taken in the other body or to ascribe motives to an individual Member of the other body as to why they have acted or not acted in a manner, and the Chair felt that the gentleman's comments tread upon that ground.

Mr. COLLINS. Mr. Speaker, further parlamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. COLLINS. Mr. Speaker, in regards to the other body, my statement was then factual to me and to this body. I thank the Chair.

The SPEAKER pro tempore. The Chair does not consider that to be an inquiry. The gentleman may proceed on his time.

Mr. COLLINS. Mr. Speaker, as I was stating, people who are unemployed are more interested in a job even though they know when they do need some subsidy, such jobs are created again or opened back up.

Last year before the Committee on the Budget, the Chairman of the Federal Reserve was asked a question about interest rates: Do you think your interest rates too quick and too high? His answer was: No. What were we trying to do was slow down the capital investments of corporations.

He succeeded because now he states what we need are capital investments of corporations, of business, and we are not talking about just large corporations. We are talking about all corporations.

We see that interest rates have been lowered to a record level in many years, but it is not working. Low interest rates are good for borrowers if someone wants to borrow or if someone wants that cheap money, I tell my colleagues who it is not good for. It is not good for businesses that have invested in the money market, and I guarantee my colleagues, those people will remember in November what their interest bearing is on their CD and their money market accounts.

So I would advise my colleagues to not drag this thing out again.

How does stimulus relate to the market and the economy? I have been in transportation for over 39 years. Every-thing at some point moves by truck. Inventories, no matter how much money is there, they are not being replenished because they have been moved out, and people are turning those inventories to cash.

I have seen the ups and downs of the economy. I have also heard a lot about tax credits for creating a job. In 39 years I never hired a person because of a tax credit, but I bought a lot of equipment because of tax deference. There is nothing in this bill that exempts a corporation from tax. It defers a tax so that it encourages them to invest, and there is the punishment clause that causes a company to repay tax even in a year when they have a bad year. That is the alter-native minimum tax, and that is how it works.

This will work. I will give my colleagues an example of a small business. Had this bill reached the President's desk in December or in October, there would have been a small business. I talked to the owner in Georgia, who was prepared to buy and invest a quarter of a million dollars before January 1, 2002, in equipment and plans to buy and purchase over the next 3 years $1 million a year because he has seen the ups and downs of the economy and how tax relief, tax deference has worked for the marketplace and has encouraged people in the marketplace to spend money which creates jobs.

If my colleagues really want to do something for the unemployed, they will also support this stimulus package. If my colleagues want to send a message to the other body, they will support this and have a larger number of yes votes.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Edwards).

Mr. EDWARDS. Mr. Speaker, talk may be cheap, but this bill is not. In fact, it is expensive, fiscally irresponsible and unfair. This bill is unfair to our children and grandchildren because it will add billions of dollars to the already huge $6 trillion national debt that will burden them for the rest of their lives.

It is unfair to senior citizens because it takes tens of billions of dollars over the years ahead from the Social Security and Medicare Trust Funds.

This bill is unfair to unemployed workers because it delays the extension of unemployment insurance, which we could pass today and send on to the President and help all workers in the days ahead. This bill is unfair to workers, to small businesses and family farmers because while they work hard, pay their bills and pay their taxes, huge profitable corporations are saying they should not have to pay taxes.

So much for shared sacrifice. We should vote no on this bill.

Mr. THOMAS. Mr. Speaker, could I request a determination of the time remaining, please.

The SPEAKER pro tempore. The gentleman from California (Mr. Thomas) has 14 minutes remaining. The gentleman from California (Mr. Matsui) has 10 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Armey), the majority leader of the House of Representatives.

Mr. ARMNEY. Mr. Speaker, I thank the gentleman from California (Mr. Thomas) for yielding me the time.

Mr. Speaker, it seems every now and then we have to stop and just remind
ourselves what the debate is about here. It seems to me there is too much confusion with respect to whether or not this debate is about cutting taxes, leaving money in the coffers of the Federal Government as opposed to the handling of the American people, or doing it the way that earned it. The latter, that whether or not it is fair and correct to deny this poor, beleaguered, suffering government more of our tax revenues.

Mr. Speaker, that is not what this debate is about. This debate is about whether or not this Government of the United States will exercise its responsibility to do everything it can to help unemployed American workers get back to work. It is about jobs. It is about opportunity. It is about a chance to stay on the job, to get a promotion on the job, to get a job in a thriving, growing economy; a thriving, growing economy that has been serving the American people well, and one that got locked into a bit of a cock hat first by the mismanaged case against the Microsoft company earlier last year that compressed the equity markets to the point of economic downturn, and then secondly by the attack on America on September 11.

What is it we do about that? Sit back, call upon the Federal Reserve to do all they can, and do nothing? Or are we to join the effort to try to put America back to work?

Twice already we have tried to put an economic stimulus package through this body to the other body and to the President that is designed for the purpose of putting people back to work. Twice now, despite the fact that a majority of the Members of the other body were ready to vote to approve that package, it was stopped. That is a shame.

Finally, after having done nothing, the other body sends us a paltry, paltry, stingy, shortsighted, self-serving, insensitively insensitive 13 weeks unemployment compensation extension and then has the audacity to applaud themselves for their generosity.

Mr. Speaker, does this great government, with all its resources, all its re-sourcefulness, all its keen minds, we have nothing to offer an unemployed American worker except more weeks of unemployment? If that is the least we can do, let us at least be humble about it. Let us not brag about it. Let us not strut and pretend we have done some-thing good here.

Let us understand, we failed our colleagues and Mr. and Mrs. American worker; if all we had to offer was more weeks to stay unemployed, we failed them. We fail; we deserve applause. We certain do not deserve appreciation.

This House of Representatives cannot do only the least we can do for people out of a job in America. We are commit-ting to doing the best we can do, and the best we can do is to cut taxes in a smart way to allow incentives for investment in employment and jobs and opportunity. Again, for the third time, we tried to do that pol-icy which was proven to us to be a policy that works time after time after time.

Very simple question, do my colleagues want to stand up with pride and say, Mr. and Mrs. America, we tried to put your interest first or do my colleagues want to really go home and say, we just decided to take care of our politics in Washington, and we were content for workers to stay unem-ployed for another 13 weeks, and we had nothing else to offer?

Shame on us if that is all we can do. Shame on us if we have nothing in our hearts for people out of a job in America except stay out of a job for a little bit longer so that we can continue to have the money of those people who are fortunate to stay working. Shame on us if we fail them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members to refrain from urging action by the Senate on characterizing Senate action or inaction.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the chairman of the committee, the gentleman from California (Mr. THOMAS), in his opening remarks said the reason we need this bill comes with a very easy explanation. In fact, it is one word called jobs.

I will give my colleagues an easier explanation as to why we need this bill, but it is two words. It is called cam-paign contributions. Last year we already paid an economic stimulus bill. It totaled $1.3 trillion in tax cuts, and many of us argued that that is too much, the surplus that we thought would be there might not materialize, and lo and behold it has not. So com-pliments of the party of fiscal dis-cipline, this Federal Government is now in a deficit.

After we passed this massive tax break, the bulk of which folks are not going to get, we passed a $5 billion bailout for the airlines, and we were told at that time by the Speaker and the minority leader the next bill or very shortly we are going to take care of the unemployed workers. That was months ago.

Then the House brought up a bill to bail out the insurance industry. Again, nothing done for the unemployed worker.

Today, we have an opportunity to fi-nally take care of the unemployed worker. Pending before the House is a clean, simple Senate-passed bill that provides a 13-week extension for the unemployed worker, but the majority leader says we do more because that worker needs a job. That worker needs an extension because he wants his old job back, whether he or she has the se-niority or he or she has a 401 or retirement plan.

We can do today what we have not done for months. We can pass this bill and have it to the President this afternoon by passing the Senate bill. Why must we do it today? Because today Congress goes on vacation. We are going on vacation for a week, and as Members are going to be scurrying off to Andrews Air Force Base to board those beautiful Air Force jets that will take them to exotic places, the workers of this country get nothing, the unemployed workers get nothing.

Mr. Speaker, today we can send this Valentine to the unemployed workers from the “People’s House.” That is what we can do today.

But my Republican colleagues are saying, okay, we will give this to the unemployed workers, but we have to give this valentine to our corporate business friends. Signed, Love, the Repub-licans.

Mr. Speaker let us not blackmail the unemployed workers of America.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I know the gentleman has his speaking points that have been passed out, and he is trying to stay on them; but I really wish he would realize that this House, back in December, passed trade adjustment authority, which had a pro-vision for workers who lost their jobs because of September 11. It is the Sen-ate that has failed to deliver on pro-viding help for those who, through no fault of their own, lost their jobs.

It is a fact. I know the gentleman does not like it, but it is true.

Mr. MATSUI. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. KLECZKA), for a grand total of 4 minutes.

Mr. KLECZKA. Mr. Speaker, it is also true that last October we passed a “stimulus” bill, a bill which repealed the alternative minimum tax for businesses, but made it retroactive to 1986, giving IBM one check for $1.4 billion, GM a check for $850 million, and Enron $250 million.

And my colleague wonders why the Senate did not pass his bill? The gentle-man poisoned the well with that type of nonsense.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I would like to make two points, I think.

In business, when I was in business at home, if we could agree on some future course of action, we set that aside and went ahead with it; and those matters that we could not agree on what was best for our employees and ourselves we would discuss further.

I think the facts are pretty simple here. We all say we agree on unemployment benefits, so why do we not go ahead and do that? That is what rea-sonable people would do, I think, in
Mr. DOGGETT. Mr. Speaker, this bill is really the Republican “Tale of Two Cities.” The best of times for some: first-class treatment for the Kenny-boys of the world. And the worst of times for others: third-class treatment for the now unemployed Enron mail room attendants.

And it is a “Tale of Two Cities” in another way. The year 2001, a historically bad year for Enron in Houston, was a wonderful year for Enron here in Washington on tax policy in this House.

Let’s review the year: (1) Enron successfully gets favorable treatment in that collection of subsidies and preferences called an “energy bill.” (2) Enron successfully supported efforts to block an international crackdown on offshore tax havens. (3) Enron’s accounting firm, Arthur Andersen, successfully opposes my bill and all legislation to crack down on abusive corporate tax shelters. And (4) Enron successfully led the coalition that deals with the centerpiece of what we are debating now, the change in the alternative minimum corporate tax.

The notion that simply extending the Enron toyed with its workers by making Enron and get some work done. Unanimously the Senate passed unemploy- American workers. It is time for us to do some work. There are adults who are unemployed; let us act like adults and some work done. Unanimously the Senate passed unemployment relief for American workers. We can do the same thing. Let us be big enough to know there are differences of opinion. Let us come together and do what is right for the American worker and then come back and do what else is right for the American economy. But do not hold the American workers hostage.

I hope my colleagues will not vote for this because they think it is going to help. It is a sham and it will not work. Let us help people today.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend my colleague from California for putting together a great package. This is similar to the package we passed back in December.

The most important thing we can do, obviously, for the economy is to stimulate, and that is why this package is a good one. It actually has stimulation. It ought to stimulate the economy. And the notion that simply extending someone’s unemployment benefits will somehow stimulate the economy is absurd. We have to get away from that.

We see the other side trot out packages, gifts, Valentines that we are supposedly sending out. I would submit that that is the problem. We take the money and will only give it back by giving it as a gift, a gift that we can bestow, our almightiness here; we can bestow a gift on the American people by giving them back some of their money. It is their money. We ought to not take so much of it. If we want to stimulate the economy, we should not.

That is why this bill is a good one, and that is why I would urge support. It is not unfair to let people keep their own money.

I urge support of the bill.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, in here and get carried away with the politics of the moment. But reasonable people, I think across the country, would say we can agree on this, so let us do that today, then let us come back and talk further about what we cannot agree on.

Now, speaking personally, there are a lot of things in the package, above and beyond the unemployment provisions, that I think are pretty good public policy. But let us look at what the Blue Dogs have talked about forever is the fact that we continue to pile on debt after debt after debt, with no attempt to look at the 10-year budget window and figure out a way to pay for this stimulus package, so-called stimulus package. We do not even make an attempt to do so.

This package is going to put another $75 billion of debt on us. We already know we have another $1 trillion of interest on this next 10 years, based on the projections hold. We tried to warn late last year that we should not put out a 10-year package, where fully 70 percent of the expected surplus is not even going to get here for 5 years. That is not how we would run the business of this country, and it is foolish to try to say that that is going to be the case.

But beyond all that, people in this country understand borrowing money, and they understand paying interest; and this is terribly unfair what we are doing when we make no attempt to pay for it. None whatsoever. There are some things in there, as I said, that I think are good public policy, and I would go on and try to figure out how to accomplish them.

We have paid up to now about $140 billion this year in interest payments. That is as much as this bill costs almost for the next 5 years. That shows what kind of unbelievable, almost un-Godly thing we are doing to the next generation when we make no attempt to pay for these matters.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, there is a legitimate difference of opinion on what constitutes sound economic stimulus for this economy. We all support emergency help for the unemployed Americans. But let us not be so myopic that we have exhausted their benefits. There is even widespread support for the tax extenders, such as the work opportunity tax credits. And there is even majority support in the body for the accelerated depreciation on company assets. But there is not bipartisan, bicameral support to pass massive tax cuts that benefit large corporations like Enron and the well-to-do in America, especially when those tax cuts are paid for by workers’ contributions to Social Security.

These tax cuts raid the Social Security Trust Fund and deepen the deficit by $72 billion this year alone. So let us pass what we all say we agree on: help and relief for the unemployed American. And then let us come back and do the other good, reasonable work on economic stimulus. But do not hold Americans hostage while we bicker.

We get answers back in September when we passed this airline bailout bill of billions of dollars for corporations, and we were told it would help American workers. It did not. My colleagues toyed last year, the Republican Leadership here in the House, with campaign finance reform; but we were successful in getting it through. Even Enron toyed with its workers by making them lose all their money in their pension funds and displacing them and now having them unemployed.

It is time to stop toying with the American worker. It is time for us to do some work. There are adults who are unemployed; let us act like adults and get some work done. Unanimously the Senate passed unemployment relief for American workers. We can do the same thing. Let us be big enough to know there are differences of opinion. Let us come together and do what is right for the American worker and then come back and do what else is right for the American economy. But do not hold the American workers hostage.

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The notion that simply extending the cost of the war on terrorism, Enron wanted $254 million back in a government check. That was the Republican leadership’s idea—the idea of Enron’s Republican allies regarding the true meaning of sacrifice—they would take while others gave.

Indeed, the Secretary of the Treasury told the Ways and Means Committee only last week that he could not find a tax break that he had asked for last year that the administration did not attempt to give them.

If the bill before us today is approved, just like Enron, others of the most profitable, largest corporations in this country, will not contribute a dime to our national security. The Republicans are not just taking the Kenny-boy approach, but they said it was a “New York” bill. Well, it is. It is the Leona Helmsley approach—“Taxes are for the rich people out there in America, the unemployed, the people that work hard to build this country, they can share the sacrifice while the Kenny-boys will take their checks and go their own way. To add insult to injury, they are even going to cut their taxes by redirecting Social Security payroll taxes to finance more tax breaks for those at the very top so that these rich corporations do not have to share in the cost of our national security.

And so is shared sacrifice. The little people out there in America, the unemployed, the people that work hard to build this country, they can share the sacrifice while the Kenny-boys will take their checks and go their own way. To add insult to injury, they are even going to cut their taxes by redirecting Social Security payroll taxes to finance more tax breaks for those at the very top so that these rich corporations do not have to share in the cost of our national security.

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Mr. McCREERY. Mr. Speaker, I thank the chairman for yielding me this time.

I am going to try to get through my talk here without screaming, although it is difficult in the atmosphere that has been created here. It is an atmosphere all too often of hyperbole and even demagoguery, and I think it is time that those who might be listening to this debate are given some facts without hyperbole and certainly without demagoguery.

This package that we are going to pass today to try to stimulate the economy, to generate economic growth, to create jobs, to get people back to work consists of about $150 billion over 10 years. The fact is that about two-thirds of this package, two-thirds of it, about $100 billion, are either tax cuts or benefits for not big corporations, not business, but individuals: workers, the unemployed. Two-thirds, $100 billion of the package, goes to individuals. One-third, about $50 billion, goes to corporations and other businesses, partnerships, sole proprietorships, small businesses and the like.

These are the facts. Despite all the yelling, the screaming, the demagoguery and the finger-pointing, these are the facts.

Unemployment insurance. We go further than the Senate did in their package. We not only provide an additional 13 weeks of unemployment benefits to the 26 weeks that are already in place under the law for the unemployed, but we use an idea that came from President Bush in his budget this year to say we are going to lower the required trigger for extended benefits to 4 percent of the uninsured rate for any State.

It does not have to be nationwide, like the current law; any State that exceeds the 4 percent unemployment uninsured rate automatically gets extended benefits. In our bill. It is in the Senate bill. So we are trying to do more for the unemployed and their unemployment benefits.

Mr. Speaker, let me point out quickly, nobody in this bill or any other bill is raiding the Social Security trust fund, which has been said erroneously by maybe one Member today. Yes, we are using surpluses generated by the payroll tax to pay for other things in government, but nobody is raiding the trust fund. Every penny that is supposed to be going into the Social Security trust fund is going, and will continue to go.

Mr. Matsu. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER asked and was given permission to revise and extend his remarks.

Mr. ROEMER. Mr. Speaker, this bill is dripping and glowing red, not the red of compassion of Valentine's Day, but the red of deficits and the red ink that is not paid for and will cost taxpayers across the country.

This will cost taxpayers $180 billion over 5 years, and the Bush budget has an $80 billion liability. I voted for a tax cut that puts money in workers' pockets last July. I would vote for a bipartisan package of depreciation allowance and unemployment benefits for our workers today. But this bill is much as subpart F. That does help our workers? No, that is for banks and insurance companies who operate overseas. If they put it here domestically, they lose the benefit. How is that a stimulus?

Mr. Speaker, we have passed bipartisan education reform. We have passed bipartisan campaign finance reform. Let us work together with a bipartisan stimulus that helps our workers and helps our economy.

Mr. Matsui. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. Kilpatrick).

Ms. Kilpatrick. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, leadership, that is what this country wants. Leadership. Millions of Americans have lost their jobs from Kmart to Ford Motor Company, and everywhere across the country. Here we sit as 345 and 535 of the most powerful people in the world and cannot come together on a package that would stimulate the economy, save families, give hope to our children, and protect the seniors who built this country.

Leadership, Mr. Speaker, that is what this country needs. If we can give $100 billion to the terrorism debacle that we find ourselves in, over $50 billion for the war in Iraq alone, of the $35 billion to the insurance industry, can we not find the dollars that families in America need to raise their children, the people who played by the rules, raised their children, did everything we said they should do?

I am appalled by this Congress, as we sit here today, the richest country in the world, which was in recession before September 11, and then the tragedy of September 11, and cannot come together among men, 56 women, let us do what is right. Let us come together. The Senate passed the unemployment benefit insurance extension. Rise up and build, America is at stake.

Mr. Matsui. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. Taylor).

Mr. Taylor of Mississippi. Mr. Speaker, I encourage my colleagues from Louisiana, my neighboring State, to look at these numbers. This is from published Treasury reports. The gentleman said this money comes out of payroll taxes. That is right. Most of the folks I represent pay more in Social Security taxes than they do in income taxes. We would raid the Social Security trust fund to pay for this.

Right now we owe the Social Security trust fund $1.230 trillion unfunded liability. That is nothing but an IOU. The United States is broke; we are bankrupt.

We owe the military trust fund $171 billion right now unfunded liability. That is money that was taken, set aside allegedly to pay their retirement. It is gone, just like that Social Security money.

We owe the civil servants, the Border Patrol folks, $534 billion.

How can Members come to this floor and say there is a surplus when we have increased the debt, mostly through tax breaks and a downturn in the economy, by $221,158,156,000 in the past 12 months? What is the benefit of this versus the cost, because I know the cost is that we never repaid those people whose Social Security taxes we have robbed, whose Civil Service retirement we have robbed, whose military retirement we have robbed, and whose Medicare we have robbed.

Mr. Speaker, I do not think that it adds up. The gentleman from California (Mr. Thomas) gave us some bad numbers last year when the gentleman said we had surpluses as far as the eye can see. I am giving Members the facts right now.

Mr. Matsui. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. Jones).

Mrs. Jones. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Ms. Kilpatrick).

Ms. Kilpatrick. Mr. Speaker, I have given permission to revise and extend her remarks.

Mrs. Jones of Ohio. Mr. Speaker, I keep hearing that the third time is a charm. This was a bad bill the first time; it is a bad bill the second time; and it is a bad bill the third time. The American people are not going to be charmed about this bill, even on Valentine's Day. They do not want candy. They want jobs and benefits.

In Cleveland, Ohio, we just lost 3,000 jobs from LTV Steel because of overcapacity of steel in our Nation, and we lost it because this government did not come up with a steel stimulus package that would allow the steel industry to benefit.

We lost 1,000 jobs with TRW, and another 3,000 jobs with Ford. I came through the airport the other day. Something I had on buzzed, and I looked over my shoulder and I was being waved by a former LTV worker who said to me, Congressman, we are here working in the airport because we no longer have jobs at LTV.

I suggest this morning that the problem we have is that this is not a bill that will help unemployed workers, nor do we have a budget that is going to help unemployed workers. If we were going to help them, we would not have reduced Pell grants, reduced dollars to elementary and secondary education. If we were going to help them, we would not have reduced dollars for job training programs. If we were going to help the unemployed workers, we would not
have reduced dollars for affordable urban and rural housing.

Mr. Speaker, I suggest we need to come together and sit down and stop playing with the unemployed, but help them.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, as it has been said before, this is the same song in the third verse. I respect my colleagues on the other side of the aisle, but they are wrong in this third effort. In fact, there is a country western song called, “What Part of No Don’t You Understand?” “No” to the AMT tax cuts, “no” to the other tax cuts that will not help the economy.

I am surprised that my Republican colleagues insist on making the thousands of unemployed Americans continue to suffer. We could pass the bill that passed the Senate last week, an additional 13 weeks by unanimous consent today; but no, Members want to add to this Christmas tree because they want to send it to the Senate one more time so it can die like the last two. Members are using this like a political weapon instead of being concerned about American people.

Like most of our Nation, I have constituents who are unemployed, in my own town of Houston, just the Enron employees who have lost their jobs because of mismanagement and corruption. Some of my constituents need this extension now. The idea of just playing with it like we are doing here is outrageous to the people who need this help.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I have an overwhelming sense of deja vu. This is the third time the House has taken up a bill to help workers and boost the economy. Some of my colleagues in the opposition prefer platitudes and promises instead of action. My constituents need this extension to H.R. 622 and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

The SPEAKER pro tempore (Mr. STERLING). The gentlewoman from Texas (Ms. JACKSON-LEE) asks unanimous consent to extend her remarks.

Mr. Speaker, America needs a temporary plan that stimulates the economy by focusing on unemployment and the 2,496,784 initial claimants reported by the Bureau of Labor Statistics in December, 53,947, or 5.1 percent in December 2001. Clearly, these numbers are far higher today. The bill before us fails to give the relief that is needed. The bill before us is not temporary. It does not target relief to businesses hurt by the recession; it enacts tax reductions for the wealthy and corporations, and does very little to help middle-income workers whose extra spending would serve to stimulate the economy. In fact, the bill before us repeals the corporate minimum tax which ensures that corporations can use tax shelters and loopholes to avoid taxes. Furthermore, it accelerates a cut in the 26 percent tax bracket even though 75 percent of American households would receive no benefit from this cut because they do not have enough income to be in this bracket. Perhaps most disturbing, all of the costs of the bill are paid out of Social Security and Medicare trust funds. Clearly, permanent and expensive tax cuts like those included in this package will increase the deficit and risk increasing long-term interest rates.

Mr. Speaker, America needs a stand-alone worker relief bill that helps the 1 million U.S.
employees who have just lost their unemployment, and the 2 million who will lose their benefits by the end of 2002.

In my State of Texas I called and worked with the Department of Labor to set up a rapid response team to help displaced workers find the jobs that they need. But much more needs to be done. Last night I had an amendment that would have extended unemployment benefits for 1 year. That would have gone a long way toward helping Americans and stimulating the economy. Today, I urge an up or down vote on an economic stimulus package that is responsible and targets unemployed workers only.

Mr. MATSU. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON). (Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, we have many unemployed persons in my district in North Carolina alone who have 28,000 people who have exhausted their insurance already. We have experienced an increase of 105 percent in unemployment. We need to stop the bickering, stop the shenanigans between the two Chambers of Congress and do something for the millions of Americans who need our help.

Mr. Speaker, after 8 years of economic prosperity, and budget surpluses, the nation’s economy is spiraling downward. Consumer confidence is declining, unemployment is rising, and deficit spending is returning.

Today, we are considering a bill that would extend for 13 weeks unemployment benefits for displaced workers. During the past year, more than 1.5 million jobs were lost. Many unemployed persons have exhausted their unemployment benefits.

In my State, North Carolina, more than 28,000 people have exhausted their unemployment benefits, and we have experienced an increase of 105 percent in unemployment. Others were not eligible for unemployment compensation or health care benefits because they worked for short periods of time, or in temporary or part-time jobs.

A national economic stimulus package must provide additional relief for unemployed workers. Helping unemployed workers is the first thing to do and it is the smart policy to address the economic slowdown. This certainly is more effective than more huge tax cuts for large corporations and wealthy individuals. Unfortunately, this $81 billion bill only provides about $10 billion in benefits for workers and their families and the relief provided would benefit wealthy individuals and large corporations.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, today I am reminded of the disappointment that Charlie Brown feels on Valentine’s Day when that cute little redhead did not give him a valentine. Many of us had great hopes that we could simply take up relief for unemployed workers, a bill which passed the House last week; but just like Charlie Brown, we keep checking the mailbox and unfortunately come away again filled with disappointment.

The Republican bill today is composed mainly of some old, worn-out tax items that have been around for a long time. It reflects the tired philosophy of trickle-down economics, take care of the large and powerful corporations and eventually the rest will trickle down to us. But it is wrong to hold this bill hostage to temporary tax relief for the unemployed who, but for the sake of this debate, will find themselves on the outside looking in again for a few more weeks.

The disappointment I feel today is not in the same league with the disappointment that many hard-working Americans are going to feel, however. By slapping on a $150 billion tax cut in the dead of night, the leadership has ensured that this bill will not reach the President’s desk this weekend. Two million Americans are approaching or already have exhausted their unemployment benefits and cannot be assured that any relief is in sight. That disappointment is one that I hoped the Congress would not be delivering on this Valentine’s Day.

Reject the bill in front of us. Let us go back to work. Pass a simple, clean extension of benefits for the unemployed and their families who depend upon them and today who depend upon us.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS), a valued member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise in support of this bill. Let me say, as my colleague from Louisiana said, two-thirds of it goes to individuals. Let no mistake be made about that. Another third goes to business and industry that produces jobs.

Let me say, I am flabbergasted at a lot of the folks who get up and say it does not help other people only the big corporations. Let me tell you who it helps, also. The suspension of net income limitation helps support those hundreds of thousands of small stripper wells in Texas, the roughnecks out there, the oil patch workers who are losing their jobs. I am amazed that many of them did not know that over on this side.

But let me tell you also who it hurts. My heart goes out to those people who say they lost a job. I will do everything to build jobs, let me tell you; but I am here also trying to help those who have never had a job, many of them Native Americans. Native Americans would be helped by this bill. They will be able to have possible manufacturing jobs and many of the others developed with accelerated depreciation on their lands. We need to be helping those folks, also.

Let me assure you, this bill does more than help the big industries. I reiterate the fact that you are doing it for political purposes, because I do not plan to come back.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, at the end of the day this afternoon, we are faced with a fundamental question. Implicit in the criticism from our friends in the minority is the notion that there is only one course of action here and that is 13 weeks’ unemployment and that is it. What we do here is improve the legislation, not only 13 weeks unemployment but an economic stimulus for those States that are having challenges.

Morever, provisions for health benefits. Recall our friend from Kansas brought a letter down a little while ago from the President asking not only for unemployment benefits but for health benefits. It is our role in the Congress of the United States to take legislation from the other body and improve it and we do so.

And there is something else that is important. This bill also provides tax relief that fires the engines of economic opportunity. We passed it once.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a valued member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding time.
Mr. Speaker, this debate today has been rather unfortunate. We have heard a lot of emotions, a lot of fear, a lot of envy. What we are trying to accomplish is simply this: let us take stock in what our Nation is facing right now in the midst of a war, we have a homeland security crisis, and we are in recession. We have a lot of laid-off workers and more layoffs are occurring. And we know as a historical fact that even if our economy begins to recover, the unemployment is going to linger on and on and on and well after that recovery takes place.

What we have been trying to do, starting in October, then in December and now, is to try and get people back to work. The things we are trying to pass in this bill are the time-tested, proven, bipartisan solutions to get businesses to stop laying off people, to hire people back, and to help those people who lost their jobs. It is more than just giving someone an unemployment check. It is also helping those people with their health insurance while they have lost their jobs. It is more than just giving the unemployed compensation. They need money in people's pockets right away.

I urge Members to drop the demagoguery and to pass this bill to help us get more consumer demand. When you talk about the Fortune 500 companies, this bill helps do that. We also said that we needed to be able to get some consumer confidence. When you talk about the Fortune 500 companies, they said we need people with money out there to start buying our products. This bill does that. It puts money in people's pockets right away.

Finally, there are people out there who lost their jobs. They need unemployment compensation. They need 120,000 Americans who will have lost their benefits over the next 6 months, and attach a misguided “economic stimulus” package to the bill that will do nothing to stimulate the economy. I call on the House leadership to consider the clean bill passed by the Senate so we can help the 8 million people in America who are looking for jobs.

According to sources, 11,000 people are exhausting their Unemployment Compensation each and every day. With Congressional District Work Period starting today, more than 120,000 Americans will have lost their benefits by the time we return to Washington on February 26. We should stop playing partisan politics with these people's lives. But, there are other serious problems with this “stimulus package.” Any more tax cuts would continue to erode the Social Security and Medicare Trust Fund by almost $80 billion. It is time to stop threatening our elderly just to make the 15 percent of wealthiest Americans even wealthier.

Valentine's Day is a time for us to open our hearts and to give of ourselves. But this legislation will only serve to break the hearts of those unemployed Americans who need our help.

Mr. MALONEY of Connecticut. Mr. Speaker, for the third time in 4 months, the House of Representatives will consider a deeply flawed economic stimulus package.

In January 2001, the nonpartisan Congressional Budget Office projected that the Federal Government would end fiscal year 2002 with a $106 billion surplus. At that time, I advocated a fiscally responsible plan of equally dividing the surplus between tax cuts, paying down our Nation's debt, and investing in important priorities like education and health care. Unfortunately, in June legislation was passed—over my strong objections—that cut taxes more than we could afford. I have long supported responsible tax cuts, but it must be in balance with what we can afford in our budget. We are now facing large, multyear budget deficits that threaten our long-term economic security.
It was not only travel and tourism that was hurt, but also consumer confidence. For 5 consecutive months after September 11, consumer confidence fell. But we are coming back. Consumer confidence rose for the second consecutive month in 2002, and we need to encourage this growth by passing an economic security bill.

In October, the President called for a stimulus package and the House of Representatives responded. We passed a second one in December. We were given third. The other body will not even let a vote be taken on the issue. The economic stimulus bills in the House are not perfect. There are things about them I did not like as an individual legislator. There is almost no bill here that anybody can say, ‘Hey, green, that’s something that I can support a hundred percent. There’s not a work that I would change.” It is not the nature of this body, but we moved the bills forward. We moved the process along for a good reason.

Moreover, this bill virtually eliminates the Alternative Minimum Tax (AMT) liability for the Nation’s largest and wealthiest corporations. The AMT is designed to ensure that corporations cannot avoid paying their fair share using deductions to entirely eliminate all or almost all of their tax liability. The bill before us today would allow corporations to claim deductions against their AMT liability that they currently are not allowed to take. This will provide little, if any, help to the economy. But it certainly exacerbate the budget difficulties we now face. Worse yet, the bill pays for this corporate AMT tax giveaway by taking the funds from the Social Security and Medicare Trust Funds.

In this time of budget deficits we cannot and must not continue to raid the Social Security and Medicare Trust Funds to pay for tax cuts for wealthy corporations. Over the last few weeks, many have spoken of protecting our Nation’s economic security. I suggest that passing bills that threatens Social Security and Medicare Trust Funds threatens the very foundation of our economic security.

Mr. Speaker, I urge my colleagues to pass a bill that provides fiscally responsible stimulus to our economy and relief to displaced workers. Unfortunately, the bill before us today will both further extend the deficits we are facing and also deplete the Social Security and Medicare Trust Funds. Long-term economic security depends on long-term fiscal responsibility. We cannot pass a bill that provides a short-term stimulus, substantial assistance to the unemployed, and ensures long-term growth. The bill before us today fails to meet all three of these standards.

Any stimulus bill must be fiscally responsible and provide assistance to families and small businesses experiencing the effects of the recession. The bill we are considering today, as did the previous versions, includes provisions that I strongly support, but these positive elements are canceled out for its fundamental flaws. Those positive elements, include providing a supplemental rebate to those who received only a partial or no rebate as a result of last spring’s tax cut, providing small businesses a bonus depreciation of 30 percent over 5 years, and reducing the recovery period for making improvements to leased properties. Additionally, I support a permanent rate cut for low- and moderate-income earners.

In addition, I strongly support extending unemployment benefits to the approximately 2 million Americans who have lost their jobs as a result of the recession and the September 11 attacks. In the middle of March, those individuals and families who have lost their jobs because of the attacks of September 11 will begin losing their unemployment benefits. We also need to include provisions that assist families in continuing their health care coverage. We must pass a bill that provides substantial relief to those families, and will get to the President’s desk. Unfortunately, this bill does not do that.

Moreover, this bill virtually eliminates the Alternative Minimum Tax (AMT) liability for the Nation’s largest and wealthiest corporations. The AMT is designed to ensure that corporations cannot avoid paying their fair share using deductions to entirely eliminate all or almost all of their tax liability. The bill before us today would allow corporations to claim deductions against their AMT liability that they currently are not allowed to take. This will provide little, if any, help to the economy. But it certainly exacerbate the budget difficulties we now face. Worse yet, the bill pays for this corporate AMT tax giveaway by taking the funds from the Social Security and Medicare Trust Funds.

In the last quarter of 2001, nearly 860,000 unemployed men and women exhausted their unemployment benefits. It is estimated alone unemployment benefits ran out for 300,000 workers. In my State of Illinois, 42,299 workers exhausted their benefits in the last 3 months of last year—an increase of 88 percent from the previous year. Faced with serious fiscal pressures, no state has stepped forward to extend assistance as they have in the past. Hundreds of thousands of Americans are now struggling to pay their bills as they look for work in the middle of a recession.

I believe that we need a real economic stimulus package and that we could do a lot more than we’re doing to create jobs and prevent additional layoffs. We should be providing assistance to States, funding the construction and repair of housing and schools, expanding transportation options, and investing in clean water projects. We should be assisting laid-off workers and their families and obtaining affordable health coverage through COBRA and Medicaid.

My colleagues on the other side of the aisle don’t agree with those job stimulus proposals. They would rather give money to the wealthy and mega-corporations than invest in targeted and proven job creation initiatives. They would rather provide unemployed men and women with an insufficient tax voucher than guarantee health coverage through Medicaid.

We disagree on those questions and it will take time to resolve them. In the meantime, we should take a simple action today. We shouldpass a 13-week benefits extension that will provide immediate relief to over 1 million workers.

We should take that step. Sadly for this institution and tragically for those workers, the House leadership has decided it would rather make a political point than make a difference in people’s lives.
Mr. SMITH of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise to urge the enactment of H.R. 622, The Economic Security and Worker Assistance Act of 2002, also known as the Hope for Children Act.

I cannot overemphasize how proud I am to be an original cosponsor of the Hope for Children Act. Mr. DE MINT deserves our thanks and praise for his work on this bill.

Mr. Speaker, throughout my 21 years in Congress, I have worked tirelessly with a broad, bipartisan group of colleagues, to protect our children. Encouraging adoption has been among our primary concerns. Along those ends, I have introduced my own legislation that designated National Adoption Week, and I worked to help establish the current $5,000 tax credit for adopting parents. The $5,000 tax credit, which was incorporated into the “Contract with America,” passed by Congress, and later signed into law, is helping many families that have adopted a child.

But there is still so much to be done. There are so many children that need to be adopted. There are so many infertile couples who desperately want to raise children. This legislation today is needed. H.R. 622 seeks to double the adoption tax credit to $10,000 for all adoptions and double the employer adoption assistance exclusion to $10,000. The legislation also increases the income cap at which the credit begins to phase out from $75,000 to $150,000.

The fact of the matter is that adoptions are very costly, ranging from $8,000 to $30,000 per year. There are many families who would like to open their home to a child, but are prevented or delayed on doing so by the high cost of adoption. H.R. 622 helps to ease this financial burden to ensure that children quickly find a permanent, loving home—so that no child is left behind to end up in the foster care system permanently.

The empirical evidence shows conclusively that the tax credit must be increased. Just take a look at the tax return data. According to the Committee report accompanying this bill, half of the taxpayers who received income tax breaks for their children had negative expenses in excess of $5,000, while 25 percent of taxpayers receiving tax benefits for adoption reported expenses totaling more than $10,000.

It is important to note that the $5,000 tax credit expires this year and the current $5,000 employer adoption assistance exclusion also expires—it is vital that we enact this important legislation to help defray these costs. The Hope for Children Act is a solid start to ensuring that more children find a loving home. The amended version of this legislation that passed the Senate last year would have reduced the adoption tax credit for families in their efforts to adopt a child in need. If the President signs the Hope for Children Act into law this year, families could claim the extra $10,000 in credit beginning with their 2003 tax returns.

One final note. 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 staying in foster care. The adoption of a child into a traditional two-parent, man and woman family, has profoundly positive social consequences for both the child, as well as for our society. A recent Heritage Foundation analysis of the adoption research literature shows that adopted children raised in a two-parent family, measure as well as, if not better than, a biological child on virtually every social, educational, and health indicator assessed.

The route by which the Hope for Children Act has arrived here in the House again deserves some discussion. On May 17, 2001, this bill was agreed to by a vote of 420-0. On February 6, 2002, the Senate passed the measure with an amendment to add tax relief and benefits for the child today we are adding some additional tax relief provisions, so that unemployment insurance benefits will be extended to all displaced workers regardless of how their jobs losses occurred.

New Jersey’s economy was hit very hard by terrorism. First we lost approximately 700 New Jerseyans on September 11, including nearly 50 from my own Fourth District. In addition to the unbearable loss of life, there were tens of thousands of jobs held by people from New Jersey that disappeared into the great cloud of fire, smoke, and ash of the collapsing Twin Towers. Entire businesses and departments were wiped out in an instant.

Before the shock waves of September 11, had even faded, New Jersey was plunged into another unprecedented crisis, as the first major biological weapons attack in U.S. history took place on New Jersey soil. Our mail system ground to a halt. Items frozen in the mail included everything from an engagement ring to credit card bills. Thousands of lives were turned upside down. Another wave of jobs was lost to those who negotiated in the Twin Towers. Entire Post Office in Hamilton has not reopened, and hundreds of postal workers who work there are now scattered all over the state in makeshift accommodations.

Mr. Speaker, New Jersey’s residents need a helping hand. We need this stimulus package. People are hurting, I think the Senate should move promptly and pass H.R. 622. It is time to put the interests of the American people ahead of partisan calculations.

Mr. Speaker, I urge the unanimous passage of the Hope for Children Act. Mes. KILPATRICK. Mr. Speaker, once again, the Republicans are attempting to shove forward several tax provisions for the wealthy and big businesses without adequate consideration for the unemployed and low-income.

This is the third time in five months that an economic stimulus package has been to the House floor. Not once out of the three times, did not go through the committee process. It is a product of an autocratic procedure. It is put out for us to take or leave. That’s it. I urge my colleagues to join me in rejecting the bill.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 622, the Hope For Children Act which will increase the adoption tax credit for families. I am an original cosponsor of this legislation and I commend the gentleman from South Carolina, Mr. DE MINT for his leadership on this important issue.

I am particularly pleased that with today’s vote we will be adding a provision to temporarily extend unemployment compensation for an additional 13 weeks for individuals who lost their jobs as a result of the economic downturn with the means to provide for their families. Representing numerous individuals affected by the events of September 11th and the subsequent economic downturn with the means to provide for their families. Representing numerous individuals affected by the slow down of the airline, travel, and tourism industry in New York, I know how important this extension will be in assisting these hard working individuals. This economic package is a means of maintaining a healthy economy. Each of the components will help us stimulate different areas of the economy and promote growth and jobs. Our economy has weathered turbulence in the past during times of war and times of peace. But a sound, reasoned economic growth package, such as the one we are working to pass, will put us on the right track back to prosperity.

Accordingly, I urge my colleagues to support this important measure.

Mr. BLUMENAUER. Mr. Speaker, on this Valentine’s Day the Republican leadership is presenting America’s largest corporations and wealthiest individuals with another sweetheart confession of their sincere desire to help the American people, but simultaneouly provide help for only approximately 25 percent of the American people, who happen to be very wealthy. The rest of the nation will suffer because they are not wealthy enough or because they are not highly compensated executives in the corporate world.

This bill follows the pattern this Congress established when it passed the airline bailout bill last October. We provided $15 billion in financial assistance to financially strapped airlines following the September 11th attack, but the leadership of this Chamber did nothing for rank-and-file workers who were laid off by the airlines. Last November, this Chamber bailed out the insurance industry, which covered the airline industry we bailed out the month before, but the leadership did nothing for rank-and-file workers who were laid off by the airlines or as a result of the economic recession.

This bill today, like the others before, is another tax break bill for people who do very well in good times and bad, but it does very little for the people who need the most help—unemployed and low-wage workers. Once again, this bill, like the others before, puts those most in need as a last priority. That’s unacceptable. For that reason, I will vote “no”. Mr. Speaker, we can do better than this. It’s unfortunate that the other side of the aisle is not negotiating in good faith. As we saw this bill before it came to the House floor. It did not go through the committee process. As our nation begins to rebound economically it is important that we provide American’s who have been adversely affected by the events of September 11th and the subsequent economic downturn with the means to provide for their families. Representing numerous individuals affected by the slow down of the airline, travel, and tourism industry in New York, I know how important this extension will be in assisting these hard working individuals. This economic package is a means of maintaining a healthy economy. Each of the components will help us stimulate different areas of the economy and promote growth and jobs. Our economy has weathered turbulence in the past during times of war and times of peace. But a sound, reasoned economic growth package, such as the one we are working to pass, will put us on the right track back to prosperity.
deal, while people and families in Oregon and across the nation continue to wait for a meaningful economic stimulus package.

The State of Oregon continues to lead the nation in unemployment, so it is frustrating to see Republican proposals that continue to focus on people who have just landed the Federal Government’s help the least. Even more exasperating is the fact that these corporate tax credits and tax cuts will be paid by Social Security and Medicare surpluses.

A true economic stimulus package would directly put people back to work and not last longer than necessary. The bill before us today is not an economic stimulus package, is not temporary, and does not target relief to businesses hurt by the recession.

The most significant and appropriate response to help the American people would be accomplished by increasing funding for ready-to-go public works projects that will reduce unemployment, while benefitting communities across the country. Every state in the nation has transportation, water, environmental clean-up, and other infrastructure projects that could immediately employ people to make our communities safer and healthier.

This bill is the third attempt by the Republican leadership to use a weathered economy as an excuse for permanent tax breaks for their favored few. Until a fair and sensible economic stimulus package is presented to the House, I must withhold my support.

Mr. Stark. Mr. Speaker, I rise today in opposition to H.R. 622, the Economic Support and Worker Assistance Act.

The Republican Majority’s actions on the economic stimulus package are making me feel like Bill Murray in the movie, Groundhog Day. Just as Bill Murray had the same bad day over and over again, we keep getting the same bad bill over and over again. Unfortunately, for the millions of Americans who are unemployed, this is not a movie, but real life—and it is turning out to be a tragedy, rather than a comedy.

The Senate passed legislation to extend unemployment benefits by 13 weeks for the more than 1 million people who lost their jobs in recent months. We should be approving that same legislation so it can be sent to the President before the Federal Government is about to go into recess for nearly 2 weeks. If we do not send a bill to the President today, we will take no action for a minimum of 12 days—and during that time, more than 120,000 people will lose their benefits.

Passage of a clean bill to extend unemployment benefits would give unemployed Americans and their families some immediate financial relief. Such action is supported by wide, bipartisan majorities in Congress, so there is no excuse for delay. Unfortunately, the House Republican leadership refuses to do what is right to protect America’s workers. Instead, they insist on continually giving bigger and more outrageous tax cuts to their corporate friends, while millions of unemployed Americans are desperately trying to feed their families and pay their bills.

I urge my colleagues to vote for a 13-week extension of unemployment insurance benefits and to vote against tax breaks for big business and the wealthy. By doing otherwise on Valentine’s Day, we will do more than break the hearts of the American people, we will break their banks.

Mrs. Maloney. Mr. Speaker, on February 6 the Senate passed a 13-week extension of unemployment insurance by unanimous consent. Fifty Democratic, 49 Republican and one Independent Senator recognized that while our country is at war and our economy is in a downturn it is time to lend a hand to individuals who are out of work. After weeks of attempting to pass a comprehensive stimulus package, the Senate acknowledged that political differences should not prevent the government from helping America’s most needy at this critical time.

Unfortunately, the bill before the House today fails to truly support families in need. Senate and instead subjects people who will soon be without jobs and without unemployment insurance to a Washington political game. People out of work around the country deserve better treatment by Congress.

The victims of today’s House action are hard-working Americans out of work through no fault of their own. In my own City of New York, recovery from the terrorist attack has made the unemployment situation particularly grim. I continually encounter people who are victims of economic circumstance like the woman who approached me last Friday on Lexington Ave. and urged me as a Member of the House to follow the Senate’s lead. This House should know that our constituents are watching and they can clearly see that unemployment insurance is falling victim to a political agenda.

Finally, the bill that is crafted in the middle of the night last night and represents such an amalgamation of provisions that we do not even know how much it will cost. The President’s budget proposal recognizes that we are not eating into the Social Security surplus, but the Senate’s proposal recognizes only $1.7 billion of the President’s proposal and does not even know how much it will cost.

The Democratic proposals would provide funding to state high-risk pools, deemed necessary to help uninsured Americans afford coverage; millions of workers would not even be eligible because of restrictive definitions; and the Republican leadership program sets the stage for complete gutting of the employer-sponsored insurance program that currently does not provide health insurance to anyone. Republicans chose the program that has no experience providing coverage. Worse yet, they don’t even guarantee anything of the money would be used for health care. And, in attempt to counter some of our arguments, they provide funding to state high-risk pools, presumably to give people a place to spend their “meaningless” tax credits. Unfortunately, they are a day late and a dollar short: $40 million won’t even cover 50% of these pool costs for the two years it is available.

Had we had a chance to offer a substitute, the Democrats would have offered something that truly helps laid-off workers. The Democratic proposal would reach 5.1 million Americans. The Democrats would provide additional financial assistance to states to help them meet the increases in Medicare enrollments as a result of the economic downturn. As millions join the ranks of the uninsured, we need to ensure states preserve, not limit, eligibility for coverage.

The Democratic proposal would shore up health care providers as well. Providers are being hard hit by the economic downturn. The Democratic proposal would prevent physicians from taking a 5.4 percent reduction in their Medicare payments this coming year. It also includes bipartisan legislation to reduce regulatory obstacles in the Medicare program for providers. Both of these proposals should make it easier for providers to weather the economic downturn and continue providing quality care to seniors.

But the Republican leadership has barred votes on any alternative proposals today. What are they afraid of? We want to put choices before the American public—they do not. We want to help displaced workers and shore up the health system to weather the economic downturn—they do not. We want to provide the targeted, responsible stimulus—they do not.

This Republican process is an outrage, serving only to obstruct help for unemployed Americans.
Mr. UNDERWOOD. Mr. Speaker, while we debate today’s latest House Republican economic stimulus proposal, I would like to once again speak up on behalf of my home district of Guam and the U.S. territories, all of which have been experiencing double digit unemployment rates and have seen a downturn in our tourism-dependent economies.

I am grateful for the assistance of Representative JOHN BOEHNER, Chairman of the House Education and Workforce Committee, for ensuring that the territories are eligible under the National Emergency Grants provision of the Republican stimulus bill. However, I was hoping that the Government of Guam would be provided economic relief for individual tax rebates and to see increases for Medicaid funding that we have sought, and that were included in Democratic proposals.

The bill before us today does nothing for the territories, especially for Guam. In fact, it may hurt. It provides more tax cuts which are reflected in the national average through a “mirror tax code.” This has the effect of reducing local revenues at a time when Government of Guam leaders are exploring the possibility of cutting worker salaries by 10 percent. It ignores our plight because we are not included in the additional 13 weeks of federal unemployment insurance. We should assist people who truly need help and local governments who are suffering through the most difficult times in the nation.

After all is said or done between the various competing proposals, however, it is clear to me that the territories will not be provided with the economic relief necessary, and that a targeted insular areas economic relief package is direly needed. Unlike the rest of the country, we in the territories have been struggling economically for the last few years. Prior to the September 11 attacks, Guam’s economy, alone, was already struggling as a result of the Asian economic crisis. For the last 3 years, Guam’s unemployment rate has averaged over 15 percent. This rate is three times the national average.

Over the last several months, I have been in discussion with other territorial delegates, Administration officials, Congressional leaders from the Ways and Means and Resources Committee, and political and business leaders in the territories, on the need for an insular areas economic relief package.

Legislative items which should be considered include:

- Increasing the waiver of local matching requirements for the territories;
- Ensuring that the territories are included in the National Emergency Grants Program;
- Lifting the cap on Medicaid funding for the territories or increasing the level of Medicaid funding;
- Establishing empowerment zones in the territories;
- Extending the supplement grant for population increases and contingency fund for welfare programs to the territories;
- Providing unemployment assistance to the smaller territories from FEMA’s Disaster Unemployment Assistance Program;
- Extending supplemental security income benefits to Guam and the Virgin Islands;
- Providing Federal guaranteed bonds for infrastructure projects in the territories; and
- Generating increased GovGuam revenues with military personnel on temporary duty on Guam.

I look forward to working with my colleagues on ways to provide economic relief to the U.S. territories.

Mr. UDALL of Colorado. Mr. Speaker, I think today’s action on the House floor is exactly the kind of thing that makes people cynical about Congress and the political process. As our businesses are struggling to recover from recession, unemployment insurance is running out for thousands of people who have lost their jobs. Extending those benefits is something they need and something that will help the economy because it will enable them to continue paying their bills.

Those are the facts. There should be no partisan disagreement over them—which is why the Senate unanimously approved the bill before us, which would extend those benefits for 13 weeks.

And there should be no disagreement about what we should be doing today as we prepare to adjourn and leave town for more than a week. We should be passing that bill—the bill supported by every Senator, regardless of party—and sending it to the President so he can sign it into law.

But we aren’t doing that. Instead, the Republican leadership is insisting on holding hostage to their bill that bastion of holding hostage everyone who need the extension of unemployment coverage—by sending it back to the Senate loaded down with a bulging grab bag of other legislation that the House has already passed before.

No wonder people are cynical about Congress.

Mr. Speaker, I am not saying that none of the things in this legislative package is any good. As a matter of fact, there are a number of items that I support. For example, I strongly support the extension of the job-search credit, production credits and the work-opportunity credit. I also support a number of provisions to give tax relief to small businesses and to shorten the period for depreciating leasehold improvements. And I definitely think we need to change the way the alternative minimum tax is applied to individuals.

But all those provisions were already included in legislation that the House passed last year. There is no need to hijack this bill—a bill to provide urgently-needed help to thousands of Americans in need. Getting them to get them to the Senate, because they are already there.

I understand that the Republican leadership here in the House wants the Senate to act on a stimulus bill—and I agree that a sound stimulus bill would be good for the economy and good for the country. But I cannot agree to their strategy. I cannot agree to holding hard-pressed Americans hostage to try to coerc[e] our colleagues in the other body. So, I cannot support this motion.

Mr. BOEHNER. Mr. Speaker, I rise in strong support of this economic stimulus package. In particular, I’d like to highlight the part of this bill that addresses the needs of working Americans and their families.

I’d also like to thank SAM JOHNSON of Texas and BUCK MCCOE of California, who helped craft the National Emergency Grant provisions, which were originally introduced as part of the “Back-to-Work Act” to respond to the needs of displaced workers.

As everyone knows, the September 11 terrorist attacks precipitated a downturn in our economy, and thousands of workers are now struggling to make ends meet. The proposal before us will help every worker return to work as quickly as possible—and in the meantime, that they and their families have access to quality health insurance as well as employment and job training resources.

Last year, the Labor Department acted decisively to mobilize the existing safety net for displaced workers and their families. And Secretary Elaine Chao testified before my committee on how Congress worked with the Administration to further strengthen the safety net for these workers—which is what this worker relief package would do.

As Secretary Chao said, and I quote, “This Administration is committed to ensuring that the Administration move forward with even further stimulus programs to help families, industries and regions that have been hardest-hit by the terrorist attacks and their aftermath. Workers need help regardless of what industry they work in—not just a chosen few. The President’s plan gets money to whoever people are hurting.”

The proposal before us is one that can be implemented quickly, flexibly, and without creating new bureaucracy. It’s designed to do three things: (1) help those who have lost their jobs during the economic downturn; (2) put people back to work to help get the economy moving again; and (3) ensure that displaced workers have access to health care.

Specifically, this bill would expand the National Emergency Grant program and authorize and appropriate $3.9 billion to work with displaced workers. Under the bill, grants may be used by states to help ensure that displaced workers: (1) maintain health insurance coverage; (2) receive some form of income support during the recovery period; and (3) return to work as quickly as possible with the help of employment training and job search assistance.

Mr. Speaker, this proposal is a compassionate one—not just because it provides workers in need with flexibility and resources, but because it recognizes that a displaced worker’s true goal, ultimately, is to return to work. A government program can help a worker survive. But until a worker returns to work, no economic recovery is complete.

On behalf of our economic downturn, I urge my colleagues to vote “yes” on this economic stimulus package.

Mrs. MccARTHY of New York. Mr. Speaker, today, the House of Representatives will vote on another stimulus package that comes closer to the immediate needs of the country. We are all facing a sagging economy, escalating unemployment levels, and close to my home on Long Island, our concerns also include reconstruction efforts. Although this bill does not include everything I would have preferred, it is an improvement from the previous versions I opposed.

Although I support the provision extending unemployment benefits for an additional 13 weeks, this bill neglects the needs for unemployed health insurance needs of displaced workers. This bill provides a temporary tax credit equal to 60 percent of the cost of health insurance purchased by unemployed workers. This is a step in the right direction, but displaced workers need health insurance assistance now; not when they file their taxes next year.

New York is in dire straights because of the September 11 attacks. The sudden spike in unemployment levels has placed an enormous strain on unemployment rolls and other assistance programs. I was pleased the bill included the $3.9 billion in national emergency grants to states for health care and reemployment assistance for displaced workers, as well as an
Today, this House had an opportunity to pass a bill that would have extended unemployment benefits to unemployed workers and gotten them a prompt signature from the President. Sadly, tying unemployment benefits to another so-called economic stimulus bill will cause it to meet the fate of the previous 2 bills this House passed—namely, the $34 billion that should follow Wisconsin’s example and pass legislation that extends unemployment insurance benefits for at least another 13 weeks in a stand-alone bill. To do so otherwise is to turn our backs on the American people.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 347, the previous question is ordered.

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RANGEL. Mr. Speaker, what would be the appropriate time for me to move that we concur with the Senate amendment to extend the unemployment compensation?

The SPEAKER pro tempore. The previous question is ordered on this motion to final adoption without intervening motion so there is no opportunity at this time.

Mr. RANGEL. Mr. Speaker, I have an additional parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Will the minority have an opportunity to offer a substitute to the majority position?

The SPEAKER pro tempore. There is no such opportunity. The previous question is ordered to final adoption.

Mr. RANGEL. Mr. Speaker, my further and last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Does the minority have an opportunity to make a motion to recommit the majority’s rule?

The SPEAKER pro tempore. The previous question is ordered to final adoption without intervening motion. The answer is no.

The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The vote was taken by electronic device, and there were—yeses 225, nays 199, not voting 11, as follows:

(Bill No. 38)

Abercrombie

Yeas—225

Abraham

Bass

Bereuter

Bilirakis

Broun

Boucher

Boehner

Bomboon

Brown (SC)

Bryant

Burr

Buxton

Callahan

Cashe

Camp

Cannon

Cardoza

Castle

Chafetz

Coble

Cornyn

Cromer

Crank

Craighorn

Cubin

Culvererson

Cunningham

Davis, Jo Ann

Davis, Tom

Deal

DeLay

DeMint

Diaz-Balart

Doolittle

Drucker

Duncan

Ellmers

Ehrlich

Emerson

English

Everett

Ferguson

Fiato

Fletcher

Foley

Foreman

Fossella

Fruhwirth

Ganke

Gekas

Gillen

Gohmert

Gilchrest

Gilmore

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Green (WI)

Greenwood

Gruchy

Gutknecht

Hall (TX)

Hansen

Harman

Hastert

Hastings (WA)

Haworth

Haydel

Herger

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Hostetler

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Huether

Hyde

Insko

Israel

Issa

Istook

Jenkins

Johnson (CT)

Johnson (IL)

Johnson, Sam

Jones (NC)

Jones, Jeff

Kerry

King (NY)

Kingston

Kirk

Knollenberg

Kolle

LaHood

Largent

LaTourette

Leach

Lewis (CA)

Lewis (KY)

Linder

Lincoln

LoBiondo

Lucas (KY)

Lucas (OK)

Mann

Mannino

McCain

McCaul

McKeough

McKeon

McCoy

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

There was no objection.

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

Mr. SHIMKUS. Mr. Speaker, I rise today in support of American Heart Month. Sudden cardiac arrests lead to the death of over 230,000 Americans each year, including children. Take the case of Sean Morley, a 13-year-old boy from Buffalo Grove, Illinois. Playing baseball one day, a pitcher hurled a fast ball way inside and hit Sean in the chest. He immediately went into cardiac arrest. Thankfully, a nearby police officer was equipped with an automatic external defibrillator and was able to restore a normal heartbeat to the young ball player.

Like Sean Morley, more lives could be saved if communities had access to automatic external defibrillators and were trained to use them.

I have introduced legislation, along with my colleague, the gentlewoman from California (Mrs. CAPPS), which would provide grants to communities to establish public access to defibrillator programs. The Senate unanimously passed companion legislation last Friday, and I urge the House to quickly bring this legislation to the floor.

Mr. Speaker, 50,000 lives could be saved each year if more people implemented the chain of survival which includes the use of AEDs, or automatic external defibrillators.

PRAYERS FOR THE BURNHAMS
(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the House, notwithstanding any adjournment, may be authorized to accept resignations, and to make appointments authorized by law or by the House.

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

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 26, 2002

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution, which was concurred in:

S. CON. RES. 97
Resolved by the Senate (the House of Representatives concurring), That the Senate:

WHEREAS, the public interest would be served if communities had access to automatic external defibrillators and were trained to use them.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 97
Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on the legislative day of Thursday, February 14, 2002, it stand adjourned until February 27, 2002.

There was no objection.

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

The SPEAKER pro tempore. Without objection, the designation is approved.

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT APPROPRIATE CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON’S BIRTHDAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the House of Representatives, at appropriate ceremonies for the observance of George Washington’s birthday to be held on Friday, February 22, 2002.

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

There was no objection.


The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 97) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 97
Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns or recesses at the close of business on Thursday, February 14, 2002, or Friday, February 15, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designate, it stand re- ceeded or adjourned until 12:00 noon on Monday, February 25, 2002, or until such other time on that day as may be specified by its Majority Leader or his designate 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.

The result of the vote was announced by the Clerk. There was no objection.

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

There was no objection.

DISPENDING WITH CALENDAR
WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 27, 2002

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 27, 2002.

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

There was no objection.

WASHINGTON, DC, February 14, 2002.

I hereby appoint the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 26, 2002.

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

The SPEAKER pro tempore. Without objection, the designation is approved.

There was no objection.
February 14, 2002

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announcement of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

Mr. FALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

ENRON SCANDAL CAUSES UNBearable GRIEF, ANGER, AND FINANCIAL HARDSHIP FOR ENRON EMPLOYEES

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

Mr. GANSKE. Mr. Speaker, employees, pensioners, and investors who have seen their nest eggs disappear from Enron's bankruptcy speak of "unbearable grief." They are also really angry that Enron's executives cashed out while, in many cases, they were locked in. One man told a congressional hearing, "I could understand now why people jumped out of windows in the Great Depression."

Several of my fellow Iowans who used to work for the Nebraska and Western Iowa Natural Gas Company that merged with Houston Natural Gas to become Enron have told me they have lost most of their life savings. I recently gave a talk to a Des Moines Rotary and two-thirds of the attendees who have been released relate the circumstances of their story. They want to know who is to blame for failing to support stricter rules.

A couple of years ago then-SEC Chairman Arthur Levitt pushed for stronger rules to separate accounting from consulting by the same firms. I am thankful now that I supported his efforts. The public outrage over this economic tragedy is real, and that is why I am hopeful Congress will act. Congress is considering the multi-faceted nature of this problem.

The 1929 stock market crash prompted legislation to force traded companies to submit regular reports that met certain standards. Former Treasury Secretary Larry Summers has said that no innovation has been more important to the success of U.S. capital markets than generally accepted accounting principles.

The transparency and accuracy of corporate reports inspired investor confidence. Unfortunately, with compensation more closely tied to stock prices, the incentives for corporate managers to distort the information they provide investors has grown. It seems to me accounting firms must raise their standards and adopt new rules requiring that subsidiaries be included in a company's financial statements. Those standards should be enforceable by FASB and that the funding of this regulatory board should be independent from accounting firms it oversees.

Investors rely on stock analysts. We need to do many things to fix this problem. Last week Paul Volcker said, Accounting and auditing are in a state of crisis. Mr. Chairman, to the millions of Americans who are depending on their investments for their retirement or their children's college educations, Mr. Volcker's statement is not hyperbole.

Employees, pensioners and investors who have seen their nest egg disappear from Enron's bankruptcy speak of "unbearable grief." They are also really angry that Enron's executives cashed out while, in many cases, they were locked in. "I could understand now why people jumped out of windows in the Great Depression," one man told a congressional hearing. Several of my fellow Iowans who used to work for the Nebraska and Western Iowa Natural Gas company that merged with Houston Natural Gas to become Enron have told me they have lost most of their life savings. I recently gave a talk to a...
Des Moines Rotary and two-thirds of the 200 people there had lost money in Enron either directly or through their mutual funds.

The personal toll has been enormous! There has even been a suicide by one of Enron's former executives who left the company with millions but could not deal with the collapse of the company.

The bankruptcy of Enron is the country's largest business failure. Its demise is rippling across our economy at a time when investor confidence was already shaky. What makes the Enron scandal so serious is that it is not an isolated case of corporate greed and fraud. Global Crossing and Enron also gave the money to someone else, took some of it back and counted the income as revenue without counting the outgo as expense. Amazon also resorted to "pro forma" accounting when it didn't like GAAP. Shares in Tyco International dropped 50 percent on questions about its accounting.

My congressional committee, the Energy and Commerce Committee, is holding hearings into how this "Enron implosion" happened and how can we avoid future collapses. The committee exposed the shredding of documents by both Enron managers and Arthur Andersen accountants. We have discovered the "shadow books" in which Enron President Ken Lay, Sherris Wilkins, warned Enron President Ken Lay of sham transactions with Andersen and employees having all their investment eggs in one basket. People's pensions have been damaged. Ken Lay and Chief Financial Officer Andrew Fastow have now taken the "fifth" before Congress and Enron CEO Jeffrey Skilling very well may have committed perjury before my committee. Arthur Andersen accounting company in is deep financial trouble, too. Its Enron accountant's actions are under investigation, as well as activities at Andersen headquarters. The Justice Department is investigating whether crimes were committed and these people may go to jail.

We also isolated to people who have lost their life savings. They want to know who is to blame for corporate America's largest bankruptcy? My committee is holding wide-ranging hearings. There is much blame to go around: executives with no ethics, conflicts of interest on Enron's board, auditors who don't ask tough questions, investment banks that kept high-risk leverage off the books, stock analysts without the vaguest understanding of Enron's schemes, the failure of the Securities Exchange Commission (SEC) and Financial Accounting Standards Board (FASB) on rules for subsidiaries.

Maybe even Congress shares blame for failing to support stricter rules. A couple years ago, then-SEC Chairman Arthur Levitt pushed for stronger rules to separate accounting from consulting by the same firms. I am thankful now that I supported his efforts.

The public outrage over this economic tragedy is real and that is why I am hopeful Congress will act. Congress is considering the multifaceted nature of this problem.

The 1929 stock market crash prompted legislation to force publicly traded companies to submit regular reports that met certain standards. Former Treasury Secretary Larry Summers has said that no innovation has been more important to the success of U.S. capital markets than "generally accepted accounting principles (GAAP)." The transparency and accuracy of corporate reports inspired investor confidence.

Unfortunately, with compensation more closely tied to stock prices the incentives for corporate managers to distort the information they provide investors has grown. It seems to me that accounting firms must raise the standards now if rules requiring that subsidiaries be included in a company's financial statements, that those standards should be enforceable by FASB, and that the funding of this regulatory board be independent from the accounting firms it oversees. Investors rely on stock analysts. Do the analysts, or their firms, have a personal stake in seeing a stock do well? The National Association of Securities Dealers and the SEC should require Wall Street analysts to disclose whether they own stock they recommend and whether their pay is based on the investment banking work they do.

For several years I have recommended increased funding for the SEC. Corporate executives should disclose more quickly when they buy and sell their company's stock. Boards should be strengthened and limits should be put on stock options for board members. Congress should consider reasonable limits on exposure to single stocks in employee pensions. I know several Iowa corporations that put limits on how much of their company's stock accounts an employee's pension because they are concerned about their employees having all their investment eggs in one basket. People's pensions should be vested in a reasonable time and diversified. Executives and employees should operate under the same rules on 401k "lock-outs" against selling stock.

These are just a few of the ideas being floated in Congress. I believe there is some urgency for Congress to act. This crisis needs to be resolved before investors lose faith in the integrity of the markets. We can already see how investors are dumping the stock of companies that have even a hint of accounting shenanigans.

Last week Paul Volcker, Jr., the former Chairman of the Federal Reserve said, "Accounting and auditing in this country is in a state of crisis." To the millions of Americans who are dependent on their investments for their retirement or their children's college education, Mr. Volcker's statement isn't hyperbole!

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, as an American of Lithuanian descent, I always come down to the floor around this time of year to commemorate Lithuanian Independence Day.

The 16th of February is the most important national holiday for Lithuania. Eighty-four years ago Lithuania declared their independence from Germany. At this time its government held two main principles, restore statehood and the right to national self-determination.

Even after 50 plus years of Soviet occupation, these principles still hold true for Lithuania today. As soon as they established their independence in 1991, they have been working towards their goal towards NATO, the North Atlantic Treaty Organization.

I am pleased that Lithuania has been recognized by the United States and now has NATO status. It is a tremendous step forward for Lithuania and for the region.

Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

LITHUANIAN INDEPENDENCE DAY

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

Mr. DAVIS. Mr. Speaker, I know how proud the residents of the Old Dominion, Richmond, Virginia, are to see you in this chair leading this great Congress today. I also want to wish a happy Valentine's Day to all the employees of our Capitol complex and their families.

As we continue to work on issues that are important to America, I want to talk about, since today is Valentine's Day, some issues we are identifying by the Congressional Heart and
Stroke Coalition for American Heart Month.

The heart, of course, represents Valentine’s Day, and it is more important to the body than anybody can ever imagine.

Let me give you a little background. About 62 million Americans suffer from some form of cardiovascular disease. One million die from such conditions each year. One American every 33 seconds dies of cardiovascular disease. Heart disease is the number one killer in the United States, followed by cancer, Alzheimer’s and HIV and AIDS.

For women heart disease is the number one killer of American women. Heart disease and stroke kill more American women than men, and one in five women have some form of cardiovascular disease.

Economic burden: Heart disease and stroke are expected to cost the U.S. $392.2 billion in 2002.

Though heart disease was once considered an inevitable consequence, if you will, of aging, today these diseases can be treated aggressively with a variety of procedures. Treatment options include medicines for high blood pressure, a leading risk factor of heart disease and stroke; medicines that lower cholesterol; clot-buster medicines that can save the lives of heart attack patients; and drugs that can prevent second heart attacks from occurring.

Education of the American public is still necessary. Over 61 percent of the American public is considered overweight by the U.S. Surgeon General. We must enforce the idea of including diet and exercise into daily living.

I would like to talk about a few things I cosponsored along with Senator Bob Graham of Florida, and one is House Resolution 2508, which is the Medicare Wellness Act of 2001. Congress added, due to our legislation, the first preventative benefits to Medicare in the Bush Act of 1997. Medicare Wellness Act of 2001 seeks to add more benefits. Among other things, the bill provides for Medicare coverage of cholesterol screening and medical nutrition therapy for those with cardiovascular disease. The bill has been referred to the Committee on Ways and Means, and I will work with the gentleman from Michigan (Mr. LEVIN) and, of course, the gentleman from California (Mr. THOMAS) and the House leadership to try to move that bill forward this year.

The greatest challenge will be the cost of the bill, but let me suggest that cost of doing nothing is enormous, as I mentioned that $300-plus billion tab that we are paying one way or the other.

Another bill I have filed is H.R. 630, which is the Teaching Children to Save Lives Act, and that authorizes the Secretary of Education to make grants to State agencies to award grants to local agencies in targeted schools or school districts for cardiopulmonary resuscitation, CPR, training in targeted localities; requires such training to use nationally recognized training courses and to be in the public schools which includes students of any age between the ages of grades 6 through 12. Grants must be to ensure in conjunction with local efforts that training sites have the ability to set up and foster community partnership among public and private agencies to help provide such training.

I work with the gentlewoman from California (Mrs. CAPPS), my cochairman of the caucus, in which to see this legislation come to fruition.

Health care is probably the number one domestic issue facing Congress this year. The President articulated it in his State of the Union message, and he also spoke about it while he was in Wisconsin, and he continues to remind the public of the importance of health care as we deliberate the important issues of the day.

We must continue to provide funding for research to stop the number one killer, a disease that has a multiplicity of causes. And I will continue to work as cochair of the Congressional Heart and Stroke Coalition to increase awareness of heart disease and stroke among the Members of Congress and the administration.

SUPPORTING PAKISTAN

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from New York (Mr. Owens) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, at Congress the highs are very high, and the depths can be very low. We certainly ended the session last night on a high note. It was 2:30 in the morning with you, but we finally passed a campaign finance reform, a piece of legislation that is likely to survive in concert with the other body. And also I think the President will be proud of that fact that the President may sign it. So I think the American people have a lot to applaud along with the Members of this House for our work this week.

We go into Valentine’s Day, a day of love of all kinds. I hope everybody feels many different forms, kind of love and is willing to exhibit that love and compassion. Unfortunately we sank to a new low on Valentine’s Day by refusing to pass a stimulus package which addressed the sufferings of working families in America. It would have been so easy for us to celebrate this day by addressing the immediate problem of the unemployed workers. Whether they are unemployed because of the fact of the tragedy on September 11, or they were unemployed because of the creeping recession that was on the way before, we still should have addressed those problems.

We should have addressed those proposals that were made by the Progressive Caucus that were made for some 3 or 4 months that not only should we have increased the amounts of weeks that unemployed workers can receive unemployment insurance, but we should also increase the amounts of money available, because in many States they have reduced the amount of money available in the unemployment insurance payments. We also suggested that, pushed hard for a combination, that health benefits to go with the unemployment insurance benefits so that workers losing their jobs temporarily, we hope it is temporary, would be able to maintain for 6 months a health care plan which would carry through the health benefits.

These are very compassionate and humane considerations, and it is a pity that on Valentine’s Day, in the process of playing games with a stimulus package, what we call a stimulus package, we would not address the needs of working families in America.

It might be noted that we still have not addressed the needs of the immediate airline workers who were laid off as a result of a constriction within the airline industry. We addressed the industry and the executives and their needs. We appropriated billions of dollars for immediate cash to make up for any losses they might have experienced as a result of the September 11 tragedy, and also set up an $11 billion low-interest loan fund.

We did a great deal for the airline industry, and the executives will profit a great deal, and the shareholders will profit a great deal. We made a promise to the families of the victims of the September 11 tragedy and the people who were laid off in the airline industry and there were laid off, the estimated number being about 100,000. We have not made good on that promise either. It would have been great if on Valentine’s Day it could have been made good on that promise.

I want to talk today about the matter of failing to show compassion and sympathy to the Americans who need it most, those people who now need a safety net, and where it fits into a number of different issues and problems that we are considering now in the country as a whole. I want to talk about a conversion of issues, and this issue of compassion for those who were on the bottom, compassion for those who need safety nets is a key at the heart of the discussion of all of these other items that I want to mention.

I want to include the fact that in this conversion of issues, that it is important that we have here on the Hill today the President of Pakistan, President Musharraf. President Musharraf was here as a major ally in the war against terrorism, a country which certainly had to think for a long time and think hard before joining the alliance against terrorism because it had a great deal at stake has come down firmly on the side of those of us who care about democracy, those of us who care about liberties and freedom, those of us who care about the people of Pakistan, the people of the world being treated equally. They have come down on the side of a coalition which was proposed by President Bush.
They are taking great risk; the President of Pakistan and his government are taking great risk. They are right on the border of Afghanistan. They are right in the heart of two nations that are Islamic. They are threatened on the other hand by India that is hostile for reasons. I stand and will not go into all the of them at this point.

They are in a precarious position, but once again, Pakistan has come to the aid of the United States. They have always done this. During the Cold War they were there. When the Russians attacked Afghanistan, they were there. We have always relied heavily on the goodwill and participation in an alliance by Pakistan. Unfortunately, we have not rewarded Pakistan when the need for their services has been over. We have too often neglected to follow through and show our appreciation.

In fact, today as I met with the Committee on International Relations in their session with President Musharraf, President Musharraf used the phrase that he said somebody had mentioned yesterday he was not so familiar with that term, but he assumed what it meant. Somebody said, Are you worried about when the United States will again dump Pakistan; will they dump Pakistan again? I assumed that was meant abandon Pakistan, and he is correct. But “dump” somehow is a more poignant word which gets to the heart of the matter.

We have repeatedly dumped Pakistan after using it. I hope it does not happen again, but that significant attempt to convergence of issues I want to talk about today.

Our success against the Taliban in Afghanistan would have not been possible without the help of Pakistan. They have gone to great lengths to provide maximum help to the United States to fight against the Taliban. The success against the Taliban is something we ought to take a look at and understand the implications of that. Why were we so successful so swiftly? I think at the heart of that success is the fact that the Taliban never had the population of Afghanistan on their side.

It relates very much to another issue that I am going to discuss later and that is Haiti. The Taliban was an example of what happened in Haiti. We had a group of 4- or 5,000 armed thugs who have command of the tanks and the guns and the bullets. They can take a nation over, and they can rule that nation, although they are only a tiny percentage of the nation. It happened in Haiti with its 7 million people, and we had to work for 3 years in order to get back into Haiti the democratically elected President, and in the final analysis it took troops.

President Clinton had to have the guts to order the troops to go into Haiti to restore democracy. When our troops landed, not a single shot was fired. If we think the Taliban was easy in Afghanistan, remember Haiti. Not a single shot was fired. No lives were lost. We went on for quite a long time before even a soldier was killed by accident in Haiti because the people of Haiti were not in favor of the government they had. The people could not stand against them. The so-called military were cowards, and they would terrorize the people, but once they were confronted, they melted away.

That is the lesson we ought to bear in mind as well as the implications of the Taliban. We are now concerned about now that the Taliban have been defeated, what are we going to do in terms of helping Afghanistan become a strong nation, let Afghanistan become a strong nation so that never again will a bin Laden or someone like that attempt to take over the country and use the country as a base for terrorism.

The whole concept of nation-building, which was much maligned just a few years ago, has now become a positive concept as it always should have been. Nation-building should not be a dirty phrase, and we are beginning to understand that, and beyond nation-building we ought to take a look at the possibility of nation-creation. The nations that already exist who are on wobbly legs, who are in deep trouble, deserve some help in being able to maintain legal, constitutional, democratically elected governments, which brings me to another issue that I want to put in this mix of issues.

That is the war against drugs in Colombia. Colombia was allocated a billion dollars for the war against drugs there. It is a military war. Military expenditures and military wars are the most expensive ways to fight drugs, to fight for the integrity of a country. We could have done so much more with less money if we had given economic aid to Colombia 5 or 10 years ago, but that would not have been much like Afghanistan. There is a back and forth with guerrillas, and the guerrillas may take over and they may become friendly with a government that is not necessarily threatening America with terrorism, but with a more steady flow of drugs and with relationships with other nations in the hemisphere, small islands in the Caribbean, Haiti.

The Colombian drug trade has the potential to spread its tentacles out with such enormous amounts of money at the command of the drug lords that it will impact among many nations in the hemisphere, and we may find ourselves surrounded by a circle of nations run by drug lords which will be a far greater threat to America than the Taliban in Afghanistan.

The growing influence of drug lords in the Western Hemisphere is a major problem we should be concerned with, which brings me to the questions in Haiti.

Haiti, at that time the Army of Haiti staged a coup and kicked out the lawfully elected, democratically elected President, kicked him out, he had to run for his life. At that time the drug lords were very much in control in Haiti, and for a long time, the people in charge, Michel Francois and Raoul Cedras were the beneficiaries of an inflow of drug money from the drug czars for every time that we would go to the bargaining table with them to try to get them to be reasonable and accept the democratically elected president returning to Haiti, they were very strong because they had a source of money, so far as I can see, which kept them well-heeled despite the fact that we had imposed an economic embargo on Haiti. And we were certainly making the people of Haiti in general suffer, but those guys may never suffered a day in their lives because they had an influx of money from drug lords.

The same thing is happening now in Haiti. The drug lords are becoming stronger and stronger every day because the United States has been very backwards, hostile, mean-spirited, hateful. There is a small cabal of very powerful leaders in America who literally hate the Government of Haiti at this point. They hate President Aristide and all he stands for. I have never seen such personal venom directed to a nation or its leader, and we are making foreign policy toward Haiti on the basis of that poisonous people who will not live up to promises of aid.

They have promised $200 million in aid as a kingpin part of a package, that was supposed to be the kingpin and less so a domino effect that was positive, and other nations like France and Canada and Great Britain, everybody was going to contribute to an effort that depended on being started by the $200 million the United States would supply. Powerful forces here in Washington, sometimes single individuals, have blocked the flow of that money to Haiti, and then Haiti has experienced a great deal of suffering.

The people who had such high optimism for their democratically elected government have now begun to sink into a great deal of despair, and the old problems are coming back in terms of more and more violence. That appears to be the only answer for those who really want to weigh out and want to take shortcuts.

So the strangle of a nation is taking place right before our eyes in this hemisphere with respect to Haiti. We have to focus on this hemisphere, global policy which deals with Haiti first, a policy which deals with the fact the drug lords may have a great deal of influence in the nations surrounding us in the Caribbean is a problem in Haiti, a policy which deals with this hemisphere in terms of something better in Colombia than the present military war which we are losing, and, even if we win, will not lead to any permanent solution of Colombia as a major base for drugs.

I forgot to point out that the Taliban in Afghanistan were primarily funded
through the movement of drugs, just as their people who helped us to liberate the population from the Taliban, the Northern Alliance, and also depend heavily on drugs and the flow of drugs, the drug trade, to finance them.

Drugs are a major problem in our fight against terrorism. It may not be so overt at this point, but if countries are eventually controlled by drug lords in this hemisphere, they will not necessarily have an agenda of hate against the United States for political reasons or religious reasons. They have their own selfish reasons for doing whatever they do, and they certainly would be available and for sale for enemies with bigger agendas, or they themselves would be an enemy that we should fear a great deal because of the way they would allow drugs to flow into our country with greater and greater ease and lower and lower prices, addicting more and more of our population. All of these problems are inevitably interwoven.

I am going to yield in a few minutes to a colleague of mine who particularly wants to discuss the problems in Haiti and the kinds of needed emergency that we are faced with here and the fact that Secretary of State Colin Powell, who himself is of Jamaican descent, visited with the members of Caricom.

Caricom is an economic organization consisting of all the various Caribbean governments that visited with them, and they had a long discussion, and one of the great problems that was put forth by the heads of Caribbean states was that they are being overwhelmed by a great number of Haitian refugees. We have in the Clinton administration boatloads of Haitian refugees directed at this country and coming in at large numbers, ships sinking at sea, and finally we had to interdict and carry people off, and at one point we had 19,000 people at Guantanamo Naval Base, Haitian refugees, the problem was that big, until President Clinton finally moved to ease the pressure by restoring democracy in Haiti.

People went home and they stayed home because they had hope. Now that hope is being lost, they are not coming to this country again because probably the Coast Guard is out there very aware and very, probably very effective in stopping the movement of boats in this direction, maybe deadly so. We do not know because they know the problem because they had it before. So instead of coming into this country, the refugees are going to targets which are easier to get into, and that is the other countries of the Caribbean. I want to yield to my colleague from Florida if she would like to speak on the issue of Haiti at this point.

As I said before, all these problems are inevitably interwoven. We have a need for a vision and a comprehensive policy to deal with these problems, and human affairs is as complicated or more complicated than nuclear physics. So a complicated policy which understands how these issues relate to each other is needed; some vision is needed by this administration. We have but one enemy out there to fight, and that is the enemy that is against democracy or against liberty and against our constitutional civilization. These enemies come in the form of drug lords or Taliban spouting hatred on a religious basis, they are still enemies.

Haiti is a particular case where an elected government was practically elected, is being harassed, ignored, neglected and abandoned by our own policies here in this country, and we need to move to deal with putting pressure on our administration to move in a more humane manner in order to save a nation. We do not have to build a nation in Haiti. We have to preserve a nation. I yield to my colleague, the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK. Mr. Speaker, I want to thank my friend and very academic Representative, the gentleman from New York (Mr. OWENS), for reserving this time today and for leadership over the years on behalf of the nation of Haiti.

When I came to the Congress in 1992, the gentleman from New York (Mr. OWENS) was the person at that time who inspired me to keep up this fight for Haiti. I represent a great number of Haitians in this country. I am from Miami, Florida, and we do have a very large representation, almost as large as the gentleman from New York’s representation.

Mr. OWENS. Mr. Speaker, I think the gentlewoman from Florida (Mrs. MEEK) represents the larger Haitian population, contrary to my congressional district.

Mrs. MEEK of Florida. Mr. Speaker, this is a subject that I know something about. One of the neighbors in my district, one of the largest neighborhoods is called Little Haiti, and it is one of the largest concentrations of Haitians in the whole world itself.

While Haiti is an abstraction for Americans, it is a real country, and they are suffering in Haiti. The problems are being made worse because of decisions that are made by our own government. Just last week, Secretary of State Colin Powell said that the United States would oppose the $200 million in loans for the Inter-American Development Bank until the Haitian Government and its opposition find a way to settle their dispute. That stems from local and legislative elections held in 2000. How long are we going to keep food, clean water, and clean air from the children who are suffering in Haiti?

Secretary Powell said he was terribly concerned about the political unrest in Haiti and that he does not believe that our administration to move in a political process forward. That is another challenge. But still, the children are dying, they are going without food, they are going without proper clothing, and we must wait until the political process moves forward.

Secretary Powell said he felt he had to hold President Aristide and the Haitian Government to “fairly high levels of performance” before we could simply allow funds to flow into the country. My question is, my esteemed colleague, what does Secretary Powell expect from the poorest country in the hemisphere, where people routinely go hungry, where children have no school, where health care is reserved for the wealthy and the economy is in shambles?

Haiti returned to constitutional government in 1994, following decades of the brutal dictatorships of Papa Doc and Baby Doc Duvalier and the military powerhouse which was directed against a brief period of democratic rule. Mr. Speaker, democracy is a very difficult form of government. Ask me, I know about it, even in the best of circumstances. We know this from our own experience in the United States where we have every advantage.

Imagine how difficult it is to make democracy work when 85 percent of the
adults cannot read, unemployment is in double digits, and inflation hovers around 15 percent. I submit that American democracy would be sorely tested under such conditions.

It is clear that Haitian progress and politics is tied very closely to the release of $200 million in Inter-American Development Bank loans which the United States is blocking. Because of the United States Government's action, the European Union has also withheld funds from Haiti. These great nations, the United States and the European Union.

Our small island neighbors in the Caribbean, called Caricom, have criticized our government because it is depriving the Aristide government of the resources it desperately needs to alleviate human suffering, move the economy and stabilize their society. I think it is ironic that our government has agreed to $380 million in United States taxpayer guaranteed loans to keep American West Airlines in business, but they will not approve $200 million in loans for the Inter-American Development Bank to keep the country of Haiti from collapsing.

I plan to visit Haiti again next week. The gentleman from New York (Mr. CONYERS) and I, and several members of the Congressional Black Caucus, have visited Haiti many times. Next week, we plan to go over there on a CODEL with the gentleman from Michigan (Mr. CONYERS), ranking member of the House Committee on the Judiciary, and others of my colleagues. We are trying to seek a way out of this impasse.

It is my hope that the administration will stop treating the nation of Haiti as an enemy. Haiti is not an enemy of the United States, they are not terrorists either, and instead begin to see Haiti for what it is, a poor and fledgling democracy, a needy neighbor, a nation filled with desperate people who, like poor and desperate people all over the world, look to the richest and most powerful country on Earth for help.

We need help. It is in the pipeline for Haiti. And I want to thank my colleague very much for giving me this opportunity to speak just a little while about the poor people of Haiti and about the people in Miami I represent and what their feelings are toward helping this Nation.

Mr. OWENS. I thank my colleague from Florida, and I wish she could remain a minute to have a brief colloquy with me.

Mrs. MEEK of Florida. Yes.

Mr. OWENS. Since I think most Americans do not know it, could the gentlewoman tell us how far away or how close Haiti is to the American mainland?

Mrs. MEEK of Florida. It is very close. I think it is about 90 miles. It takes just an hour by plane from Miami to Haiti. It is the closest democracy to us, mile-wise. I am not sure exactly the mileage.

Mr. OWENS. Could the gentlewoman also tell us about the Haitian community in Miami? To what extent does the gentlewoman see influences of the drug lords there from Haiti?

Mrs. MEEK of Florida. Well, drugs are a problem in Miami, in that drugs are now being routed into Haiti because it is a depressed country. Something needs to be done about interdiction. I think our government should intervene in Haiti to keep the drug lords from taking over Haiti. It is very close to the Dominican Republic. They have trouble with the Haitian drug lords there. The Bahamas, is having trouble because the people in Haiti are very poor.

To answer the question, the Haitian community in Miami is well aware of these problems. They are organizing every day to try to bring these problems we have discussed to the light of this country. So the drug problem is great.

Also, immigration is a problem. And, of course, if situations continue to get worse in Haiti, they are going to try to migrate to the United States. And when they do that, they come in boats, they come in any way they can get there, and many of them lose their lives. Many of them are washed up on the shores of Miami Beach.

It makes a very bad picture to see these pictures of people who are running from a very poor and deprived country coming to another country, where they are not safe. When America could be extending the loans and the help which they should be giving to Haiti now. Because it would stop people from dying, and it would stop the drug lords from looking at Haiti as being a very lucrative place to peddle their drugs.

So it is a big problem. It is a security risk as long as we allow the drug lords to operate in and out of there. It is a country that has a lot of water around it, and they are dealing in drugs and cause drugs to go there.

So we are trying to plead to this country that the $200 million or more that they are holding up is really a detriment. It is not worth it when we could give some relief to that country and sort of delay the infusion of drugs that are there.

So the Haitian community in Miami is a very intelligent community. They are working very hard. They are very industrious, very nationalistic. They love America. They want to become a part of our society, and they have in the past, and they will continue to do so.

I guess what I am saying is that they are aware of these problems. They have really appealed to the government, and my colleague has been a big part of it. When we came up here to appeal to the Clinton administration to do something about the situation in Haiti, they did try. They did send monies to Haiti. They tried to do a police force.

But I go back to the point that this is a very fledgling democracy, and democracy is not easy. We cannot just give up and back out the first time we have some problems there. And it appears that President Aristide seems to be a problem with many of the people here in the United States, even here in this Congress. It is a very unfair assessment of President Aristide.

Mr. OWENS. If the gentlewoman will answer one more question. It is my opinion that the hostile forces here in Washington, hostile people, the four or five key people with a lot of power, very hostile towards President Aristide’s government, are using the elections as an exceptionality of an election, which was not a bad election at all, in my opinion.

The gentlewoman is closer to what happened in Florida, the heartbreaking Presidential election fiasco in Florida. Can the gentlewoman tell us whether she thinks what happened in Florida was far more outrageous and complicated and probably controversial than what happened in the Haitian elections; and that we are moving on and nobody dares to chastise us or penalize us for the election problems that happened in the Presidential election related to Florida.

Mrs. MEEK of Florida. As a matter of fact, I thank the gentleman for that question. The election in Florida was a quagmire of confusion and delusion, in that the election in Florida cannot even be compared to the elections in Haiti.

Haiti elections were much better run than the election in Florida. There were so many circumstances that happened in Florida, in this Nation. In this Nation, where we have all the technology in the world, in this Nation where we have all of the leadership in the world, to have an election that some people were denied the right to vote is a travesty of democracy.

The Haitian election was much better run. But did we censor this country because of it? Were we able to get any redress of our grievances? Here we are again; we are going to do this very Congress to show the situation in the election and show them what a bad situation it was, how it defied democracy? No, we could not get any redress. And it was a well-kept secret, the many, many problems in Florida.

So it is so difficult to even compare it with Haiti. It does not even come up to the standards of the election in Haiti and some of the other underdeveloped countries as well.

So, no, I do not see why we would use that. We are making it a political foot-ball because we do not want to help Haiti, and it is strictly political. There are people even in our own Congress who have fought against Haiti for the entire 10 years I have been here.

I have never been so wrought up in my life as I have been coming to this Congress appealing for some help for Haiti. We can give money to countries, and many of them, in my opinion, who do not deserve as much help as they are getting. But Haiti, one of...
the poorest countries in the world, cannot get any because of the political nuances or the political deep-seated feelings and hate and despise people have for Haiti.

I cannot understand it. And it is important that America understand that these few people are keeping their foot on the necks of Haiti.

Mr. OWENS. Does the gentlewoman have any immediate recommendations for action that she thinks we could take? I know there will be a CODEL visiting Haiti soon. Are there any other things she thinks we should do right away?

Mrs. MEEK of Florida. Well, I think we should undertake things we undertook in 1992, and we have been working on it for the last 10 years. We should continue to bring this to the forefront of our government, to help our President and his cabinet understand the importance of paying attention to Haiti.

I think it is a matter of helping America understand that we cannot sweep this condition under the rug. We cannot continue to let four or five well-meaning people, who are deliberately, because of their feelings about Haiti, cause harm in Haiti, cause children to not have clothing.

I think we should continue with the kinds of things the gentleman is doing this afternoon, the kinds of things we do in our meetings back home, the kinds of things we do when we go on the radio, appealing for help. We have to let our leaders understand how important help is to Haiti, how important help is to a nation that is struggling to become a democracy. Haiti is a democracy, and it is a small democracy that is struggling to keep democracy alive. And I repeat, it is not easy.

So what we need to do is to continue to help this country and the leaders in this Congress understand, and our administration. I think they will be better able to help us if we continue to stress it. We must not lean away from it and ease up on the pressure.

So I guess my recommendation is that we keep the pressure on those groups such as the Congressional Black Caucus, the Congressional Hispanic Caucus, and all the caucuses in this Congress should continue to put pressure. There was a time when we were pressing on the Attorney General of this country to help. I think we should go back again to Attorney General Ashcroft and give him the same kind of briefings that we gave Attorney General Reno and continue that effort to help America understand.

I am saying, in full, that we cannot cease our pressure on the government. That is the only way. We must also continue to seek the Haitian people in this country, in the gentleman’s district and in my district, and say to them, look, you must continue to petition, you must continue to petition your government, you must continue to petition them. They cannot sit back and wait on those of us in Congress to do all the work. They must continue the things that they started in 1990–1992 in general.

We do need people to discuss this, to talk about it, to bring it to light in the world. We cannot allow any more to sit back and rest. We are going to have, again; we are going to have CODELs there. We are going to come back to the Congress and talk about the situation there.

There is a woman in Miami, a very fine woman, a white woman, who went to Haiti, and she saw what was going on over there.

Mr. Speaker, if we continue to expose this to our government and appeal to this administration, as we did the past administration, to ask the Haitians who are here in this country, who have become Haitian Americans to continue to speak out, I think Haiti will come back to what we think is a true democracy.

Mr. Speaker, I thank the gentlewoman from Florida (Mrs. MEEEK).

I would like to emphasize a few points, and that is that Haiti is a democracy right now. They have the most democratic government that Haiti has ever had since Haiti was founded. In this hemisphere, Haiti was the second independent nation after the United States became independent. Haiti wanted its independence. The only one who has taken this because of her humanitarian feeling toward the people of Haiti.

Mr. Speaker, if we continue to expose this to our government and appeal to this administration, as we did the past administration, to ask the Haitians who are here in this country, who have become Haitian Americans to continue to speak out, I think Haiti will come back to what we think is a true democracy.

Mr. Speaker, I thank the gentlewoman from Florida (Mrs. MEEEK).

Mr. Speaker, I thank the gentlewoman from Florida (Mrs. MEEEK).

Like Pakistan, the President used the term that he heard from an American, are we going to get dumped again? Pakistan has had a history of constantly being lose the American cause, supporting us in alliances, and the great question is are we going to be ignoble in our behavior towards Pakistan.

President Musharraf has good reason to be concerned. We have done some terrible things to Pakistan. We have held up funds that they had paid for certain fighter airplanes. We did not give them the airplanes back or the money back. They still have not resolved the issue of getting the money back. We should do one or the other. That is a well-known contemptuous act toward the Government of Pakistan that ought to be corrected.

In a broader sense and a more important sense, we have abandoned Pakistan’s legitimate request that the question of Kashmir, the territory between India and Pakistan, be settled in accordance with a United Nations mandate. The United Nations called for elections where the population of Kashmir, the territory between India and Pakistan, be settled in accordance with a United Nations mandate. India is not, and our United States of America, the great nation of America, has abandoned the legal, moral position of asking India to live up to the United Nations mandate.

We are willing to leave the issue on the table and let it be silent. We are not raising it or demanding that something be done immediately. So we have an escalating problem in that area of the world which throws Pakistan off base and keeps it in a position where it has to spend a far greater amount of money, and it is more expensive, spending; and at the same time, it threatens now the possibility of a nuclear conflict.

Haiti came to our aid in the War of 1812. And throughout the history of Haiti, World War I and World War II, nobody has been able to use Haiti as a base for sabotage to harm the United States.

We have not been noble at all in our conduct toward Haiti. The whole United States of America, the great country, that it is, is not raising it or demanding that somebody be held responsible for the bollenecks that have blocked any aid to Haiti. Their own hatred and hostility have held up aid to this nation because of the hostility and personal hatred of a handful of powerful Americans.

Haiti came to our aid in the War of 1812. And throughout the history of Haiti, World War I and World War II, nobody has been able to use Haiti as a base for sabotage to harm the United States.
Instead of waiting until there is an explosion and something that forces us to pay greater attention to it, why not be noble and moral, why not call for an implementation of the United Nations mandate of supervised elections in Kashmir and not designate it as an explosive issue in that area of the world.

Pakistan has a lot of problems. We hope that we are sincere about the aid that we are designating for Pakistan. I understand that it is between $800 million and $1 billion, which is part of a package related to fighting terrorism, Pakistan’s role in our effort to fight terrorism, which is a key role. Without that help, I am convinced that the present defeat of the Taliban would not have been accomplished with such low cost in terms of human life and American sacrifices.

So Pakistan deserves to be rewarded. We have the package of between $800 million and $1 billion. Are they really going to get it, and are we going to make certain that it flows in a timely manner? The government needs to be boosted. The general does not know how he is doing and how he is going to do it. We need to have something to hold out to our people so that the fringe elements, and there are elements that are very strong. Pakistan is an Islamic Nation. General Musharraf stressed today that it is not a theocracy, but it is an Islamic nation. It has pressure on it from the rest of the Islamic world.

A question was raised with President Musharraf about the fact that the madrasahs in Pakistan that are run by the clerics, are they going to continue to exist in large numbers, because at those schools we have evidence that the Koran and the basics of literacy are taught, but the only thing that gets any attention is hatred of the West, and many of the people who ended up in the Taliban came out of the madrasahs at an early age in Pakistan. The madrasahs fill a vacuum in Pakistan.

I was in Pakistan for a week because I have a lot of Pakistani American population in my district, and they had asked me to visit Pakistan for some time, I spent a week there. I visited Kashmir as well as several cities in Pakistan. I was primarily interested in visiting schools and observing what is going on in education. We visited the Ministry of Education and a number of different areas where education policy was made.

I must truthfully report that the first and obvious observation is that the Pakistanis use a very small percentage of their budget for education. Education has traditionally suffered in Pakistan, as one would expect in countries. The government has directed in terms of fighting terrorism, and, beyond that, creating a more just, a more civil, a freer world where greater numbers of people have opportunity is the best way to guarantee our own freedom, our own security.

The challenge is not nation-building in Pakistan, the challenge is nation preservation. The President of Pakistan has committed himself to moving forward with elections in October. He said this morning that he would not be a candidate, which removes a great deal of tension from the process, but they will have elections in October.

The preservation of democracy in Pakistan would go a long ways toward creating a country where there can be impact in terms of fighting terrorism, and, beyond that, creating a more just, a more civil, a freer world where greater numbers of people have opportunity is the best way to guarantee our own freedom, our own security.

I would like to see our government contribute to that fund, regardless of how unorthodox that may be. They should move immediately to try to meet the Pakistanis halfway and try to move the issue of education forward as fast as possible.

The challenge is nation-building in Pakistan, the challenge is nation preservation. The President of Pakistan has committed himself to moving forward with elections in October. He said this morning that he would not be a candidate, which removes a great deal of tension from the process, but they will have elections in October.

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We want to minimize these threats. We will get rid of all of the fanatics in the world. We will have to go to war at some points. We had no choice but to go to war after the attacks at the World Trade Center. Violent war, military war is the only way to deal with fanatics. But we can do much more to eliminate the possibility of such groups arising either in the international arena or at home, and we are at danger at home of having psychofanatics, people like the bomber who stayed with us. People who had no reason that we can clearly see except his mind was all messed up. Psychofanatics do a lot of harm, or we can have small groups that have political agendas or religious agendas out to harm a fringe who can do a great deal of harm.

We want to minimize the number of people like that. We want to deny those kinds of fanatical groups a breeding ground by having large numbers of people who are positive, who see themselves as having a piece of the American dream, by having unemployed workers who know that their government will not fail them, will come to their aid at a time when they are needed with unemployment insurance, with health benefits. You can remove a festering environment out there where those misused small groups may take place and do it at a low cost.

The war in Colombia is a very expensive war. Americans should pay attention to it. We have appropriated and talked in terms of $1 billion. If you talk for a couple of hundred million and move it to Haiti right now, you could avert any possibility of Haiti ever degenerating to the point of where you would have to go remove drug lords in Haiti with military force. There is Jamaica, a large nation, one of the largest nations in the Caribbean after Haiti. They recently had gun battles on the street. The drug lords supplied criminals with weapons, and they were able to drive the police off the street. They had more modern weapons. They had submachine guns and various weapons that frightened the police. You have that kind of situation.

You had another Caribbean nation that despite the fact that the man was a known drug lord, he threw a birthday party and all the top officials of the nation went to the birthday party of the drug lord. He obviously invited them to make a point and he made the point. There is another small nation where a drug lord was responsible for the death of workers who worked for him. He did it, but they cannot get a jury together. They cannot get a group together to really deal with an indictment and punishment.

The coming power of drug lords in this hemisphere is so great until it deserves special attention and ought to be put on the agenda as we consider a global policy for guaranteeing freedom, justice and constitutional democracy all over the world. It is the best way to fight the Taliban types, the Taliban syndrome. The Taliban syndrome exists in many more places than in Afghanistan in one way or another. It exists in places other than Somalia. It
exists in places other than Iraq, in the “evil axis” that has been named. It is only in small quantities now, it will grow, and it need not be. They always depend on chaos that results from people having no more hope, from people refusing to bow in allegiance to any authority, any government.

We know the formula. The formula for fighting the Taliban syndrome is to provide more of our aid and assistance in every way possible short of the military. The military is to be the last resort.

Mr. Speaker, I want to conclude my remarks with a piece that I had written to be placed in the Extension of Remarks in case I did not get this opportunity today. I had written it sometime ago, just finally finished it. It is based on a phrase that President Bush used in his State of the Union address. That phrase has not really been picked up in any way possible short of the military.

I have condensed my strongly felt sentiments on this matter into an appropriately titled rap poem which I would like to recite. It is called “Let’s Roll America!”

Let’s roll America!
Set the tracks of destiny straight,
Don’t look back,
But close the gate,
Toast the past
But change the cast.
In every language of the earth
To the country of all nations
We have proudly given birth.
At the Olympics of forever
We will win all the races;
We are Great Angels of tomorrow
With magic mongrel faces.
Let’s roll America!
Into the grand canyons
Of great deeds to come,
Up to the Sierra’s highest peaks;
Be generous philanthropy geeks,
Be fanatic democracy freaks,
All the Founders dared to seek;
Sing loud the hallelujah note,
All our races and women can vote.
America, let’s roll!
Stand navy out to sea,
Off we go flying to stay free,
War never leaves us thrilled
But maniacs demand to be killed.
Saddam Hussein Satan’s tutored underboss—
Hitler minus the crooked cross
Gleefully calculates the victim loss,
Patrons of peace permitted no breath,
Ayatollahs eat dinner with death,
Bin Laden is the monster of stealth.
The spirit of Gettysburg calls—
Forward to the Normandy walls;
Descendants of John Brown;
Fascists under any flag
We swear to drown.
War never leaves us thrilled
But maniacs demand to be killed.
Let’s roll America!
Let kindergartners take a poll,
Full baby bellies
Is our favorite goal;
Usher in the age of soul.
Toast the past
But change the cast;
Come register for the test—
Only the next generation can rest;
God is our honored guest.
Don’t look back
But close the gate,
Greed is not great —
Hang the blacksmiths of hate.
Resolve globally to be kind
Everywhere children at tables smiling
Is our non-negotiable goal,
Usher in the age of soul.
America let’s roll!
Amerca’s Steel Crisis

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of my Special Order.

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

Mr. ENGLISH. Mr. Speaker, I rise today as chairman of the Congressional Steel Caucus to bring before this body the grim crisis facing a major sector of our manufacturing base, a sector which if we allow it to be washed away, if we allow it to leave, if we allow it to go offshore will permanently affect our ability to manufacture within the United States. The crisis that is today facing the American steel industry is one that will be seen and has been seen in many other areas of manufacturing; and I believe in coming years if we do not resolve the steel crisis, if we do not resolve it to the satisfaction of all of those Americans who work in the industry, then I believe we run the great risk of seeing other industries challenged in a similar way.

The domestic steel industry and its current workforce, retirees and their
dependents are at a vital crossroads, Mr. Speaker. Thirty-one steel companies have declared bankruptcy since the steel crisis began in 1998, creating an uncertain future for 62,000 American workers. Thousands of steel workers have already lost their jobs. Pension and retiree health care benefits are in jeopardy for hundreds of thousands of retirees. And now is the time to address this issue and to provide relief for this beleaguered industry.

I want to credit up front the Bush administration for being willing to directly take on this issue, as I will describe in a few minutes. Relief for this industry must be strong and swift in order to stave off a permanent liquidation of the domestic industry. Inaction or a weak action would silence many steel plants, destroy workers’ livelihoods, affect their families and their communities while dealing a blow to our national economy and our national security.

I want to applaud the Bush administration for developing a comprehensive steel policy that began with the initiation of a much-needed 201 investigation, using a provision in our law which has been long recognized within the World Trade Organization. The Bush administration last year launched an investigation under the International Trade Commission to determine the causes and the likely consequences of the crisis facing domestic steel. I want to congratulate the President for his understanding of the problem. Again, I have to congratulate the President for his understanding of the problem.

One of the red herrings I hear in discussion of steel issues has to do with the allegations of our trading partners, and even some among American opinion makers, that the whole problem is one of domestic inefficiency and inability to compete in the world market. That simply is not true. But that is precisely what the playing field and an opportunity for these companies to compete on a fair basis.

Having made that kind of investment to achieve these advances in productivity, the U.S. steel industry closed numerous inefficient mills, significantly cut jobs and reduced capacity by over 23 million tons. As a result, U.S. productivity as measured by output per worker has nearly tripled since 1980, and that effectively debunks some of the conventional wisdom. But when competing with the unfair trade practices of our foreign competitors, even this is not enough.

In 1999, foreign excess raw steel making capacity was more than two times greater than the total annual U.S. consumption of steel. That is an extraordinary disparity. Much of the world’s major steel markets have formal steel import barriers to foreign steel or are subject to international market sharing arrangements by foreign steel exporters.

As a result, the United States has become the dumping ground for the world’s excesses of steel, effectively allowing many of our trading partners to export their economic problems to our shores. That is not fair. The United States, to understand, are, from the standpoint of the world market, the good guys. We let in foreign steel, and normally our market is designed so we would expect to normally import about 20 percent of our steel needs. That is a good thing, and that has helped many of our trading partners. But under the current circumstances, we have seen the level of imports rise to the point that they constitute nearly one-third of our domestic market, and, in this context, the recession has been particularly painful.

As domestic steel consumption has declined, the imports have become more worrisome. Since Sylla, President Bush and the Caribdis of decline and consumption, many American steel companies have fallen victim.

Obviously, Mr. Speaker, the steel industry is the victim of predatory trade practices, and we do not want to reward relief under Section 201 of the U.S. trade laws. The investigation, followed by a strong tariff ruling, represents a milestone in a shift toward a stronger trade policy that insists on a level playing field of trade for domestic producers. This is a huge shift in policy because this Section 201 was initiated by the administration. This initiative also gives the administration the big stick that it needs to bring those countries with excess steel capacity to the negotiating table to fix a truly global problem and to rationalize the global steel market.

I realize many hearing this will wonder, how does that tie in to free trade? Please, realize I am very strongly pro-trade, Mr. Speaker. But we need to realize that when it comes to steel, we are looking at one of the most distorted market places in the world, and the only place in steel where free trade has been in existence in recent years has been, in effect, in the classroom.

Initiating a broad 201 investigation by the administration firmly underscored the commitment to protecting our steel industry from unfair imports. This administration has clearly shown its willingness to stand up for steel, and we are beginning to see the benefits of that.

Section 201 of the Trade Act of 1974 was established to address cases where domestic industries have been seriously injured or are threatened with serious injury by increased imports. This is allowed under the WTO framework, and it is clearly one of our legitimate trade policy options.

Once petitioned by the impacted industry, Congressional committee or segment of the administration, the ITC determines whether a product is being imported at levels that have or could harm the domestic industry. Section 201 does not require a finding of unfair trade practice, but it depends on a finding that increased imports are damaging the industry.

In this case, the International Trade Commission determined that damage has indeed occurred and made recommendations for tariffs to the President. The President will make the final decision whether to provide relief and the nature of the relief, meaning granting relief is completely discretionary.

The March 6 deadline for the Bush Administration to make that decision is fast approaching. I call upon the President to look at the needs of our domestic industry, recognize the scope of this problem, and recognize that if
we do not draw a line in the sand here, if we do not stand up for our domestic manufacturers and demand for them a fair break, then steel is not going to be the last industry to be hollowed out.

It is now up to the President to end the industry's pre-crisis levels by enacting a strong remedy such as those recommended by Commissioners Bragg and Devaney. Strong relief is necessary in order to return steel prices to their normal pre-crisis levels, and allow American steel companies to make the necessary investments to remain viable and competitive in the future, while providing good-paying jobs for the American worker.

Tariff rates must be substantial in order to ensure that import prices return to market-based levels. The Section 201 remedy must be enforced for at least 4 years to allow the domestic steel industry to make the necessary adjustments to import competition. A shorter duration, I feel, will be ineffective.

Section 201 relief must not replace existing orders under the anti-dumping and countervailing duty laws. Those hard-won concessions under our laws, won by those domestic companies, need to be set aside, any remedy will perversely reward those foreign producers that engage in unfair trade. That is something, Mr. Speaker, we do not in any case want to do.

I believe that relief needs to be comprehensive. We need to apply a consistent tariff-based remedy across all that is essential to the domestic industry and as representing the only fair way to impose relief.

Disallowing the continued abuse of the open U.S. market will give the President the leverage needed during multilateral steel talks and force foreign producers to cut back excess production capacity.

The imposition of tariffs for a 4 year period will demonstrate to foreign producers and governments that the administration is serious about addressing the problem of foreign excess steel capacity. Any talks that are conducted without enforcement capabilities will lack the incentives needed to achieve measurable results.

An effective remedy is the only way to stimulate foreign governments and steel producers to make the difficult decisions to produce less. Industry producers already have made to modernize, eliminate inefficient capacity, and bring stability and balance to the global steel market.

Increases in steel prices have minimal effect on the price of end products because steel constitutes only a small share of the total cost of most products that contain steel. Accordingly, we need not be overly concerned that by providing a measure of fairness to American steel, we are making steel products that we manufacture uncompetitive.

For a typical American car, for example, the increase caused by the imposition of a 40 percent tariff would be about $60. For a refrigerator, the increase would be about $3. That is something that we can afford to pay.

As measured by the Commerce Department, steel's share of total cost is 0.8 percent for construction, 3.4 percent for transportation, 1.8 percent for other manufacturing, 0.6 percent for household appliances, 4.6 percent for electrical industrial apparatus, and, for the highest of Commerce's categories, fabricated metal products, steel's share of total cost is only 15.9 percent.

Since 1995, the price of finished goods has risen 11 percent, while the cost of steel mill products has declined 16 percent. The steel consuming industries who have suggested that relief under Section 201 will not return profitability to the domestic steel industry by raising prices, while arguing that relief will raise consumer prices to prohibitive levels, I believe are arguing an inherent contradiction. But in fact this is simply not true at all.

Their own study has found the complete opposite. A tariff rate quota would artificially set import lids of foreign steel and apply a tariff on any imports above the set limits. Such a remedy would be detrimental to the domestic carbon steel industry and its workers.

Let us look at the impact overall on the industry of this crisis. Entire American communities have been devastated by this import crisis, and we have seen that in Western Pennsylvania. In my district, which is one of the cradles of the modern steel industry in the world, we have seen a significant loss of jobs and other jobs very much at risk. Regions already experiencing hardship as a result of the current recession are being dealt a devastating blow by the massive levels of low-priced imports.

The ripple effect of each lost job in the steel industry is significant. There are tremendous in these communities. The loss of good-paying steel industry jobs directly impacts thousands of workers in other sectors that depend on the steel industry.

The steel industry's use of goods and services in its production process generates considerable economic activity at the intermediate levels. The multiplier effect, for example, the U.S. manufacturing sector, including the steel industry, has one of the highest multiplier effects. For every $1 of a manufactured product sold to an end user, an additional $1.19 of intermediate activity is generated. The multiplier effect for the service sector is a mere 77 cents for every $1 sale.

The steel industry is a major consumer of computers and other high-tech equipment. It is also a major user of transportation industries, such as rail, trucking and shipping, and we have seen a direct impact resulting from the decline of steel on those industries.

Steel-generated demand for key raw materials, coal, coke, iron ore and limestone, provides employment in a number of regions where other jobs are scarce.

Mr. Speaker, the steel industry is also a major contributor to the U.S. tax base, including the tax base of state and local governments.

There is another issue here that is all too frequently overlooked. The steel industry is a significant asset to our national security. At a time when we are effectively at war, this ought to be central to many of our considerations. As it is we have seen the steel industry is a cornerstone of our national defense.

Steel is an indispensable component of many weapons and weapons systems, as well as the ships, tanks and other vehicles that carry these systems and carry our dedicated troops into battle.

In my district, as an example, Erie Forge and Steel is the sole producer of propeller shafts that are used on Navy ships. They have had a bout with chapter XI bankruptcy, and I am glad to see they have a purchaser; and they appear ready to move on and survive. But many others are facing immediate liquidation or downsizing.

The President and many other U.S. Government leaders recognize that steel and national security go hand in hand. It is vital to U.S. national economic security, and as well to our homeland security, that America does not become dangerously dependent on offshore sources of supply. For steel, for example, that goes into our energy infrastructure, such as petroleum refineries, oil and gas pipelines, storage tanks, electricity, power generating plants, electric power transmission towers and utility distribution; for steel that goes into our transportation security infrastructure, such as highways, bridges, railroads, mass transit systems, airports, seaports, and navigation systems. For the steel that goes into our health and public safety infrastructure such as dams and reservoirs, waste and sewage treatment plant facilities, and the public water supply system, and for the steel, Mr. Speaker, that goes into our commercial, industrial and institutional complexes such as manufacturing plants, schools, commercial buildings, chemical processing plants, hospitals, retail stores, hotels, houses of worship, and government facilities.

We must maintain a viable domestic steel industry if our Nation is truly to be secure.

There is another issue, and we need to recognize it, and it is central to this crisis and that is the issue of legacy costs. One day, not far down the road, the downsizing to achieve this goal has placed an enormous burden on the industry. That burden includes legacy costs.
Health and pension liabilities for steel workers who lost their jobs or who retired and lost their jobs in some cases as a result of the massive industry downsizing which occurred especially during the 1980s. Legacy costs have gutted the industry overall as it competes with foreign versus foreign competitors whose governments assume these same costs and continue to assume these same costs through socialized medical systems. Congress, the administration, and the industry must continue working together to address these costs which serve as a critical barrier to industry consolidation. What company is going to buy out and fold into another company if huge legacy costs come with it?

While this is a time of enormous crisis for the industry, it is also a time of unique opportunity. The government often played a part in the initial negotiation of the contracts that build up legacy costs, and so the government should play a constructive role today in addressing this problem. This is a chance to facilitate important restructuring, allow for significant capacity reduction, and help create an industry poised to compete over the long run with any competitor in the world.

The administration needs to take the lead in developing a plan to address these critical legacy costs which are preventing the industry from restructuring. As chairman of the steel caucus, I hereby say that on a bipartisan basis, we are prepared to work with this administration to try to address that problem.

In conclusion, we have reached a pivotal point in stabilizing the American steel industry and ensuring good-paying jobs for its workers. The Bush administration took the monumental first step, standing up for steel, by initiating a section 201 investigation, which is a critical first step in its overall strategy. As I urge the administration to enact tough tariffs that will truly provide relief for a besieged industry and its struggling employees.

Many of our manufacturers face growing and cumulative competitive disadvantages in the international market. The plight of the steel industry is grim, but both Congress and the administration need to work together and work hard on a bipartisan basis to give employers the tools that they need to lead in developing a plan for economic recovery.

Mr. Speaker, illegal foreign trade has helped drive 31 American steel companies into bankruptcy causing 16 of them to shut down, and eliminating more than 46,000 jobs. Now more than ever, I urge my colleagues to stand up for the steel industry.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Monaghan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:
H.R. 3090. An act to provide tax incentives for economic recovery.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Mr. PAYNE (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mrs. ROURKEMA (at the request of Mr. ARMY) for today on account of illness.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:
(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material):
Mr. FALLONE, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material):
Mr. FOLEY, for 5 minutes, today.

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

The motion was agreed to.

The SPEAKER pro tempore (Mr. CANTOR). Pursuant to the provisions of Senate Concurrent Resolution 97 of the 107th Congress, the House stands adjourned until 2 p.m., Tuesday, February 26, 2002. Thereupon (at 4 o’clock and 6 minutes p.m.), pursuant to Senate Concurrent Resolution 97, the House adjourned until Tuesday, February 26, 2002 at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5519. A letter from the Director, Office of Regulations Management, Department of Veterans’ Affairs, transmitting the Department’s final rule—Interest in Rates Payable Under the Montgomery GI Bill—Selected Reserve (RIN: 2000-AK19) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

5520. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department’s final rule—Indirect Food Additives: Paper and Paperboard


5531. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval of Revisions to the State Implementation Plan; New Mexico; Dona Ana County State Implementation Plan; San Juan Air Quality Zone; Nevada; Mercury Control; Permits; Approval of Waiver of Nitrogen Oxides Control Requirements; Volatile Organic Compounds, Nitrogen Oxides, Oxide [NM–36–17372a; FRL–7140–4] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5532. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District (GS–215); FRL–FRL–7134–4] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5533. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the FY 2000 Inventory of Programs, produced by the Interagency Grassroots Group for the FY 2001 Annual Report; to the Committee on International Relations.

5534. A letter from the Governor of Missouri, transmitting a copy of the report entitled, “The Comprehensive Annual Financial Report Fiscal Year 2001,” pursuant to D.C. Code section 47–118(c); to the Committee on Government Reform.

5535. A letter from the Executive Director, Federal Communications Commission, transmitting a copy of the FY 2001 Inventory of Programs, produced by the Interagency Grassroots Group for the FY 2001 Annual Report; to the Committee on International Relations.


5537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drainbridge Operating Regulation: Mississippi River, Iowa and Illinois [CGD06–02–002] (RIN: 2115–AE7) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drainbridge Operating Regulation: Iowa and Illinois [CGD07–01–225] received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Security Zones; Port Everglades, Fort Lauderdale, Florida [CGD08–01–001] (RIN: 2115–AE7) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Chief, Department of Transportation, Department of Transportation, transmitting the Department’s final rule—Security Zones; San Pedro Bay, California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection, with an amendment (Rept. 107–360 Part I); referred to the Committee on Education and the Workforce for a period ending not later than March 14, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

5541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Security Zones; Hutchinson Island, St Lucia, Florida and Turkey Point Biscayne Bay, Florida City, Florida [CGD08–01–124] (RIN: 2115–AE9) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Security Zones; San Diego [CGD08–01–125] received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5543. A letter from the Director, Office of Regulations Management, Department of Veterans’ Affairs, transmitting the Service’s final rule—Claims Based on Exposure to Ionizing Radiation (RIN: 2009–AA05) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

5544. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Coordinated Issue Mining Industry Receding Face Dust Face Reduction Program—Revised Final Rule; Rejection of a petition pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5545. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Coordinated Issue Foreign Tax Credit Retroactive Claims to Elect the FMV Method of Interest Expense Apportionment—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HANSEN: Committee on Resources.

H.R. 3288. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection, with an amendment (Rept. 107–360 Part I); referred to the Committee on Education and the Workforce for a period ending not later than March 14, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3288. Referred to the Committees on Transportation and Infrastructure and Education and the Workforce extended for a period ending not later than March 14, 2002.
PUBLIC BILLS AND RESOLUTIONS

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

By Mr. McIntyre:

H.R. 3761. A bill to establish a program to provide financial aid to students and in addition to the Committee on Education and the Workforce.

By Mr. Boehner (for himself, Mr. Sam Johnson of Texas, Mr. Oxley, Mr. Fletcher, Mr. Pitts, Mrs. Roukema, Mr. McKeon, Mr. Castle, Mr. Upson, Mr. Sanchez, Mrs. Biggert, Mr. Keller, Mr. Culberson, Mr. Calvert, Mr. King, Mr. LaTourette, Mr. Bill, Mr. Rehberg, Mr. Boozman, and Mr. Wilson of South Carolina):

H.R. 3762. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from the pervasive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of any plan sponsor; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, 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 Mr. Oxley (for himself, Mr. Baker, Mr. Boehnner, Mrs. Roukema, Mr. Berman, Mr. Boucher, Mr. Bachus, Mrs. Kelly, Mr. Ney, Mr. Royce, Mr. Gillmor, Mr. Cox, Mr. LaTourette, Mr. Manzullo, Mr. Jones of North Carolina, Mr. Ose, Mr. Green of Wisconsin, Mr. Tooney, Mr. Shadegg, Mr. Fossella, Mr. Cantor, Ms. Hart, Mr. Ferguson, Mr. Rogers of Michigan, and Mr. Tiberi):

H.R. 3763. A bill to protect investors by improving the accuracy and reliability of corporate financial disclosures made pursuant to the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. Oxley (for himself, Mr. Baker, Mr. Boehnner, Mrs. Roukema, Mr. Berman, Mr. Boucher, Mr. Bachus, Mrs. Kelly, Mr. Castle, Mr. Ney, Mr. Gillmor, Mr. Cox, Mr. LaTourette, Mr. Manzullo, Mr. Jones of North Carolina, Mr. Ose, Mr. Green of Wisconsin, Mr. Tooney, Mr. Shadegg, Mr. Fossella, Mr. Cantor, Ms. Hart, Mr. Ferguson, Mr. Rogers of Michigan, and Mr. Tiberi):

H.R. 3764. A bill to authorize appropriations for the Bureau of Indian Affairs for the fiscal year ending September 30, 2003, and for other purposes; and to the Committee on Appropriations; to the Committee on Financial Services.

By Mr. George Miller of California (for himself, Mr. Thompson of California, Ms. Pelosi, Ms. Eshoo, Mr. Honda, Ms. Lee, Mr. Matsui, Mr. Schiff, Ms. Woolsey, Mr. Sherman, Mr. Capuano, Mr. Ford of California, and Mr. Lantos):

H.R. 3765. A bill to designate the John L. Burton Kiest Boulevard on the grounds of the National Headwaters Forest Reserve, California; to the Committee on Resources.

By Mr. LaFalce (for himself and Mrs. Pelosi):  

H.R. 3766. A bill to establish an Office of the National Insurers within the Department of the Treasury to authorize the issuance of Federal charters for carrying out the underwriting and sale of insurance or any other insurance operations, and for other purposes; to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. Velázquez:

H.R. 3767. A bill to amend section 11 of the Housing Opportunity Program Extension Act of 1996 to facilitate the use of certain assistance made available for self-help housing providers; to the Committee on Financial Services.

By Mr. Baldacci:

H.R. 3768. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for hiring workers retrained in Trade Adjustment Assistance programs; to the Committee on Ways and Means.

By Mr. Bentsen:

H.R. 3769. A bill to require disclosure of the sale of securities by an officer, director, affiliate, or record holder of an issuer of the securities of such issuer to be made available to the Commission and to the public in electronic form, and for other purposes; to the Committee on Financial Services.

By Mr. Crane (for himself, Mr. Kleckner, Mr. Ehrlich, Mr. Steakland, Mr. Honda, Mr. Fallin, Mrs. Thriska, Mr. Man, Mr. Honda, Mr. Wynn, Mr. Whitfield, Mr. Tahvist, Mr. Kirk, Mr. McNulty, Mr. McDermott, Mr. Lewis of Georgia, and Mrs. Wilson of New Mexico):

H.R. 3770. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 3771. A bill to amend title 38, United States Code, to provide that veterans who are otherwise eligible for health care provided by the Department of Veterans Affairs shall not lose that eligibility by reason of being held as a prisoner in a county or city jail; to the Committee on Veterans’ Affairs.

By Mr. Haynes (for himself, Mr. McIntyre, Mr. Shimkus, Mr. Paul, Mr. Koons, Mr. Johnson of North Carolina, Mr. Brown of South Carolina, Mr. Ballenger, Mr. Goode, Mrs. Myrick, Mr. Otter, Mr. Pickering, Mr.oronko, Mr. Kuhl, Mr. Gillmor, Mr. Yarmuth, Mr. Runyan, Mr. Lantos, Mr. Butterfield, and Mr. Manzullo):

H.R. 3772. A bill to amend title 38, United States Code, to provide that veterans who are otherwise eligible for health care provided by the Department of Veterans Affairs shall not lose that eligibility by reason of being held as a prisoner in a county or city jail; to the Committee on Veterans’ Affairs.

By Mr. Haynes (for himself, Mr. McIntyre, Mr. Shimkus, Mr. Paul, Mr. Koons, Mr. Johnson of North Carolina, Mr. Brown of South Carolina, Mr. Ballenger, Mr. Goode, Mrs. Myrick, Mr. Otter, Mr. Pickering, Mr.oronko, Mr. Kuhl, Mr. Gillmor, Mr. Yarmuth, Mr. Runyan, Mr. Lantos, Mr. Butterfield, and Mr. Manzullo):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding emergency medical care and certain emergency ambulance service providers to the Committee on Energy and Commerce.

By Mr. MEEKS (for himself, Mr. Scourby):

H.R. 3777. A bill to amend the Higher Education Act of 1965 to restrict the disqualification of students for drug offenses to those students who committed offenses while receiving student financial aid; to the Committee on Education and the Workforce.

By Mrs. Morellas (for herself, Mr. Tom Davis of Virginia, and Mrs. Norton):

H.R. 3779. A bill to amend title 31, United States Code, to allow Federal agencies (including the government of the District of Columbia) to use passenger carriers, owned or leased by the Government, to provide transportation to employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

By Mrs. Morellas (for herself, Mr. Tom Davis of Virginia, and Ms. Norton):

H.R. 3780. A bill to clarify the ability of members of the National Capital Planning Commission to serve after the expiration of their terms until successor members are appointed, and for other purposes; to the Committee on Government Reform.

By Mrs. Morellas (for herself, Mr. Tom Davis of Virginia, and Ms. Norton):

H.R. 3781. A bill to provide for direct billing for water and sanitary sewage furnished by Federal agencies by the District of Columbia, and direct payment by those agencies to the District of Columbia, to the Committee on Government Reform.

By Mrs. Morellas (for herself, Mr. Tom Davis of Virginia, and Ms. Norton):

H.R. 3782. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Ose (for himself, Mr. Souder, Mr. Calvert, Mr. Cannon, Mr. Radanovich, Mr. Baca, Mr. Bigger, Mr. Berkley, Mr. Blunt, Mr. Carson of Oklahoma, Mr. Condit, Mr. Gilman, Mr. Geaves, Mr. Green of Wisconsin, Mr. Horsford, Mr. Horn, Mr. Nethercutt, Mr. Osborne, Mr. Peterson of Pennsylvania, Mr. Sanchez, Mr. Tahvist, and Mr. Goodlatte):

H.R. 3782. A bill to respond to the illegal production, distribution, and use of methamphetamine in the United States and for other purposes; to the Committee on Energy and Commerce, and in addition to  

By Mr. Eddie Bernice Johnson of Texas:

H.R. 3775. A bill to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building"; to the Committee on Government Reform.

By Mr. Kolbe:

H.R. 3776. A bill to amend sections 562 and 563 of the Immigration Reform and Immigrant Responsibility Act of 1996 to provide for direct Federal payment to hospitals and emergency ambulance service providers of emergency medical care and certain emergency ambulance services to immigrants; to the Committee on Energy and Commerce.

By Mr. Meeks of New York (for himself and Mr. Souder):

H.R. 3777. A bill to amend the Higher Education Act of 1965 to require that the disqualification of students for drug offenses to those students who committed offenses while receiving student financial aid; to the Committee on Government Reform, and the Workforce.
the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Mrs. EMERSON): H.R. 3783. A bill to provide clarification regarding the market name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO: H. Con. Res. 331. Concurrent resolution commending the Secretary of Transportation and the Nation’s air traffic controllers for their actions to avert further tragedy following the terrorist attacks on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. SHIMkus (for himself, Mr. HINCHY, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. MCPHILLIPS, Mr. McKECHNIE, Mr. McKEOWN, Mr. McINTOSH, and Mrs. KELLY): H. Con. Res. 332. Concurrent resolution recognizing the United States Military Academy on its bicentennial; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ROHRABACHER, Mr. CROWLEY, Mr. GIESECKE, Mr. GIBBONS, Mr. GOMEZ, Mr. HANER, Mr. HAWES, Mr. HECKSCHER, Mr. HOFFMAN, Mr. HOLLING, Mr. NORTON, Mr. OSE, Mr. PAULSON, Mr. ROHrabacher, Mr. SCHIFF, Mr. SHAW, Mr. SIMPSON, Mr. SMITH of California, Mr. SOUTHWICK, Mr. TALMADGE, Mr. TALOS, Mr. TAYLOR of California, Mr. TAYLOR of Georgia, Mr. TENHOFER, Mr. WEAVER, and Mr. WIZNITZ): H. Res. 348. A resolution expressing the sense of the House of Representatives with respect to violations in Pakistan of the freedom of individuals to profess and practice religion or belief, to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 498: Mr. BARK of Georgia, Mr. GONZALEZ, Ms. WATSON, Mr. TERRY, Mr. STUMP, Mr. SHADDOCK, and Mr. HINCHY.
H.R. 500: Mr. TIAHET and Mr. WOLF.
H.R. 674: Mr. CROWLEY.
H.R. 680: Mr. THOMPSON of California.
H.R. 746: Mr. LAMPSON.
H.R. 781: Mr. ROSS and Mr. DOGGETT.
H.R. 858: Mr. BARRA and Mrs. JONES of Ohio.
H.R. 914: Mr. HOBSON.
H.R. 939: Mr. BACCA.
H.R. 932: Mr. WILSON of South Carolina and Mr. KING.
H.R. 938: Mr. MCCOLLUM.
H.R. 1051: Mr. PRICE of North Carolina.
H.R. 1053: Mr. PRICE of North Carolina.
H.R. 1109: Mr. BROWN of South Carolina, Mrs. MYRICK, and Mr. JONES of North Carolina.
H.R. 1212: Mr. WILSON of South Carolina and Mr. SPARR.
H.R. 1256: Mr. HINOJOSA, Mr. PALLONE, and Ms. HARMAN.
H.R. 1256: Mr. DEAL of Georgia.
H.R. 1360: Mr. ANDREWS, Mr. PAYNE, and Mr. FERRUSCO.
H.R. 1390: Ms. NOONI.
H.R. 1433: Ms. SLAUGHTER.
H.R. 1434: Mrs. MCCARTHY of New York and Mr. HINCHY.
H.R. 1471: Mr. GANSKE.
H.R. 1475: Mr. KIRK and Mr. STEARNS.
H.R. 1556: Mr. MENENDEZ.
H.R. 1682: Mr. GLYNN.
H.R. 1723: Mr. THOMPSON of California.
H.R. 1795: Mr. GUTIERREZ and Mr. STUPAK.
H.R. 1810: Mr. LANTOS and Mr. THOMPSON of Mississippi.
H.R. 1994: Mr. ROTMAN.
H.R. 2001: Mr. BUYER.
H.R. 2051: Mrs. BONO.
H.R. 2114: Mr. TERRY.
H.R. 2117: Mr. PLATTS, Mr. DIAZ-BALART, Mr. LIPINSKI, and Mr. JENKINS.
H.R. 2120: Mr. LARSEN of Washington and Mr. HONDA.
H.R. 2162: Mr. PASTOR.
H.R. 2332: Mr. HILLEARY.
H.R. 2341: Mr. JOHNSON of Connecticut, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. FORBES, and Mr. SCHROCK.
H.R. 2395: Ms. NOTTON.
H.R. 2398: Mr. PLATTS.
H.R. 2357: Ms. CARSON of Indiana, Mr. STUPAK, and Ms. RIVERS.
H.R. 2610: Mr. NADLER, Ms. RIVERS, and Ms. DeGUTTE.
H.R. 2629: Mr. ACKERMAN and Mr. BENTSEN.
H.R. 2638: Ms. SANCHEZ, Mr. PALLONE, Mr. RODRIGUEZ, Mrs. BONO, Mr. SOUDER, and Mr. ROSS.
H.R. 2643: Mr. SMITH of Washington.
H.R. 2663: Mr. CANNON and Mr. MATHISON.
H.R. 2695: Mr. OSE.
H.R. 2710: Mr. DUKAS and Mr. LIPINSKI.
H.R. 2723: Mr. LANGFELD.
H.R. 2829: Mr. DUNCAN, Mr. RADANOVICH, Mr. STUMP, Mr. McINNIS, Mr. CANNON, Mr. OTTER, Mr. TIAHET, and Mr. SCRAFFER.
H.R. 2868: Mr. LAMPSON and Mr. ENGLISH.
H.R. 2974: Mr. UDALL of Colorado.
H.R. 3113: Mr. ENGEL.
H.R. 3131: Mr. BLUMENAUER.
H.R. 3192: Mr. SERRANO, Mr. TAYLOR of Mississippi, Mr. FROST, and Ms. MCCOLLUM.
H.R. 3206: Mr. DAVIS of Illinois.
H.R. 3238: Ms. BALDWIN and Mr. CAPUANO.
H.R. 3244: Mr. PITTS and Mr. MOORE.
H.R. 3375: Ms. LOGHEN and Mr. CONYERS.
H.R. 3389: Mr. LAFAULCE, Ms. ROS-LEHTINEN, and Mrs. LOWEY.
H.R. 3415: Mr. OBERSTAR.
H.R. 3443: Mr. UNDERWOOD.
H.R. 3449: Mr. LANTOS.
H.R. 3456: Mr. LANTOS.
H.R. 3465: Mr. LAMPSON and Mr. WATT of North Carolina.
H.R. 3494: Ms. CARSON of Indiana.
H.R. 3636: Mr. ISAACSON.
H.R. 3634: Mrs. MALONEY of New York.
H.R. 3639: Ms. CARSON of Indiana.
H.R. 3644: Mr. ARRCCCOME.
H.R. 3657: Mr. Kennedy of Rhode Island and Mrs. HINOJOSA.
H.R. 3670: Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. WU, Mr. OLVER, and Mr. UDALL of New Mexico.
H.R. 3671: Mr. FULNER and Mr. FATTAH.
H.R. 3687: Mr. HOLDEN.
H.R. 3694: Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. CANTOR, Mr. OWENS, Mr. LUCAS of Kentucky, Mr. STARK, Ms. SANCHEZ, Mr. BREMAN, Mr. CONDIT, Mrs. NAPOLITANO, Mr. LEVIN, Ms. SACHKOWSKY, Mr. ACEVEDO-VILA, Mr. SPEER, Mr. ANDREWS, Ms. RODRIGUEZ, Mr. ORTIZ, Mr. PALLONE, Mr. HOLT, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. WEINER, Ms. VELAZQUEZ, Mrs. MALONEY of New York, Mr. RANGEL, Mr. ENGEL, Ms. SLAUGHTER, Mr. VELAZQUEZ, Mrs. MALONEY of New York, Mr. RANGEL, Mr. ENGEL, Ms. SLAUGHTER, Mr. LAFAULCE, Mr. HINCHY, Mr. SERRANO, Mrs. LOWEY, Mr. CARDIN, Mr. GREEN of Texas, Mr. SAWYER, and Mr. UDALL of New Mexico.
H.R. 3717: Mr. LAFOURRETTE.
H.R. 3741: Mr. MCGOVERN, Mr. MCPHILLIPS, and Mr. LAFOURRETTE.
H. Con. Res. 177: Mr. LANTOS and Mr. ENGEL.
H. Con. Res. 245: Mr. GEKAS.
H. Con. Res. 290: Ms. NORTON.
H. Con. Res. 291: Mr. FLETCHER.
H. Con. Res. 316: Mr. GARY G. MILLER of California and Mrs. MYRICK.
H. Con. Res. 328: Mr. WATT of North Carolina.
H. Con. Res. 329: Mr. PLATTS and Mr. BAIRD.
H. Res. 295: Mr. MASCARA.
H. Res. 313: Mr. SERRANO.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. I am privileged to present to the Senate, and I do so with great pleasure, our guest Chaplain, Rev. Barbara Spies-Scott, of Hedgesville, WV.

PRAYER
The guest Chaplain offered the following prayer:
Our Father and our God, Creator of Heaven and Earth and all the inhabitants in it, we give You glory, honor, and praise for all You have done for us, even when we don’t deserve it. The problems we face today are numerous and difficult. You told us in Luke 1:37 that “with God nothing shall be impossible.” You also said in Psalm 33:12, “Blessed is the nation whose God is the Lord.” May we humble ourselves and acknowledge You as our Lord and Saviour.

Dear God, the heart of the world is crying for peace, and the Scriptures tell us that You are the Prince of Peace and that we are to strive to be peacemakers. Lord, revive Your work of peacemaking in the hearts and minds of the men and women of this Senate. Give them the wisdom to know what is right and the courage to do it. Strengthen them in body, soul, and spirit. May each one be open to hear Your still, small voice for guidance and direction in every decision they make. May You always be their guiding force. We must, as the most powerful Nation in the world, let God be our guiding force. I pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Robert C. BYRD, 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.

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

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

SCHEDULE
Mr. REID. Mr. President, the Senate is going to proceed shortly to a period of morning business until 10:15 this morning. Thereafter, Senator DODD and Senator MCCONNELL will begin their managing of the election reform bill. They desire this legislation be completed today. It would really be good if we could do that. So I ask on behalf of Senator DODD that Senators who have amendments come and offer them. We had a few that were accepted last night. There is going to be an amendment offered at 10:15 today that will begin these deliberations.

CAMPAIGN FINANCE
Mr. REID. Mr. President, let me briefly say, personally this is a day of celebration for me based upon the fact when I first came down here, campaign finance laws were such that the only money people were able to obtain was the money they would get from individuals. Since then, we have developed this system where people are going around picking up money from corporations. Corporation money should not be part of Federal elections. Enron is a perfect example. I hope everyone will understand what a happy day it should be in Washington as a result of what the House did last night.

MORNING BUSINESS
The 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 10:15 a.m., with Senators permitted to speak therein for up to 10 minutes each, and with the first 20 minutes to be under the control of the Senator from North Dakota, Mr. DORGAN, and the Senator from Nebraska, Mr. HAGEL. The Senator from North Dakota, Mr. DORGAN, is recognized.

THE NEW HOMESTEAD ECONOMIC OPPORTUNITY ACT
Mr. DORGAN. Mr. President, I am pleased to rise today to talk about S. 1860, a piece of legislation I have introduced in the Senate along with my colleague, Senator HAGEL, from the State of Nebraska. I want to describe what this legislation does and what it is. I ask the Presiding Officer if I could be notified when I have consumed 10 minutes.

Mr. REID. Mr. President, the legislation we have introduced is the New Homestead Economic Opportunity Act. The President pro tempore will recognize well the old Homestead Act in this country. We decided to try to populate the middle of this country well over a century ago by offering land to people who would move to the center of the country and work to improve the land. They would start a farm, start a family, and the Federal Government would give them 160 acres of land. That was called the Homestead Act.

Let me describe what has happened to the middle part of our country in the last 50 years or so and why there is a need for a new Homestead Act now. No, it is not to give land away, because we don’t have more land to give away, but to develop unique and different approaches through a New Homestead Economic Opportunity Act.

This is a map of the United States of America. The red areas on this map are the rural counties that have lost at
least 10 percent of their population over the last 20 years. All of these red areas are rural counties that have lost more than 10 percent of their population.

You will see almost an egg shape in the middle of America. The middle part of America is being depopulated. People are leaving. Our rural counties are shrinking.

If you are trying to do business in one of these counties, you are in very big trouble; you are trying to do business in a recession and have been for some long while.

My home county is bigger than the State of Rhode Island. When I left it, there were 5,000 people. Now there are only 3,000 people—just to describe to you what is happening in the middle part of our country.

Let me also describe how I came to this county. My county is right here in the corner of North Dakota. How did I get there? A Norwegian widow named Caroline, with six children, got on a train in St Paul, MN, and went to southwestern North Dakota by train, pitched a tent with her family, built a house, started a farm, had a son who had a daughter who had me. That is how I got here. Strong people! Sure.

Can you imagine the strength of this widow with six children deciding, ‘I am going to Homestead. I am going to North Dakota to start a farm and raise my family.’ What a wonderful thing to have happen, and it happened all across the middle part of our country. That is the way we populated what is now called the heartland of America.

But this population is now leaving. It is shrinking dramatically.

Nearly 70 percent of the rural counties in the Great Plains have seen their populations shrink by a third over the past fifty years. Let me repeat that. Nearly 70 percent of the counties in rural America in the Great Plains have seen their population shrink by a third, despite the fact that in this part of America people have much of what people want. It is a wonderful place to raise a family. It is a wonderful place to live, with great neighbors and low crime rates. It has much of what people aspire to have in their lives. Yet rural counties in the middle part of our country are losing their economic strength, and they are losing their population at a rapid pace.

Some years ago, we had a problem in inner cities in our country called urban blight. We woke up and decided something about that. A new program was developed called the Model Cities Program. Urban renewal was developed to try to breathe life into major cities of this country that were suffering from the most difficult problems.

In introducing this bill, Senator HAGEL and I say, ‘We understand that out-migration is a national problem, and we ought to do something in public policy to try to breathe life into these rural areas in the heartland of our country.’

What is the heartland about? Let me describe North Dakota, and my colleague, Mr. HAGEL, will perhaps describe Nebraska.

Havana, ND, is a tiny little town. It is not big enough to keep a cafe unless everybody in town signs up to work for free. There is a sign-up sheet for everyone to volunteer to stay up and run the cafe out of business. This is the way the residents of Havana keep this business open in their town.

Sentinel Butte, ND, has a population of 80 people. The owner of the gas station and bank, when he reaches his retirement age, do not want to be open all day long. They close at about 1 o'clock. They lock the gas pumps and hang the key to the gas pumps on a nail on the front door. If you need gas and they are not there, you take the key, unlock the pumps, pump some gas, and then make a note on a little sheet of paper. That is the way it works in a small town in western North Dakota. It probably wouldn’t work very well in a big city, but it works in Sentinel Butte.

In Marmouth, ND, if you need a hotel, there is a hotel. Nobody works in the hotel. You check yourself into the hotel, and you have a good night’s rest. When you check out in the morning, you leave your room key and some money in a cigar box that is nailed to the inside of the door. That is the place to stay if you visit Marmouth, ND. It may sound far-fetched, but it is not.

In Tuttle, ND, they lost their grocery store. We will have to build our own grocery store. So they built a city-owned grocery store. When they cut the ribbon for the new grocery store, I was there that day, they had the high school band out on Main Street. They closed Main Street to celebrate the opening of a city-owned store in Tuttle, ND.

My point is that these are wonderful places with great people, with great qualities, and with great character. Yet all of these areas are discovering that their population is shrinking and their Main Streets are dying. They are losing the economic vitality and the hope that ought to exist in communities like these.

What can we do about that? Senator HAGEL and I say the Government should play a role here, just as it did when the major cities in our country were in trouble. We have proposed the New Homestead Economic Opportunity Act. It says to those communities saying to young people that if you want to stay in one of these rural counties, which is losing population as defined in the bill, we will forgive up to 50 percent of your college loans by a certain percentage each year—about 10 percent each year for 5 years that you live and work in one of those counties, and help them to rebuild.

We will offer a tax credit for home purchases in those counties that have been shrinking and losing population.

We will protect your home values by allowing you to write off on your income tax the loss of the value of that home.

These days, if you build a home in a small town of 200 people in one of our States—Nebraska, or North Dakota—the minute that home is completed, it is worth substantially less than it cost to build it. That is the way the market works in these small towns because banks and others don’t want to finance in those areas. We propose that tax policy help alleviate that.

We would establish individual homestead accounts to help people build savings and have access to credit if they live in these areas. Their savings could grow tax free, and after 5 years they could be tapped into for small business loans, education expenses, first-time home purchases, and so on.

In addition to these homestead opportunities, we propose a new rural investment tax credit that says if you are doing business, investing, and creating jobs in these rural counties, you should be eligible for an investment tax credit because, as a matter of public policy, we want new opportunities for growth in the heartland.

We propose a new homestead venture capital fund to promote business development and growth in these high output, low opportunity areas. We want to give those people who are struggling to live in communities where their economy, their communities, and their schools are shrinking.

I graduated from a little school with a class of nine, Regent High School, last year, and they closed last year. They had their last high school prom, and then they combined their school with that of a town 14 miles away. It is no longer the little school that I attended.

That is happening all across the heartland. We can see the effect and talk about our country and as we
people there the tools for economic opportunity and development in the heartland.

I believe there are 10 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that those 10 minutes be given to Senator HAGEL, and I ask unanimous consent to extend 5 minutes beyond the additional 10 minutes.

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

The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join my friend and distinguished colleague from North Dakota to speak about the New Homestead Economic Opportunity Act, S. 1860.

We have heard Senator DORGAN speak of this act, the reasons and possibilities for redefining our lifestyle and our country, and in particular how it has affected the part of America from which Senator DORGAN and I come. But it is not just a heartland issue. This issue of outmigration has received little attention.

North Dakota and Nebraska and other Midwestern States, as you saw from Senator DORGAN’s map, have been more affected by this outmigration than most other States. Senator DORGAN and I have worked with me last year about possibilities to not only address the issue but to go beyond just bringing up solutions and go beyond in an area where we think there are expansion opportunities for many people.

Many communities in rural America have not shared in much of the boom that has brought great prosperity to America over the last few years. As we look at the numbers, at least over the last 50 years, we see clearly that the nonmetropolitan counties in the Nation lost more than a third of their population during this time. You contrast this with the fact that during the same period the number of people living in metropolitan areas grew by more than 150 percent.

It is not our intention to restructure, reframe, or in any way try to dominate lifestyles and have a disproportionate effect on where people live and how they live. That is not the point. The point is to offer some incentives that might, in fact, give people more possibilities and more opportunities at a time in the history of our country where quality of life is as important as some of the other dynamics that we, as a nation, as a culture, as a society, have had to deal with over the years: Jobs, how to raise your family, how to take care of that family, education, health care.

So quality of life has become an issue, as it should. We are most blessed in this country that it is an issue. We have conquered poverty and hunger, not in the world but certainly in this country. So we are now looking at other possibilities as we try to help make the world more just and do more for more people than history has ever recorded one nation having been able to do.

So my colleague from North Dakota and I have explored possibilities. He noted the 1862 Homestead Act, which I think is somewhat analogous to what we are proposing. In fact, the first claim made under this act in 1862 was just outside Beatrice, NE. That first homestead under the 1862 Homestead Act is still the national park. We are very proud of that.

But, as I said earlier, as much as we have benefited—the State of Nebraska, the Midwest; and we have benefited mightily from the Homestead Act of 1862—of the 93 counties in Nebraska, 61 of those 93 had net outmigration of at least 10 percent over the last 20 years.

There is no particular mystery as to why we have seen this outmigration. Again, referring to Senator DORGAN’s map, which gives an accurate assessment of what has happened, people will go where there are opportunities. Jobs are a part of that universe of opportunities.

So Senator DORGAN pointed out, in our legislation that we are proposing, we set out some specific areas that we think people might have an interest in exploring to incentivize their interest in not only the Midwest but all rural areas of America. And they are attached to what is important in our lives: Our families, our friends, our faiths, our sense of voluntarism, and community participation. It is being part of something larger than one’s self-interest, a community spirit that in many ways is unique to America. So we would like to, in some way, offer opportunities to renew some of that.

There are currently joint capital formation projects, joint ventures, used in some States—Nebraska happens to be one of them—where they do an environmental assessment. Then, if there is no significant impact, they do an assessment. Then, if there is no impact, they can call upon the resources of both the public and private sectors to come together and provide those incentives. That is what we are proposing we do today in startup capital joint ventures, using private and public facilities. Senator DORGAN addressed some of those issues.

Infrastructure in these communities is critical, infrastructure such as roads and water and schools and medical facilities, hospitals, and something that Senator DORGAN has spoken of often, the Internet, access to high-speed Internet that many times we in the Midwest and many rural areas in the country get forgotten.

If we can, in fact, continue to build around and develop those infrastructures, people who want a different approach, who want maybe a style of life that isn’t always found or conducive in large metropolitan areas, would have an option. I think it is worth exploring.

But attached to that is part of what Senator DORGAN and I are doing. We would hope others will have some interest as well.

One last point on this. Later this month, the Lincoln Journal Star newspaper in Nebraska will partner with the Nebraska Educational TV Network to explore issues surrounding outmigration. In fact, the Lincoln Journal Star has done a series of articles which have been very insightful and informative on how we can deal with some of the concepts that Senator DORGAN and I are proposing in this legislation.

This presentation that will be made on educational TV will help frame the problems, solutions, and issues. When that report is completed and that program is aired, I will have that printed in the Record because I think it very much focuses on and frames up, in a relevant way, what we are attempting to do with this legislation.

With that, Mr. President, again, I appreciate the time and I appreciate Senator DORGAN and his staff’s effort on this issue.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me say how much I appreciate working with Senator HAGEL on this legislation. As he indicated, the State of Nebraska has an abiding problem, just as the State of North Dakota, South Dakota, and all of the States up and down the heartland of our country. It is not just one issue.

I notice the Senator from Georgia is in the Chamber. Rural counties in Georgia, as well, are shrinking like prunes.

What do we do about that? Will Rogers used to chuckle when he thought about what would get the Federal Government’s attention. He said: If you have two hogs that come down with something and get sick in a barn someplace, you will have all kinds of USDA folks coming down and help you find out what is wrong with your hogs. But not much will happen if you have other problems.

No one will show up.

I have an example that I would like to share with my colleague from Nebraska. In recent months, we had a little prairie dog fight. I will not go into all of the details. But prairie dogs took over a picnic grounds in the Badlands in North Dakota. They were going to do an environmental assessment. Then they did a thing called an EA. They did a so-called finding of no significant impact. They had all these studies going on, and the Federal agencies got all cranky up about the prairie dogs, and they decided to spend a quarter of a million dollars to move the picnic grounds.

I said: Look, our state is not short of prairie dogs in western North Dakota; we are short of people. My home county went from 5,000 people to 3,000 people in 25 years. The county next to mine is bigger than the State of Rhode Island, and it has 900 people and only had seven babies, in a recent year, born in the entire year. These are counties that are dramatically shrinking, and
losing their economic vitality. Yet you can still get a prairie dog problem in a picnic area, and the Federal Government mobilizes, and you have all these agencies all juiced up to do something. But what about the fact that the economy throughout the heartland of our country is in desperate trouble, and you can hardly get anybody's attention in government?

What Senator HAGEL and I are saying is, let's go at this just as we did with model cities or urban renewal, and decide that not only a North Dakota problem—although it is certainly ours—not only a Nebraska problem—although it is certainly theirs—but that it is a national problem. A century after we populated the middle part of our country through the Homestead Act, depopulation is a national problem.

What has happened to cause the movement of people away from the heartland? A shift of jobs from production to service—mining, other industries—to work in service or technology-oriented industries that shifted the population in our country.

New industries do not necessarily need to be near the grain elevator or the mouth of a mine. New technologies allow us to make many products with far fewer people, and that includes agriculture.

Free trade agreements have made it cheaper to produce goods overseas. That, too, has shifted population.

What Senator HAGEL and I are talking about is choice, giving people a choice to be able to live in rural America if they choose to do that.

I recently gave a commencement speech to a large class at one of our colleges in North Dakota, and I know most of those students are going to leave the State following their graduation—not because they want to, but because they have no choice.

Those young men and women, who represent our best and brightest, are going to leave North Dakota. Many will leave Nebraska. They will end up on the west coast or the east coast or down south. And our States, in my judgment, be weakened because they left. Other States will be strengthened.

We want to give them a choice to be able to stay if they would like to stay. If we want to stop outmigration and try to bring opportunity back to the heartland, we need to do it as a national, not just for the sake of the heartland States, but for the sake of all our country. By any measure, the rural towns and counties that suffer from outmigration and population loss are still in many respects among the strongest in our country. They have good schools, a high level of civic involvement, extremely low rates of crime, good neighbors, a good life, and are great places in which to raise children. Our friends in North Dakota and other States need help now. Let's join together and do that.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to state that since the House of Representatives, at 3 in the morning, passed the campaign finance reform bill, I want to cast out some markers as the Senate will consider this legislation and do not pass this legislation, my vote included. However, we have to be concerned about the flow of money in politics.

Campaign finance reform is an attempt to try to get soft money out of politics, but this campaign finance reform bill does not totally do that. It comes close.

Soft money, for those who would like a refresher, is campaign donations that are other than personal donations from individuals or from political action committees. For example, a corporate check would be an example of a soft money contribution to a candidate. Under the current law, soft money contributions can flow through the parties. That is where we have seen a great deal of abuse.

The campaign finance reform bill intends to constrain the use of that soft money. It does so by saying that it can't flow through the parties. It can't be coordinated by the campaigns or the campaign committees, such as our Democrat and Republican Senate campaign committees, but it can flow through independent groups with a message or with an issue advertisement which we know but ones just as effective for or against a candidate, almost, as a direct campaign ad that says vote for or vote against candidate A, B, or C.

However, there was an important limitation in this bill that I suggested a number of times in the Senate. There was a provision that soft money could not flow through independent groups for purposes of affecting an election through an issue ad 60 days
prior to a general election and 30 days prior to a primary election. That is an important reform.

The caveat is that we created a severability clause that says that if the courts strike any provision of the bill as invalid, the whole bill shall not fall. It leaves us with the possibility that the courts could strike the 60-day provision on independent groups.

I hope and pray that the courts will not. I do not want to see that happen. I believe we need to redraft that. There is a sense of parochial pride in the campaign finance reform bill here. I yield the floor.

Mr. REID. Mr. President, the hour of 10:15 having arrived, we are now to proceed to the previous order, the Senate will now stand at ease.

The assistant legislative clerk read the clerk’s report.

The PRESIDING OFFICER. The Senate will stand at ease.

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

Mr. REID. Is there an amendment pending?

Mr. REID. Mr. President, I am going to offer one shortly.

Mr. REID. As a result, a bill was sent over here that I think they had to accept. I say publicly that I look forward to the bill coming back over here. I know that with the guidance of the Rules Committee, Senator Dodd, we will pass the legislation. There may be some efforts to slow it down, but this is a steamroller.

Mr. REID. Also present today is the Senator from Wisconsin, my friend, someone who has lived campaign reform legislation. I can’t say enough about the moral aspect of this legislation. I remind people here that, in 1996, Senator Feingold was behind and took reelection efforts in Wisconsin. Everyone told him that he likely could win that election if he would allow the Democratic Senatorial Campaign Committee to come to the State of Wisconsin and put money in that State. Senator Feingold said, ‘No, I don’t want the money, I would rather lose the election than depend on something I don’t believe in.’

I say to the Senator from Wisconsin, not only did he not take the soft money, he won the election. Not only did he win the election, he came back with added vigor to work on this campaign finance bill. So I extend to the Senator the congratulations of the people of the State of Nevada, and the people of this country, for being a person who stands for what we all believe in, and that is good government. I think everyone in the U.S. Senate believes in good government. But it is not often that a book is written that will stand the test of time in the sense of the morality the Senator lends to this issue. I am very grateful to the Senator from Wisconsin for what he has done on this legislation.

The PRESIDING OFFICER. The Senate will now resume consideration of S. 565, the campaign finance bill.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and administration requirements for the 2004 Federal elections.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Is there an amendment pending?

The PRESIDING OFFICER. There is not.
The Senator from Nevada [Mr. Reid], for Mr. SPECTER, proposes an amendment numbered 2879.

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

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

The amendment is as follows:

(Purpose: To secure the Federal voting right for ex-offenders who have served their sentences)

At the end, add the following:

TITLES—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) Purpose—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often unattainable.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must petition for the pardon or parole board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method available to ex-offenders is voting rights restoration by the parole or parole board to regain that right.

(10) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method available to ex-offenders is voting rights restoration by the parole or parole board to regain that right.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in our criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) Purpose.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term “correctional institution or facility” means any prison, penitentiary, jail, or detention facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any institutional mental health treatment center (or similar public or private facility).

(2) ELECTION.—The term “election” means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate; or

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term “Federal office” means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term “parole” means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term “probation” means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning:

(A) the individual’s freedom of movement; or

(B) the payment of damages by the individual; or

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election—

(a) serving a felony sentence in a correctional institution or facility; or

(b) on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) Notice.—Any person who is aggrieved by a violation of this title may bring a civil action in any court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(2) Consent to jurisdiction.—A State or political subdivision of a State shall not be a necessary or proper party to any civil action brought under this section, unless a party with authority to represent such a State or political subdivision consents to the exercise of jurisdiction over it in such action.

(3) Notice.—Any notice provided under this section shall be in writing and shall be accompanied by a copy of this title.

(4) Civil action.—Any civil action brought under this section may be brought in a district court of the United States for any judicial district in which the defendant resides, or in which a substantial part of the events or transactions giving rise to the claim occurred.

(5) Venue.—Any civil action brought under this section may be brought in the judicial district of the defendant.

(6) Service of process.—Any civil action brought under this section may be brought in any judicial district in which the plaintiff resides or in which a substantial part of the events or transactions giving rise to the claim occurred.

(7) Time for bringing action.—Any civil action brought under this section may be brought not later than 180 days after the occurrence of the violation.

(8) Remedies.—Any civil action brought under this section may be maintained for any equitable or declaratory relief, including an order compelling the defendant to comply with any provision of this title.

(9) Costs.—The United States shall be entitled to recover reasonable costs of litigation, including reasonable attorney fees, in any civil action brought under this section.
February 14, 2002

CONGRESSIONAL RECORD — SENATE

S799

They were the two Senators out here every day during those 2 weeks doing an absolutely masterful job managing the bill. It was very tricky. I thank them again. We need your help one more time now that it is coming back to this body. I am grateful.

As we had a little problem in this House last night, the House voted the Shays-Meehan bill back to us and sent it to the President. I did not get this bill to the President yesterday morning through his spokesperson that the Shays-Meehan bill would “make progress and improve the system.” That is what the President’s spokesman said. The President seeks a bill that improves the system, and that is exactly what our bill does. I am pleased and delighted the President has signaled his support for our legislation which will finally end the corrupt soft money system once and for all.

I, of course, look forward to working with my friend and partner on this, JOURS CHABOT and MARTY MEEHAN in this body and send it to the President. The American people will be watching, as they watched us last year and as they watched the House this week. They want to know whether we can finally do what is right. Can we finally close the door on the soft money system that leaves us so vulnerable to an appearance of corruption? Can we finally say together as legislators, as representatives of our people, the soft money system simply is not worth the risk?

It is time for us to show that we can live up to our role as stewards of this cherished democracy. We have the power to seize this moment for reform, for progress, and for the American people. If we do not seize this moment, we will have had a decisive victory this week, just as we had a decisive victory last year in the Senate. Now we have to get this legislation across the finish line so we can ban soft money and begin to restore the people’s faith in us and the work we do.

Certainly I look forward to working with my colleagues to do that. I am grateful for the time. I thank the Senator from Nevada, and I yield the floor.

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

Mr. REID. Mr. President, I recognize the work of Senators DODD and McCONCATHY and others, who are the ones who run this committee and are responsible for bringing forward the legislation that is before the Senate and for crafting bipartisan legislation.

The most fundamental premise of democracy—and that is one of the reasons we have this legislation before the Senate—is that every vote counts.

The reality is that votes cast in wealthier parts of the country frequently count more in poorer areas because wealthier districts have better, more accurate, more modern, and less error-prone counting machines than poorer precincts and districts. One can see in looking at a State, those counties within a State that have more money have more resources; they have better voting machines, more modern voting machines. The same is true in Nevada.

Reality was thrust upon us, of course, during the 2000 Presidential election after which many Americans justly questioned the trustworthiness of our Nation’s electoral process. But even though Florida was beaten up very badly, if that same light had been shone on other States, the same problems would have been seen, as far as I am concerned.

In the last election I was involved in Washoe County, which is the second most populous county in the State of Nevada, a very good, well-intentioned worker in the county in the election department thought she would save a little money and print their own ballots. They did that and saved some money. They did not go to the professional, the same company that has been doing the work for years.

Well, come election time, some of the votes were not counted. They were off one-sixteenth of an inch or less, but the voting machine would not pick up that paper. So thousands of votes had to be hand counted once, twice, sometimes three times.

In that same county, I can remember very clearly, it was a close election. I
had won the election, and I get a call a week or two after the election—there is a recount going on. They found 3,000 ballots they had not counted. When the election is going to be decided by a few hundred votes, that gets your attention.

The attention was focused on Florida, but it could have happened. I believe, in any of the 50 States. Florida may not have handled what they came up with very well after the fact, but I think we have to be considerate and understand election problems have been around in this country for a long time. What this legislation will do is allow more fair elections, and I think that is so important.

The United States is the oldest democracy in the world, but we can do better. We are an imperfect nation as I have said hundreds of times, imperfect but the best country, with the best of rules, by this little Constitution, best set of rules ever devised to rule the affairs of mankind.

The bipartisan legislation that Senators DODD and McConeNELL have crafted, while unable to address every single issue and every single problem that was exposed in 2000, takes a giant step in the right direction. It supports efforts of my colleagues from Connecticut and Kentucky and look forward to swift passage of this legislation, hopefully today.

The amendment I have sent to the desk, is pleased to recognize that this is bipartisan legislation—I am very honored Senator SPECTER has joined with me in this legislation—and this is an issue that has not received the attention it deserves. Basically what this amendment does is ensure that ex-felons, people who have fully served their sentences, have completed their probation, have completed their parole, should not be denied their right to vote.

When I am doing my morning run, I always listen to public radio. On public radio this morning, they had something called Heart to Heart. It is Valentine’s Day and they had examples of different organizations doing nice things for people. I listened to these two law students, two women, who were counseling and trying to teach women who were in prison about the law. They went through the Constitution and taught about the First Amendment rights and such things. Interestingly that interview I heard this morning, the women said the one thing they wanted to talk about and the one thing that bothered them so much is they did not know they would not be able to vote when they got out of prison, and they focused on that. That means so much to an American to be able to vote.

We do not have the voter turnout that we should have, but still it is a right that must be protected.

My parents were educated. They knew how important it was to vote. I can remember my mother especially, there would be somebody on the ballot and she would say: I know him; Glen Jones.

But she did not know Glen Jones. She had met Glen Jones at some political rally. But I thought she knew Glen Jones and she thought she knew Glen Jones. He was sheriff of Clark County. Mr. President, I want to tell my colleagues . . . how I became involved in this issue. Some will say there are a lot more important things to do, and maybe that is true. In Las Vegas, we have a radio station KCEF, in a predominately African American part of Las Vegas. I went there I day to spend an hour taking phone calls, and I made a very brief statement. I took my first call and a woman said:

My brother committed a crime when he was a teenager. He completed his probation and he is now a man in his fifties and he cannot vote. He has never done anything wrong in his life other than when he was a teenager. But, he cannot vote. He supports his family. He pays his taxes. Why should he not be able to vote?

And that one phone call started for an hour people calling in saying: Senator REID, can’t you do something about that? They would give example after example.

I could give scores of examples. I cannot remember everybody who called me on that radio station, but I have an e-mail that was sent to me that perhaps illustrates these radio callers were talking about.

DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time. I currently make over $60,000 per year. I own two houses in Las Vegas and 40 acres of land in Utah. I pay my fair share of taxes, both local and Federal, and yet I have no say in my government. I suppose I could hire a lawyer and try to get my civil rights back, but it is very confusing. I would first have to petition California where the offenses occurred, and then petition Nevada.

I ask unanimous consent that this letter be printed in the RECORD.

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

DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time, currently I gross over $60,000 per year. I own two houses in Las Vegas and forty acres of land in Utah. I pay my fair share of taxes, both local and federal and yet I have no say in my government.

I suppose I could hire a lawyer and try to get my civil rights back. But it’s very confusing. I would first have to petition California where the offenses occurred and then petition Nevada.

I registered here when I first came to Nevada and got my election card, I also registered to vote. In California I was allowed to vote and I thought it would be the same here.

I did vote for over ten years here and then a few years ago out of the blue I received notice that I no longer could vote. I was devastated. First off I could not see where it fit in any sense, I was a working property owner who paid taxes and obeyed the laws. (In the past thirty years I have two traffic tickets and that’s all). I still feel that if I have served my time then it’s right that you can accomplish something that will allow me to have some say about the future of this great country.

I feel that it is not only the right of every American to vote. It is also their duty.

Thank you MELVIN DOUGLAS MINER, Jr.

Mr. REID. He closes by saying he has paid all his taxes and obeyed all the laws. The past 30 years he had two traffic tickets which he paid. He still believes he should have the right to vote. He says:

I hope that you can accomplish something that will allow me to have some say about the future of this great country. I feel that it is not only the right of every American to vote, it is also their duty.

His constituent’s name is Melvin Douglas Miner, Jr., and he is not embarrassed by the fact he has done this. He is rendering a service to the people of this country by allowing me to use his letter to me.

There are examples after examples. A man came to me who is almost 80 years old, a successful businessman in Las Vegas, with tears in his eyes, and said: I am going to close up my business and turn it over to my children.

He said: I cannot vote. Every time the election time rolls around I make excuses to my children. I got married late in life. My children are asking me questions even today. I have been able to hide from them the fact that I do not vote is because I cannot vote. Could you do something about it?

There are stories such as there all over. I don’t condone people who commit felonies, but I recognize that when people pay their debt to society we should make them a part of society. I am not saying the day a person gets out of prison they should be able to vote. But when he gets out of prison and has completed his parole and probation, let him vote.

The right to vote is a democracy is the most basic right of citizenship. It is a right that may not be abridged or denied, by any State, race, color, gender, or position of servitude. It is a fundamental right. It is a glaring example of what America is about.

Think about Nelson Mandela. Nelson Mandela spent 27 years in prison. Nelson Mandela as a young man spent his best years in prison. One would think for a man who spent 27 years in prison, many of those years in very squalid conditions, that the most important day of his life would have been walking out of that prison after 27 years, or maybe it was the day he became president of a post-apartheid South Africa. But that is not what he said. The great Nelson Mandela said on the most important day of his life was the day he voted for the first time. Think about that.
CONGRESSIONAL RECORD — SENATE

S801

February 14, 2002

Millions of people in America cannot vote. They have completed their debt to society. As elected officials who have been given the privilege to serve, we need to recognize the strength of a democracy depends on voluntary participation of its citizens. Low voter turnout is not something we should be proud of; certainly we should not compound that by having people who have fulfilled their debt to society not be allowed to vote.

The amendment that the senior Senator from Pennsylvania and I have introduced today aims to correct this injustice. In States and other States, the process by which individuals who have fully served their sentences and wish to regain their right to vote is often difficult and cumbersome. Some may have to petition a board and get a pardon. For others, Governors can give them the right to vote. In some States, ex-felons who have completed their sentences must obtain a Presidential pardon. As every Member knows, very few people have the financial or political resources needed.

This disproportionately affects ethnic minorities. According to the Sentencing Project, an estimated 13 percent of adult African Americans throughout the United States are unable to vote as a result of varying State disenfranchisement laws. The rate is, unbelievably, seven times the national average.

In some States, the numbers are more extraordinary. In Florida and Alabama, more than 31 percent of adult African American men are permanently barred from ever voting in those States again. In six other States, the percentage of African American men permanently disfranchised is over 20 percent. Given current rates of incarceration, the Sentencing Project estimates that up to 40 percent of African American men may permanently lose their right to vote.

I want to make sure that not lost in this effort that criminal activity is wrong and must be punished and punished severely. I am for the death penalty. I introduced, in the State of Nevada, legislation that said if you are convicted of a crime and sentenced to life without possibility of parole, that is what it should mean. It should not mean a person gets out in 20 or 30 years. If a jury, with the approval of a judge, sentences somebody to life without the possibility of parole, that is what it should mean.

I believe in the simple enforcement of the law. However, I also believe a sentence is a sentence, and when a judge gives somebody 10 years and they get out in 5 years, after 5 years of parole and any probation time they should be able to be voters in the State of Nevada and the rest of this country. Sufficient and appropriate sentences should be imposed upon those who violate our laws. We should not, however, disenfranchise those who, after completing their prescribed sentences.

We have a saying in this country: If you do the crime, you have to do the time. I agree with that. But if you do the time, are you completely, why should you have to do more time?

I have a number of editorials, one from October 3, 2000, in the York Daily Record, “Voting Rights Too Long Denied”: Philadelphia Inquirer, September 21, “A Vote for Fairness, Disenfranchising Ex-felons Was Unnecessary.” I have an editorial from the Las Vegas Review Journal, “Felons and Voting Rights, Extended ‘Second-class Citizenship’ Is Counter-productive.” I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

(From the York Daily Record, Oct. 3, 2000)

Ex-felon V. Long Denied Pennsylvania last week plucked some feathers from a Jim Crow-like law that denied the vote to a disproportionate number of voting-age black men.

Once common in the South, Jim Crow laws were designed to deny blacks the vote. Jim Crow was a demeaning minstrel show character, and it is in his dishonor the laws were named.

Pennsylvania’s rules denying recent ex-felons the vote may not have been written with racial intentions, but it had that effect. And because of that effect, the Philadelphia NAACP successfully sued to have the law set aside.

Commonwealth Court President Judge Joseph T. Doyle said he found “no rational basis” for Pennsylvania’s law. The statute barred convicted felons from voting five years after leaving prison with one major exception. Felons who were registered before entering prison were allowed to vote.

Strange, it allowed them to run for office while still serving their sentence. Former Republican state senator Bill Scolum, fresh from a federal pen and on house arrest, is campaigning for his old job on “work release” while still wearing an electronic monitoring device. Mr. Scolum has not yet finished his term, and voters should cast their ballots accordingly.

But someone who has paid his debt to society should not be stripped of a right of citizenship for five years, as was the case in Pennsylvania.

Judge Doyle was right to issue a temporary order allowing ex-felons to register to vote in the upcoming election. The law itself should be struck down, and other states have statutes even more in need of change. Those with felony records face a lifetime disenfranchisement in Florida, Alabama, Mississippi, Virginia, Iowa, Kentucky, Nevada, New Mexico and Wyoming—that’s 2 percent of all Americans and 13 percent of adult black men.

The nation’s war on drugs has claimed a disproportionate number of people of color. Based on current rates of incarceration, 28.5 percent of African men will spend 10 years in prison in a state or federal prison for a felony conviction, a rate seven times as great as for whites.

That doesn’t mean African-Americans commit a disproportionate number of crimes. It is necessary to look beyond the surface statistics. Although blacks and whites use drugs about the same, for example, about a third of those arrested for drug offenses are African-Americans. Fifty-nine percent of those convicted are blacks; those who are white are almost 50 percent longer than for whites.

Not being able to vote is among the least of the problems in a system so fraught with injustice. But it needs to be addressed.

About 14 million African-Americans had lost their right to vote because of felony convictions. But those who have been sentenced will have to be adjusted downward now that 40,000 black Pennsylvanians have regained their right to vote.

State Attorney General Mike Fisher said he will not appeal the court’s decision. The newly enfranchised, as everyone else, have until Oct. 10 to register to vote in the November election.

It’s easy to register. If you didn’t vote during the past two federal elections, don’t plan to vote on Nov. 4—unless you register to vote. It’s easy to register, there’s no fee; and you still have time. But not much.

Forms are available at the Voter Registration Office at 1 Marketway West, at posts of sale, municipal buildings, from political activists and at libraries. Or pick up your phone and call the Voter Registration office at 771-VOTE. They’ll mail you forms.

Just make sure the completed form reaches the Voter Registration office by 4:30 p.m. Oct. 10. That’s one week from today.

(From the Philadelphia Inquirer, Sept. 21, 2000)

A Vote for Fairness Disenfranchising Ex-felons Was Unnecessary

Goodness, what perils must lie in permitting convicted felons to vote after their release from jail. After all, two-thirds of the 50 states limit or even ban felons for life from the voting booth.

Why, convicts might shed their prison blues and rush out to the polls with all manner of wild ideas—like voting for any candidate (should one ever appear) who opposes inhumane prison conditions.

We face an impenetrable state of democracy if the nearly 4 million people banned from voting now were allowed to fulfill this duty of citizenship, while rebuilding their lives.

Yeah, right

Disenfranchising felons who served their time is surely a punitive measure. It’s surely no deterrent to crime, imagine a thug clinging to stick up a convenience store because it might jeopardize his voting rights.

Yet tough-on-crime state lawmakers love to mix voting bans in with their mandatory sentencing statutes and the like. The 35 states that prohibit former inmates from voting include Pennsylvania and New Jersey, with Delaware among the 14 with lifetime voting bans.

Sadly, the message society conveys with such measure is that we don’t much believe in second chances, much less redemption. That’s why it’s a relief—if likely temporary—to see a Pennsylvania Commonwealth Court judge talk some sense on this subject.

Voting ban ruling filed Monday, Judge Joseph T. Doyle ruled unconstitutional the 1995 Pennsylvania law that prohibits convicted felons
from voting for five years after their release from jail. The ban had "no rational basis," Judge Doyle wrote, since it applied only to felons not registered to vote when jailed. For now, the law is dead. And good riddance.

While it might be irresistible for state Attorney General Mike Fisher to appeal, or for Harriage lawmakers to attempt constitution altered on the repair, the best course would be to let the ruling stand. And who knows? Other states might follow that lead. That is the hope of the Philadelphia NAACP, which aided ex-felons suing over the Pennsylvania law. With African Americans comprising a third of those disenfranchised, the voting bans hit black communities especially hard.

Losing the right to vote while behind bars is an entirely reasonable punishment, since voting is one hallmark of freedom in a democracy. Once convicts have done their time, though, it's in society's interest that they resume the habits of responsible citizenship—such as voting—as soon as possible.

(From the Las Vegas Review-Journal, Apr.

FELONS AND VOTING RIGHTS

Few would expect to find a photograph of Nevada Sen. Harry Reid in the dictionary of slang next to the phrase "pretty fly for a white guy." Thus, there was some laughter in the Senate. Reid introduced NAACP President Kewisi Mufume to a new conference at the MGM Grand on Monday, asserting, "He and I are soul brothers."

Both gentlemen spoke of their ongoing efforts to restore voting rights in federal elections to convicted felons after they have served their sentences. Mr. Mufume said felon re-entry should be included in the NAACP's top five priorities. Sen. Reid said he was inspired to push for the reform after a Las Vegas mother told Sen. Reid her son can't vote because of a criminal committed 20 years ago.

The NAACP's involvement with this issue comes as no surprise. Thanks to the drug war, a whopping percentage of young black and Hispanic men will have some kind of serious run-in with the law before they turn 30. The Sentencing Project and Human Rights Watch reveals that 13 percent of all African-American men are prohibited from voting. Even a nonviolent offense can cripple a person's ability to participate in his or her own government for the rest of his or her life—hardly an incentive for good citizenship or involvement in the community.

What is the justification for denying people who have paid their debt to society the right to vote? After all, the rights guaranteed by the Constitution are equal, inescapable and take precedence over any subsequent enactments; they are the highest law on the land. Would anyone assert a felon, once released from prison and having successfully completed parole or probation, has no right to attend a church or temple—to exercise his freedom of religion—until those specific rights are restored in writing by some executive order? Of course not.

Likewise, no one would consider barring former prisoners from writing books or letters-to-the-editor after their release pending issuance of some document formally "restoring" this First Amendment right.

This notion that Americans become second-class citizens—some of their constitutional rights being permanently impaired—even after they have "done their time," is anathema in a free country, because it accustoms us to a dangerous precedent. Government bureaucrats are empowered to decide which rights shall be "restored," and when.

If Sen. Reid and Mr. Mufume can succeed in restoring these federal voting rights . . . more power to them.

Mr. REID. As I am sure the manager of the bill knows well, the State of Connecticut recently voted to guarantee all-ex-felons on probation the right to vote.

Nonetheless, the amendment Senator SPECTER and I have crafted is narrow in scope. It does not extend voting rights to prisoners. Some States do that. I don't believe in that. It does not extend voting rights to ex-felons on parole, even though 18 States do that. It does not extend voting rights to ex-felons on probation, even though some States do that. This legislation simply restores the right to vote to those individuals who have completely served their sentences, including probation and parole.

Finally, this legislation would only apply to Federal elections, but it would set an example for the rest of the States to follow what we do in Federal elections.

Even though we have delegated to the States time, place, and authority, Congress has retained the ultimate authority to set qualifications for Federal elections. We did that with motor-voter registration and others.

The revolutionary patriot, Thomas Paine, said: The right of voting for representatives is the primary right by which all other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he also has not a vote in the election of representatives in this case.

We must do away with Thomas Paine's definition of slavery. People should be able to vote when they have done their time. When Mr. Miner of Las Vegas wrote to me about the fact that he could no longer vote even though he has been a man for 30 years, I am sure he felt and still feels as did Thomas Paine. Those people who called me at KCEP radio, know in their heart that something is wrong. They and their relatives and friends have done their time. They have done enough. They should be able to vote.

This bipartisan amendment, in many ways is similar to the bipartisan compromise reached by Senators DODD and MCCONNELL. It does not go as far as some people would like, but it is certainly a giant step in the right direction. I hope the Members of this Senate would rally around this amendment and allow it to become law.

The PRESIDING OFFICER. The Senate of Delaware, Mr. MCCONNELL, Mr. President, with all due respect to my colleague from Nevada, this is an issue for the States, not the Federal Government. Voter qualification is generally a power the States have within the prerogatives of the States. The Constitution grants States broad power to determine voter qualification. It is highly doubtful that Congress has constitutional authority to pass legislation preempting the states with regard to this issue.

The Ford/Carter Commission agrees with this assessment. The Commission concluded, "we doubt that Congress has the constitutional power to legislate a federal prescription" on States prohibiting felons from voting.

In 1974 the Supreme Court held that convicted felons do not have a fundamental right to vote, and that excluding convicted felons from voting does not violate the Constitution. Federal courts have consistently dismissed lawsuits aimed at letting prisoners vote. One court even concluded that the federal validity of felon voting restrictions may be "absolute."

Only two States do not impose restrictions on the voting rights of felons. In fourteen States, felons convicted of a crime may lose the right to vote for life. Congress should not impose itself between the States and their people. As the Ford/Carter Commission said in their report:

We believe the question of whether felons should lose their right to vote is one that requires a moral judgment by the citizens of each state.

This proposed amendment frankly, should fail on the merits. When a person is convicted of a felony, that person should lose their right to vote. Convicted felons have been denied various privileges granted to other citizens going all the way back to ancient Rome and Greece. Voting is a privilege; a privilege properly exercised at the voting booth, not from a prison cell. States have a significant interest in reserving the vote for those who have abided by the social contract that forms the foundation of a representative democracy. We are talking about rapists, murderers, robbers, and even terrorists or spies. Do we want to see convicted terrorists who seek to destroy this country voting in elections? Do we want to see convicted spies who cause great damage to this country voting in elections? Do we want to see "jailhouse blocks" banding together to oust sheriffs and government officials who are tough on crime?

Those who break our laws should not have a voice in electing those who make and enforce our laws. Those who break our laws should not dilute the vote of law-abiding citizens. Fundamentally, Mr. President, as a former Governor myself, this is a decision made in each State by the Governor, as to whether or not to restore the rights of convicted felons. But in any event, it seems to me a Federal prescription in this area, just as the Ford/Carter Commission concluded. So I hope we will not seek to preempt this area of State law in the course of our action on election reform legislation.

Mr. President, I know also Senator SESSIONS wishes to speak on this issue. I think he will be here shortly. I yield the floor and suggest the absence of a quorum.
February 14, 2002

CONGRESSIONAL RECORD — SENATE

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the statement of the Senator from Kentucky is very typical of what happens in instances such as this. We have a situation where we have now 36 States that allow felons the right to vote in various but limited ways. I went over some of them. This legislation simply is to correct what I believe are some problems in the law.

In Federal elections, people who have the same qualifications should be able to vote. As I have said, 36 States already allow ex-felons to vote.

It is easy to talk about terrorists and rapists and run away from that. But the point is that people who are convicted of crimes serve time. Sometimes they serve a lifetime. Those people can’t vote. Sometimes people serve 30, 40 years. Sometimes they serve 10 years. Sometimes they are on parole for many years. They are convicted and they never go to jail; they are on probation. Whatever the sentence, they should serve it completely. But when they have done so, these people should be able to vote.

It is easy to incite people, saying this is so terrible. Thirty-six States allow ex-felons to vote right now. Is this such a wave-breaking issue?

I think it would be a terrible shame if we sent a message to millions of people in America today—people such as Mr. Miner, who in the 1960s did something wrong, but has since been a good citizen. We have a lot of people who would be better citizens if they could vote.

Categories of felons disenfranchised under State law—some States even allow people in prison who are felons the right to vote. That is the way it is today. Some States allow people to vote when they are on probation. Some States allow people to vote when they are on parole.

I am not doing that. I am saying a person who has completed his sentence and has completed his probation and parole should be able to vote. So I think it is only fair to my friend from Kentucky to raise all these irrelevant issues, suggesting this is some big new deal that is going to cause problems. My amendment will allow millions of people to vote who deserve to vote.

It goes without saying that one reason this legislation has not been embraced much earlier is that some people are afraid—afraid of unfair and irrational statements made such as those by my friend from Kentucky. But the fact is all those bad people who are sentenced and jailed shouldn’t be able to vote. I said that. But let us not confuse the issue. Once somebody is out of prison and they have completely finished their parole and probation, let them vote. It’s the right thing to do. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to share some thoughts on an issue of some importance, both as it relates to the traditional role between the States and the Federal Government and with regard to the constitutional role between the Federal and State governments, and then some personal insight into the idea that people who have been convicted of felonies in this country should be mandated the right to vote by the Federal Government in States that may not agree with that idea.

Frankly, people who violate felony laws—this does not include juvenile crimes, it does not include traffic offenses, it does not include theft, and it doesn’t include petty theft and small drug offenses. It deals with people who have felony convictions, many of whom have served time in jail. Historically, we have referred to those people as being out of the law for, in short, outlawed. All the time that the beginning of the United States of America, we have believed that a person who violates serious laws of a State or the Federal Government forfeits their right to participate in those activities of that government, that their judgment and character is such that they ought not to be making decisions on the most important issues facing our country. Virtually every State in this country takes that position to one degree or another.

As a prosecutor for 15 years, I wonder about how those people I helped put in the slammer feel about me. I do not care about them voting on my election. Would it intimidate or discourage or diminish the ability of judges who run for election? Or would a prosecutor who runs for election in some way not be as aggressive? Would it be a concern to them? Would it allow votes to occur against a strong law-and-order candidate that might not otherwise occur? I do not know.

But, for a lot of reasons, our States have decided they do not want to give felons, people who have committed serious offenses in this Nation, the right to vote. That is a common practice in virtually every State in America where they have some restrictions on it.

Sometimes what we do in this Chamber is argue about what we have the power to do. But the other question is, What ought we to do? I think this Congress ought to think about the little debate we are having on this bill, ought not to step in and, with a big sledge hammer, smash something we have had from the beginning of this country’s foundation—a set of election laws in every State in America—and change those laws. To just up and do that is disrespectful to them.

At this very moment, in States throughout America, legislatures are discussing under what circumstances felons should or should not be allowed to vote. Some are allowing them to vote in any number of different ways, under certain circumstances, based on what crimes they may have committed, how long they served in jail, how long they have been out of jail, whether or not they seek a pardon and get it, whether or not they have been reconvicted. Whatever the mechanism, it is going on in those legislatures.

We have not had hearings, to my knowledge, on this subject. I am on the Judiciary Committee, which normally deals with those issues. We have not had hearings. We have not had anything but an amendment appear in this Chamber on this subject. It would be unwise for us to presume, after such a short debate, that we ought to just override the laws in every State in America. We should not do that out of respect for them.

Most Americans are familiar with President Ford’s and President Carter’s work together on any number of issues—a Republican President and a Democratic President. They have had some discussion about these issues. They had a commission that dealt with voting issues. They concluded—I will quote from their report—“we doubt that Congress has the Constitutional power to legislate a federal prescription on States prohibiting felons from voting.”

In other words, they doubt that this Congress has the constitutional power—not a question of deference or propriety—to do this.

That was a bipartisan commission with two of our elder statesmen for whom people in this country have great respect.

The Supreme Court, in 1974, specifically held that felons do not have a fundamental right to vote and that excluding felons from voting does not violate the U.S. Constitution. That is clear law from the Supreme Court of the United States in 1974, and it has not been altered since.

Another Federal court has even concluded that the facial validity of felon voting restrictions may be “absolute.” So there may be one or two States that impose no restrictions on voting, but the overwhelming majority do. And they have given thought to it. Each State has different standards based on their moral evaluation, their legal evaluation, their public interest in what they think is important in their States. That is the test we should do. We should follow that.

When we allow a brief moment of debate to alter State historic principles on issues of complexity such as this, we are really stepping beyond our bounds. I want to stay on the point a little bit about the propriety, about the deference, about the respect this Congress
should give to States. Yes, there are certain steps we take when we believe it is in the overwhelming national interest—particularly when there is a need to have uniformity in rules and regulations—to pass some regulation for health or safety, such as for railroad tracks. And I think that is what we have done here.

But it ought not to come up with some last-minute vote without in-depth hearings, without hearing from secretaries of States around the country, without hearing from State legislators who may have voted on it last month or may have voted on it last year and discussed these very issues and debated them within their States. And we come in now, and we are going to tell them: We do not care what you think. We do not care about your debates. We have not had debate here, but we are going to change our mind. We are going to change the law of America. And anybody who committed acts of murder, burglaries of homes and property, or anything else, we are going to make sure that they did—serious drug offenses, drug dealing, they can all vote now in America.

I am not for that. Somebody else may be. That is a good matter to debate. That is a good one to make. Where should it be debated? I say it should be debated where it has always been debated: In the States of America. They have set the voting qualifications for our voters, except for certain major requirements that the Constitution places on them and Federal law regulates. But this should not be an expansion now into this category of voting. I strongly oppose it. I think it is a big-time mistake. It is a rush job. It is disrespectful to the hundreds, thousands of State legislators who deal with these issues regularly.

We have not had any serious suggestions, to my knowledge, that the voting process is being gummed up over this rule. It seems to be working well. Each State has its own system for identifying felons and informing them that they are not qualified to vote. To change that now on this bill would be a terrible step. It is something we would regret. If you believe President Ford and President Carter in the composition they established, it would be reversed by the Supreme Court of the United States as being unconstitutional.

When we pass legislation in this Chamber, we have sworn to uphold the Constitution. If we have evidence that it is unconstitutional, we ought not to pass it on that basis, also. So as a matter of policy, respect, and constitutional law, it ought not to be voted for. Frankly, I do not think the American debate and American policy is going to be better informed if we have a bunch of felons in this process as opposed to them not being in this process. That is my 2 cents’ worth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, Mr. SPECTER. Mr. President, I have sought recognition to speak in support of legislation which has been offered by the Senator from Nevada, Mr. Reid, and myself. Carefully and narrowly crafted, it would authorize ex-felons who have served any prison sentence—for misdemeanors as well—who have fully served their prison sentence, and any parole or probation, to have the right to vote in Federal elections.

The statistics are that there are only 15 States, and the District of Columbia, that have a prohibition limiting all felons from voting. The balance of the 50 States have various provisions that allow ex-convicts to vote in a variety of circumstances. Four States—Utah, Vermont, Massachusetts, and Maine—even allow felons to vote while they are in prison; 14 States, and the District of Columbia, only prohibit felons from voting when in prison; 32 States prohibit felons from voting while on parole or probation.

This amendment would authorize ex-convicts who have fully paid their debt to society to vote in Federal elections, leaving the matter for State elections to be determined by the State.

It is my view that this provision would aid ex-convicts in being reintegrated into society and would be a fair provision on the basic proposition that these people have fully paid their debt to society. I say this with some experience in the field, having been in the prosecution line for some 12 years—8 years as district attorney of Philadelphia, and 4 years before that as an assistant district attorney. In those positions—especially in my early days as an assistant district attorney—having had the opportunity to interview many individuals incarcerated in jail, the first job I received as chief of the appeals, pardons, and parole section of the Philadelphia district attorney’s office was interviewing inmates who were under the death penalty, where an application had been made for commutation.

Candidly, it was quite an experience to go to death row and talk to men and women about their death penalty—to talk about the offenses for which they had been convicted, talk about what they had done in prison, what they had done by way of trying to rehabilitate themselves, their reasons for believing they were worthy of having the judgment of sentence of death changed.

In the prosecutor’s office, it seemed to me that our criminal justice system was not directed in the most efficient way at protecting the public, and that would be to provide for life sentences for career criminals. If you found somebody who was a career criminal—by that, I mean someone convicted of three or more serious offenses—then they get a life sentence. If, on the other hand, you deal with everybody else who is going to be released from jail—and that would be especially juveniles, but anybody else who is released from jail and comes back to society after the minimum sentence—then with the rates of recidivism, repeat offenders, society is at risk.

It seemed to me—and I worked on this while being district attorney of Philadelphia, and since in the Senate—we needed to provide what I call real rehabilitation. I mean literacy training and job training. If we had this division between career criminals, who commit about 70 percent of the crimes, and the other individuals who are going to be released into society, and made a real effort at rehabilitation with job training and literacy training so they can reenter the community, my professional judgment is that we could reduce violent crime in America by some 50 percent.

I think giving an ex-convict who has paid his or her debt to society the right to vote would be of significant and material assistance to reintegrating that person into society. When somebody comes out of jail, it is obviously a tough time to make it on the outside, and there is a matter of self-worth. There is a matter of where the person stands in society, if society says to that individual, You have paid your debt; we want you to come back and be a law-abiding citizen, and one facet of recognition of you having paid your debt to society is that you are restored in your citizenship the right to vote.

Some have said: What if you are dealing with a rapist? Or what if you are dealing with a terrorist? Or what if you are dealing with a murderer? What if you are dealing with somebody who has had a bad record of violence?

The criminal justice system has evaluated that person. That person has gone through a trial, he or she has been convicted of a crime. That person has been adjudicated guilty. That is the verdict. Then there has been a sentence. Sometimes the sentence is the death penalty. We are seeing more and more people who have been sentenced to death or for long periods of imprisonment being exonerated through DNA tests.

Whatever the procedure is, however the person has been adjudicated by the criminal justice system, once that person has served the sentence and is out of jail, once that person has served probation or parole, as far as the criminal justice system is concerned, that individual has paid his or her debt to society.

Having paid the debt to society, which is the common parlance term, that individual owes nothing more to society. That person, I believe, ought to have the right to vote.

The amendment has been crafted so that it applies only to Federal elections. I think that is a sensible distinction because the Congress of the United States controls voting procedures in Federal elections.
The election reform bill we have before us today is a very significant bill. It will address the concerns we had after the elections in the year 2000 when we had the question of the chads and what were people's intent to vote, and try to produce an electoral system which could calibrate and be able to reflect the intent of the voters when they do vote.

The bill also seeks to deal with widespread problems of fraud where some people vote in more than one polling place, and others are not entitled to vote. When I was district attorney of Philadelphia, that was a particular problem I had. Philadelphia is a rough, tough city, probably challenged only by Chicago, IL—that might attract the attention of the Presiding Officer. Chicago and Philadelphia have had, I think, unique problems with voter fraud. As DA, I worked on that great deal, and I am glad to see this bill seeks to address that problem.

There is an addressing has a specific focus on people who have paid their debt to society. It makes sense. I think they are entitled to vote, to have their civil rights restored, and it could be very significant in reintegrating that person into society, saying to that person: You have paid your debt; we recognize you as a law-abiding citizen; you have a duty to remain a law-abiding citizen; we will try to assist on the rehabilitation, try to avoid your repeating a crime, a recidivist, and to reintegrate into society.

I am pleased to join the distinguished Senator from Nevada as being a co-sponsor of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can from this place in the Chamber, I extend my appreciation to my friend from Pennsylvania and also recognize the fact that a good part of his profession was put in prison by people in jail. He was a very successful prosecutor who sent scores of people to prison for long periods of time.

Mr. SPECTER. If I may interrupt my distinguished colleague, scores is a vast understatement. We had 500 homicides a year in Philadelphia. We had some 30,000 cases a year. When I left the DA’s position in January of 1974, I had 165 assistant DAs. We put people in jail in enormous numbers—robbers, rapists, murderers. I tried a good many of them, 4 years as assistant DA. I was in the trial courts and appellate courts while DA. I prosecuted murder cases and rape cases.

The problem of violence in America today is overwhelming. In a city like Philadelphia, it is an overwhelming problem. It is also an overwhelming problem in a city like Chicago. I know Las Vegas is a more law-abiding town, and Reno, NV.

We need to tackle head on this problem of violent crime. I would like to see us address more of our attention between dividing career criminals, who commit 70 percent of the crimes, and throw away the book—they ought to be in jail for life; I wrote the armed career criminal bill which passed the Senate providing for life sentences for career criminals caught in possession of a firearm—and the balance of realistic rehabilitation, job training, literacy training, and recognizing them as citizens.

I thank my colleague from Nevada for being the originator of this idea of giving them the right to vote, to help them be reintegrated into society. Mr. REID, Mr. President, I say to my friend from Pennsylvania, the reason I mentioned this, historically he is one of the prosecutors we know about in this country. I say that because the two sponsors of this legislation are not people who are soft on crime. I, personally, as I stated earlier today, when I was in the State legislature, introduced legislation to make life without the possibility of parole mean what it says; that if you are sentenced to life without the possibility of parole, that is what it should be.

I want the record to be spread with the fact that REID and SPECTER are for tough sentencing. We will do everything we can to put people in prison and keep people in prison and jail. They should complete their sentences, but after that has been done and they have paid their debt to society, shouldn’t they have the right to vote? That is what it is all about.

Mr. SPECTER. My distinguished colleague from Nevada for those kind remarks. It surprised me. When I complimented him earlier, I did not know he was in the Chamber. I would have been just as effusive in my compliments, but to have him on the Republican side and to find him on the back bench is a surprise.

I will be glad to work with Senator REID on this amendment. I yield the floor.

The PRESIDING OFFICER. The amendment is an effort to make sure those votes are cast. Some of the postmark problems make no sense when people are overseas on ships. It is making sure the State and local jurisdictions are better informed of performing their important duties in administering elections fairly.

All of this recognizes the important role of the localities and the States in making sure the elections are administered fairly and, indeed, making sure those who serve overseas can exercise their constitutional right to vote in Federal elections.

Who does the ALLARD amendment apply to? It applies to over 2.7 million members of the military and their families who are stationed away from their home today in service to the people and the principles of our Republic.

The problem of violence in America today is overwhelming.

The PRESIDING OFFICER. Who?

Mr. ALLEN. Mr. President, we are now debating the issue of voting rights. Let’s put it in perspective. Yesterday evening, an amendment offered by Senator ALLARD of Colorado, which I co-sponsored, was adopted. It is a very good amendment. It improves and clarifies the laws surrounding voting by those who serve in the military.

I refer my colleagues to an article recently published in the Fredericksburg Free Lance-Star on February 5 of this year which deals with the issue of voting rights for felons in Virginia and has been mentioned by both its proponents and its opponents. The various States have differing approaches to the restoration of voting rights or any rights to those who have been convicted of felonies.

Now I will say that in Virginia—before I get to this article—having been Governor of Virginia, I take the responsibility very seriously when reviewing the petitions of those who had been convicted of felonies. It struck me in a very interesting way. In the midst of a campaign, I was down in Buchanan County, which is far southwestern Virginia. It is on the Kentucky/West Virginia border. It is a coal county. I was campaigning early in my campaign for Governor at this country store called Pentley’s, which, sadly, has since closed down. At any rate, I went in the store and pulled out cards. It was such a memorable event in that Mrs. Pentley, the lady who ran the store, thought it was wonderful

that a candidate for statewide office actually came to her store, in Buchanan County. She said: You are the most famous person who has come here since the guy who invented 10,000 flushes came here, because he was on TV and we did not have enough money at the time to buy TV. As I left that store all charged up because she put my little card up, there was a fellow leaning up against the drink machine where the ice is kept, and he said: I like you. You are a good guy.

I said: Well, thank you. I hope you will vote for me.

He said: Well, I cannot.

I said: Well, why not? Are you not registered?

No, I am not registered.

I said: Why not?

He said: I cannot get registered.

I said: Of course you can. What is your excuse? What are you, a convicted felon?

He said: Yes.

I said: Okay. Well, talk to your friends and neighbors and folks you might influence.

With this, I left and I told this story all around Virginia. Fortunately, I was elected by the good people of Virginia to serve as Governor, and I thought it was always important to take the Governor’s office to the people, so I said: Let’s go back to Pentley’s Store and thank Mrs. Pentley for all her inspiration. Mrs. Pentley does not know how much I would talk about her.

We were in an RV. As we got out of the RV—this was 2 or 3 years later—there was this same fellow who looked as if he had grown some teeth and had a nicer shirt, one that did not have a hole in it. He said: Do you remember me?

I said: I sure do. I do remember you. You are looking good today.

He said: I voted for you.

When you win an election, everyone says they voted for you.

I said: I do remember you. You told me you were a convicted felon. I know you could not have voted for me.

He said: But I did.

I said: What happened? Did Governor Wilder restore your voting rights?

He said: Yes, he did, and I voted for you.

That is a personal story about treating everyone with dignity and respect. Who would have known that Governor Wilder, who is not in the same party I am, would have restored this gentleman’s right to vote before the election and he voted for me!

In Virginia, I would look at these situations very seriously, not just because of this gentleman in Buchanan County but because those who petitioned me would talk about their sacred right to vote.

Let me tell you how Virginia is compared to other States. Virginia is 1 of 10 States that permanently prevent—and this is according to the Fredericksburg Free Lance-Star in Fredericksburg—ex-felons from voting. Alabama, Delaware, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, and Wyoming are others. Maryland cuts it off for second-time felons. That does not mean their rights can never be restored. Their rights can be restored.

In Virginia, voting is an issue of first impression. It is being debated now as it has been for many years. In fact, in 1982, in Virginia, there was a referendum asking voters to let the State legislature, rather than the Governor, restore voting rights to felons. The people of Virginia voted on whether or not to ease this process, which I will say is fairly cumbersome and it failed by nearly 300,000 votes. This amendment, if it were to become law, would abrogate the express will of the people of Virginia and also the will of many other States, whether it is by a referendum or by their elected State legislatures.

In the Commonwealth of Virginia, the legislature recommended streamlining the petition process for non-violent felons who did their time, finished probation, and waited another 5 years. It would have allowed the local circuit court to restore those rights, taking that burden off the Governor. Of course, many ex-felons did get their rights back. There is the record of my successor, he restored the rights of 210 people during his 4-year term. That is less than half of what was recommended in the previous three administrations. While I was Governor, I restored 459 ex-felons’ rights to vote.

The understanding of who is best in a position to administer these laws and determine when ex-felons ought to have their rights restored, clearly lies with the States. This amendment, if passed, would preempt the States with regard to this important function. The Ford-Carter Commission agrees with this assessment. The Commission concluded: Congress has the constitutional power to legislate a Federal prescription on States prohibiting felons from voting.

Virginia allows ex-felons to petition for restoration of voting rights 5 years after they have completed all of their probation or all of their parole. If they have been convicted of a drug offense, it is 7 years, because there are people who not only commit crimes, but they repeat crimes. Also, if the offense is related to drugs, you want to make sure they are completely off their addiction to drugs.

The things most Governors would look at, regardless of party, is what kind of life has the ex-felon led since serving their time? I would consider whether or not they were involved in wholesome community-based activities, or just leading the life of a law-abiding citizen and not committing any crimes.

Let me tell you why Governor Wilder will want to see what kind of a positive life the person has led since leaving prison. The petitioner would oftentimes write to me explaining why they wanted their rights restored. As Governor I considered that in my assessment of each individual case as well.

Another thing missing from this amendment is the issue of restitution and court costs. I always looked at restitution and court costs in my assessment.

In Virginia, I cared a great deal about restitution and court costs. With regard to some of these folks, you would say, well, these are not important crimes. But even the experience of restitution, that is usually ordered by a judge in sentencing. You would want to see if restitution has been made. You would want to see if they have paid back their court costs. If it were a robbery or a burglary, you would want to see if restitution has been made. There are certain situations where, as a condition of probation or suspension of a sentence, they want medical costs associated with the rape or malicious woundings to be paid.

None of that is in this amendment. It is only probation and the parole. But restitution and the payment of court costs ought to be considered. At least I considered it as Governor.

The reason why we want rights restored is interesting. Generally, there are three categories. One is they want to feel like a full-fledged citizen again. They have led a good life. They want to be part of the community. Even where there were not their rights restored. They wanted their kids to feel better about themselves.

A second reason they want to vote is to participate in elections. The third reason, as often as the rest, is to go hunting. When you lose your rights, you lose your right to carry a firearm. I suppose you could throw rocks at deer, but usually people want a shotgun or a rifle to go deer or duck hunting.

Now the Federal Government in this amendment is saying that the States will have to restore rights, notwithstanding the will of the people, notwithstanding the prerogatives of their duly elected representatives in the legislature. For Federal elections only, you will have to allow to vote in the Commonwealth of Virginia, the Commonwealth of Kentucky, and maybe a few other States, our State Senate is different than Federal elections. You will need two sets of registration for the State elections and local elections. To keep the laws in place in Virginia or any other State, there are dual roles for registered voters that would be a cost to the States and their localities.

In Virginia, where Federal elections do not run at the same time as State elections, this is probably not too big of an issue. But imagine in the States where Federal and State elections are conducted at the same time. That is undoubtedly true in over 40 States. There will be two sets of ballots for people to use when they vote. If
they want to keep their rights and prerogatives and reflect the desires of the people of their State, two ballots will be needed. When you have Federal and State elections, there are names of Presidential candidates, candidates for Congress, and the Senator from the State, and the State would need, along with State legislators, Governor, Lieutenant Governor, whoever else is being elected. We will need a separate ballot for those who have the right to vote in State and Federal, and a separate ballot for those only in Federal elections. In effect, what would need to be fixed in the polling place is a separate voting booth.

I guess we would have an ex-felon voting booth where they would only vote in Federal elections, while the vast majority of the other voters would vote in the others.

This causes a great deal of unnecessary cost and imposes many impractical problems on the State. The goal of the bill is to help voting fairness in the States, not putting on unfounded mandates as has been done previously. This amendment will cause confusion and be short-sighted.

Most importantly, understanding the basic theory under which I object to this amendment in that it usurps the rights of the States. It usurps and preempts and dictates contrary to the will of the people not only of the Commonwealth of Virginia but it exceeds the scope and breadth of what the Federal Government should be involved in.

I hope my colleagues will allow this issue to be properly debated in the way the framers of our Constitution thought it should be debated and decided. That is, in the State legislatures, as opposed to meddling from the Federal Government.

We care about the voting of military personnel overseas. I don’t see where we have any business meddling in trying to influence the right to vote. I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I missed part of the Senator’s remarks. I ask the Senator from Virginia, I believe he raised the issue, how this would work in a year in which there were both Federal candidates on the ballot and State candidates on the ballot. Did the Senator from Virginia discuss that?

I am having a hard time figuring out how it could possibly work. Does the Senator from Virginia have any thought about that?

Mr. ALLEN. I say to the Senator from Kentucky, my good friend from the Commonwealth of Kentucky, born in Virginia, formerly a part of the Commonwealth of Virginia and voluntarily seceded, as well as the President’s State of Indiana, regardless, the States for a variety of reasons, have State elections different from Federal elections. So not to have undue Federal influence or national issues affecting issues that matter most to people in those communities and localities, you would still have a problem. Over 40 States run Federal elections at the same time as they run State and local or perhaps even municipal elections.

In the event that the people in the State who are perfectly capable of debating and deciding this issue as they see fit for people who have raped, murdered, robbed, or maliciously wounded individuals in their States and been convicted in their State courts. In the event that the law in your State, the Governor’s law in your State, in effect, what will have to happen is you will have to have a role of registered voters for Federal elections only and a role of voters who are registered for all elections.

Then when you go into that election, assuming the States—once you actually conduct the election on election day—want to keep their rules where restitution is important, in a period of 10 years to show they are leading a good life. Whatever they want to do what they think is right, as opposed to what people in Washington think is right for them. Assuming they want to do it, you have to have a separate voting booth. The ballots in those States, when the Federal and State elections the same year, all the names on there—Members of Congress, a President in Presidential year, as well as, the Governor, State representatives, and so forth, you will need a separate voting booth.

Mr. MCCONNELL. So it will be a voting booth for felons?

Mr. ALLEN. Ex-felons. I don’t think the provisions go as far as felons but ex-felons, which would be, I think, a nightmare and insulting, as well.

Mr. MCCONNELL. Whereas under the current system, is it not true, I ask the Senator and former Governor, there is a procedure for getting the rights restored, which many people who have served their time go through, and is it not typically the case that Governors review those and restore rights from time to time?

Mr. ALLEN. I say to my friend, the Senator from Kentucky, and I expect the President may have done this, as well when he served as Governor of Indiana, as Governor, at least in our State, you get many petitions. Some are to restore rights, and also some to say that they never committed a crime and they want an absolute pardon.

Every Governor has a conscience to do his or her duty properly. Those governors have the record of the individual telling what he or she has done since the time of serving.

Mr. MCCONNELL. It is true in every State there is an opportunity for someone who has served their time to get those rights restored?

Mr. ALLEN. Correct.

Mr. MCCONNELL. Through a petition?

Mr. ALLEN. In some States, it is not by the Governor. In Virginia, they amended the laws, and nonviolent felons can go to the circuit court for petitioning to have their rights restored.

Mr. MCCONNELL. There is a procedure, so it is not hopeless.

Mr. ALLEN. Absolutely, there is a procedure.

Mr. MCCONNELL. It is not a hopeless situation.

Mr. ALLEN. It is not a hopeless situation. Sometimes it can be cumbersome, and it is time consuming for the Governor as well as those in the Secretary of the Commonwealth’s office, the attorney general’s office, the Governor’s staff and others to assemble this information, and also to the petitioner, as well.

That is part of the price one pays when they commit a felony and they are convicted beyond a reasonable doubt by a judge and a jury of that crime. This is one of the many rights one gives up. I heard this being compared to slavery. It is not like slavery. Slavery is wrong and the worst thing that has ever occurred in this country. It is a willful act. Many of the felonies are vile, premeditated, deliberate acts to commit a felony—not a misdemeanor, a felony—and this is one of the prices and penalties that one pays. A person loses their liberty, obviously, while incarcerated. To get all of those privileges and those duties, they have to demonstrate good behavior. In each State, that demonstration may be slightly different.

But these are State laws being violated. It is a proper role of the people in the States to decide when these rights should be restored, as well as, under what conditions and circumstances the rights are restored.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Virginia, as a former Governor, for adding his unique perspective on that. I say unique; there are other Governors who have had similar experiences, but I think that does help us understand what I hope will be the conclusion on this amendment. I know it is well intentioned, but it seems to me it should be defeated. I thank the Senator from Virginia for his support and contribution to this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DOUG. Mr. President, I think we believe the Senator from Nevada is going to ask for a recorded vote.

I happen to agree with the thrust of the amendment. Mr. Specter, offered with the Senator from Pennsylvania, Mr. Specter. When people have paid their dues to society, they have completed their probation and whatever else is required of them, the restoration of their rights is something we ought to encourage. I think it may contribute, in fact, to the rehabilitation of people who may otherwise become recidivists and rejoin the criminal element.

The fact that 36 States have already, to one degree or another, embraced that concept, some more so than others, is an indication of the direction in which the country is clearly heading.
when it comes to how we treat former felons, even those who commit crimes that are highly objectionable, to put it mildly, to any average citizen of the country.

I have made an appeal to my good friend from Nevada. We have worked very hard on this bill. One of the features of this bill that I like, offered by my friend and colleague from Kentucky, is the establishment of a permanent commission on elections. We do not solve every issue in the election lexicon in this bill. I know there are, among my colleagues, some who feel strongly about having a holiday for election day. Others would like to see election day occur on a weekend. There are good arguments. Some would like to just keep it as it is. We do not attempt, in this bill, to deal with that.

It seems to me we have taken on a lot with this bill. To try to move the process forward I am, therefore, going to under this circumstance, to put this issue aside for another day.

I urge that the commission itself take a look at the very provisions the Senator from Nevada and the Senator from Pennsylvania have raised; that is, how we might do a better job of restoring the rights of people who have paid their dues to society.

I will be very blunt with my colleagues. My fear is that the adoption of this amendment would provide those who do not like what we have done on all the other parts of the bill a justification for undermining the significant new role the commission has in the election laws of our country. Again, 36 States are moving in that direction; 14 are not doing anything. Some States still make it rather difficult. But it seems to me the trend lines are pretty good for moving in that direction.

My fear is, as I say, from a purely rhetorical standpoint, that I can hear the arguments of people who do not like the minimum standards on provisional voting, statewide voter registration, their access for the disabled community, the right to review your ballot when votes occur, establishment of the commission, dealing with some of these other broad provisions. These are major accomplishments and ones I know my friend from Nevada thoroughly endorses.

So I am in a very awkward position because I am attracted to the thrust of what he wants to do, with Senator Sengor as my friend is, if this were to be adopted on this bill it would make it very difficult for my friend from Kentucky and I and others to convince people who might otherwise vote for the bill to do so.

With that expression of my thoughts, I will oppose the Reid amendment—not because I disagree with what he is trying to do, but I think this is not the right place for us to be dealing with that idea.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. FEINGOLD. Mr. President, I rise today to support the felony voter re-
enfranchisement amendment offered by my distinguished colleague from Nevada, Senator REID.

The American people have long recognized voting and participating in elections as one of our greatest rights and responsibilities as citizens. Over the course of our Nation’s history many Americans have struggled for this right. African Americans, women, the uneducated, and the poor have all, at some time or another, been excluded from their voting population. Our Nation looks back at these dark times with great embarrassment. All of these groups are now included in our country’s great democratic process. But we continue to exclude one other group of American citizens—rehabilitated felons.

In 13 States, a felony conviction can result in disenfranchisement for life. Other States have procedures by which a rehabilitated felon can regain his right to vote. Those procedures, however, often require a pardon for a person who has served his or her sentence is able to regain the right to vote. Many former felons do not have the financial, legal, or educational abilities to pursue the restoration of their rights. It is time to eliminate this disparity and to ensure equality in felony voter laws. It is time to create a level playing field so that people who serve their time for felony convictions can regain their right to vote in Federal elections.

Senator REID’s amendment would re-establish this fundamental right for persons who have fully served their time in prison, and who have completed their probation or parole. Senator REID’s amendment would appropriately restore this basic right of citizenship to those who have paid their debt to society.

According to the Americans for Democratic Action Education Fund, an estimated 4.2 million Americans, or 1 in 50 adults, have currently or permanently lost their voting rights as a result of a felony conviction. A majority of these Americans are no longer incarcerated. One million four hundred thousand Americans are ex-offenders who have fully completed their sentences. Another 1.5 million of the disenfranchised are on parole or probation. Only 1.2 million of the disenfranchised are actually still serving the sentences. With the increasing number of persons who are entering our criminal justice system, the number of disenfranchised voters is growing as well.

There are many reasons why this amendment makes sense. Over 35 percent of prisoners will return to our communities after serving their sentences. We return rehabilitated felons to our communities because Americans expect that they will reintegrate themselves as productive citizens. Yet, without the right to vote, former felons are already a step behind in regaining a sense of civic responsibility and commitment to their communities. If we want rehabilitated felons to succeed at becoming better citizens, who both abide by the law and act as responsible individuals, then our country needs to restore this most fundamental right.

State disenfranchisement laws also disproportionately impact ethnic minorities. Approximately 13 percent of the African-American adult male population is disenfranchised. This reflects a rate of disenfranchisement that is seven times the national average. More than one-third, 36 percent, of the total disenfranchised population are African-American males. In 10 States, more than 1 in 5 black men are currently disenfranchised. As a result of the current rates of felony convictions and incarceration, it is estimated that in the next generation of black men, 30 to 40 percent will lose the right to vote for some or all of their adult lives. Thirty to forty percent. That is both an astonishing and deeply troubling figure.

Constitutional principles of fundamental fairness and equal protection require us to address this discrepancy. Denying the right to vote should not be a continued punishment for people who have served their sentences. When people are convicted and sentenced for felony crimes, they are expected to serve their time. The disenfranchise-ment of felons who have completed their court-imposed sentence serves only as a continuing punitive measure.

Given the importance to our democracy of an actively participating citizenry, we should return to our country that so many citizens are losing one of their most basic rights as Americans: the right to participate in our political process. Rehabilitated felons, who have served their sentences to completion and have paid their debt to society, should be able to exercise this right. Basic constitutional principles of fundamental fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections. Sen-ator REID’s amendment would re-establish this fundamental right for persons who have fully served their time in prison, and who have completed their probation or parole. Senator REID’s amendment would appropriately restore this basic right of citizenship to those who have paid their debt to society.

Mr. REID. Mr. President, there is no one in the Chamber—not only in the Chamber, in the Senate—for whom I have more respect than the Senator from Connecticut, but I must disagree with my friend. We are asking people who deserve the right to vote to wait. They have been waiting for too long. As Thomas Paine said:

The right of voting for representatives is a primary right by which all other rights are protected. To take away this right is to reduce this man to slavery for slavery consists of being subject to the will of another, and he who has not a vote in the election of representatives is in this case.

Sure, 36 States have done something. But how many of the people who called themselves felons, who feel strongly about having a holy-
day for election day; 14 are not moving in that direction; 14 are not doing anything. Some States still make it rather difficult. But it seems to me the trend lines are pretty good for moving in that direction.

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few. Does this mean that everything that is not in this bill is going to kill the bill? I think it is really a shame that someone who has been convicted of a crime, who has served the sentence, whether 1 year or 100 years, after that person gets out, he can't vote. This affects millions of people. Who is affected more than anyone else? Minorities. Unfair practices have been established in many States, most of the time, making it extremely difficult if not impossible for these people to vote. In a Federal election in the greatest country in the world, what are we trying to prove?

I had a letter printed in the RECORD earlier today, and I could enter in the RECORD scores of these letters. This is a communication from a man in Las Vegas who was convicted of a crime in the 1960s. He makes a lot of money now. He wants to be able to vote. He can't vote because he was convicted of a crime when he was a young man.

With all due respect to my friend from Colorado (Mr. STEVENS), and the Senator from Utah (Mr. BENNITT), I have been approached by several members of my staff, other Senators—saying: Don't have us vote on this. It is a tough vote.

Sure it is a tough vote. We vote easy all the time around here. We have very few tough votes. Let's have a tough vote.

I ask for the yeas and nays.

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

The question is on agreeing to amendment No. 2879. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Utah (Mr. HATCH) are necessarily absent.

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

The result was announced—yeas 31, nays 63, as follows:

[RollCall Vote No. 31 Leg.]

YEAS—31

Akaka—Feingold
Bingaman—Hollings
Boxer—Inouye
Cantwell—Jeffords
Cleland—Kennedy
Clinton—Kerry
Corzine—Kohl
Daschle—Leahy
Dayton—Levin
DeWine—Lieberman
Durbin—Lincoln

NAYS—63

Allard—Breaux
Allen—Brownback
Baucus—Bunning
Bayh—Burns
Biden—Byrd
Bond—Carnahan

Crapo—Helms
Dodd—Hutchinson
Dorgan—Hutchison
Edwards—Inouye
Ensign—Johnson
Bensen—Kyl
Frist—Largent
Graham—Mc Cain
Gramm—Morkowitch
Greene—Nelson (FL)
Hagel—Nelson (NE)
Harkin—Nichols

Carr—Roth
Collins—Sarbanes
Cooper—Schumer
Cowan—Shelby
Cui—Smith (ME)
Dodd—Smith (RI)
Zellmer—Smith (WA)

The amendment (No. 2879) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, again, I will request of Members who have amendments to come and talk to staff. I understand the Senator from Arizona has an amendment.

Mr. MCCONNELL. Mr. President, I believe the junior Senator from Arizona is here and he has an amendment.

Mr. DODD. If unanimous consent that the next amendment be the one offered by the Senator from Arizona.

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

Mr. DODD. Mr. President, let me urge Members to come over and to please speak with the staffs, Senator McCONNELL's and mine. Many of the amendments are just technical in nature, and we can move this bill along. Some will require votes. But if we can at least get the numbers down pretty quickly, there is no reason we can't deal with the overwhelming majority of the amendments that look to be fairly straightforward and acceptable. Some are actually duplicates, where they have the same idea with slight variations. Perhaps we can combine them and reduce the number.

Hope springs eternal, Mr. President, that we might actually get this bill done. I realize that may get harder as the afternoon wears on. I urge Members, if they have amendments, don't wait until 5 or 6 o'clock to come over. Bring them over and we will try to clear them or work them out and accept them. If we can't, we will try to arrange for a time for you to consider the amendment and vote on it.

My colleague from Arizona is ready.

AMENDMENT NO. 2891

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

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senate from Kentucky (Mr. MCCONNELL) proposes an amendment numbered 2892 to amendment No. 2891.

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

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

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration.)

On page 68, between lines 17 and 18, insert the following:

"(1) It is the policy of the United States, that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account number issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number to such agency solely for the purpose of administering the laws referred to in such clause."

AMENDMENT NO. 2892 TO AMENDMENT NO. 2891

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

The PRESIDING OFFICER. The clerk will report.

The Senator from Kentucky (Mr. MCCONNELL) proposes an amendment numbered 2892 to amendment No. 2891.

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

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

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration.)

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I am aware of the second-degree amendment. I will speak to it in a moment. I want to describe this amendment. It is very
straitforward. It authorizes—it does not mandate—that Social Security numbers may be used by States to validate voter registration. I believe that there are currently seven States that do this. Because of the way the Privacy Act was enacted several years ago, those States were grandfathered. Other States don’t have that ability. This would provide that ability. It can prevent duplication and fraud.

Current law allows State officials access to a person’s Social Security number for a variety of identification-related purposes. We are all familiar with that. This would simply add to that list of items verification for voter registration purposes.

The amendment is important to resolving a widespread problem in election administration which is, of course, the problem of verifying the identity of the person registered to vote. While the Social Security number is not an absolute guarantee, it is deemed to be good enough for a variety of other purposes for which we need identification, and it would provide a much more accurate voter identification, which, of course, is key to an honest and fair election.

We hear the rationale for that most sacred of our democratic rights, the right to vote, is that our vote counts 100 percent, that it is not diluted by virtue of other people’s votes that were cast fraudulently, diluting our current vote that we have. So we want to make sure there is not fraud in the election process—that people who should not be voting, in fact, are not permitted to vote. That is why validating the registration with the Social Security number is important.

This is a unique number that is issued by the U.S. Government, which is precisely why the Federal, State, and local governments use the Social Security number to identify individuals for a variety of programs and services. I will remind my colleagues of what some of these are. While they are all important, I submit that none is more important than our sacred right to vote. If you want to check into a Veterans Administration hospital, you have to show your Social Security number. If you want to receive food stamps, you must show it. In many States, you need to show it to apply for a driver’s license and register a motor vehicle. You need it to open a bank account. You need it to apply for a driver’s license and register a motor vehicle. You need it to apply for a passport, for a green card. You need it to purchase certain U.S. savings bonds. You need it to apply for Federal crop insurance. Many States require this to apply for professional licenses. One that I found interesting is, if you are a boxer seeking to enter the State boxing commission, you have to show your Social Security number. These are some of the countless ways in which government
Mr. DODD. I will be happy to yield.

Mr. SCHUMER. May I ask the Senator from Arizona a question. I am personally reading the amendment for the first time. It does not seem to say actually yes or no. I understand what the Senator from Arizona pointed out, but that just presenting the Social Security card if you have it.

If the intent of the Senator from Arizona is not to allow a Social Security number to be considered the only way to identify yourself but, rather, be an additional method we can make sure the language is clear about that, and that will help the amendment.

If that is acceptable to the Senator from Arizona, I will be happy to work with him, the Senator from Connecticut, and the Senator from Kentucky to try to make that happen.

Mr. KYL. Mr. President, I think the Senator from Connecticut has the floor. I am happy to sit down and work out language that we are right now discussing further, or go on to other business. I am not sure what the pleasure of the bill managers is. I am willing to dispose of this as quickly as we can.

Mr. DODD. We are not going to be able to discuss what happens after 2 o'clock because of the conference lunches. I suggest we lay it aside temporarily and see if there are amendments to be offered and try to work out language that may make this an acceptable amendment.

The Senator understands the problem. He identified the problem area for us. My suggestion to the Senator from Kentucky is to try to do that.

Mr. McCONNELL. Mr. President, I think temporarily laying aside the Kyl amendment is a good idea. I ask unanimous consent that the Kyl amendment be temporarily laid aside.

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

Mr. DODD. Mr. President, I suggest the absence of a quorum. We have to round up another amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, what is the current state of business?

The PRESIDING OFFICER. The pending amendments. McConnell and Kyl have been laid aside.

Mr. BROWNBACK. I ask unanimous consent to speak for up to 10 minutes on the pending bill.

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

Mr. BROWNBACK. Mr. President, the 2000 Presidential election demonstrated the need to improve the instruments of voting and the means of electing our Federal officeholders. Protecting and enhancing this basic right to vote fairly, clearly, and easily is both critical and necessary.

Early last year, Senator SCHUMER, Senator TORRICELLI, Senator McCONNELL, and I worked on a compromise bill to observe three key objectives:

- Respect for the primary role of the States and localities in election administration; second, establishing an independent, bipartisan commission appointed by the President to provide nonpartisan election assistance to the States; third, to enforce strong anti-fraud provisions.

Supporting this bipartisan effort was a diverse group of organizations, such as Common Cause and League of Women Voters, because the issue is bipartisan. In crafting the compromise bill, we were mindful of the fact that both rural and urban areas have unique difficulties not only with accessibility but funding improvements to their voting systems. Heavily rural States such as mine or that of the President face challenges different than those faced by large urban areas. For this reason, any compromise effort must acknowledge the election mandates placed upon the States or, in the alternative, give State flexibility to determine how it can use the funds.
I am quite pleased that the chairman and the ranking members of the Rules Committee were able to preserve all three of the elements in the substitute to S. 565. I think the Dodd-McConnell Bill is a thoughtful, bipartisan attempt to provide grant money to States to begin to implement alternative means and instruments of voting that provide swift-er and more accurate results and are less susceptible to partisan interference and difference of opinion.

However, I continue to have concerns regarding the degree to which States are given enough flexibility to implement the changes they believe are best for them. I look forward to working on an agreement that will accommodate reasonable changes in this respect.

As I think a number of people have noted in speaking on this issue, there is a lot of difference between a large urban area and a rural area. In rural areas in my own State of Kansas, for instance, it is done far differently from the urban areas, but they are able to do it quickly and accurately. We need to work to make sure we provide options to localities to be able to implement this in a way that suits their needs.

Under the legislation, a new election administration commission will be established, composed of four Members recommended by the Senate majority leader, the Senate minority leader, the House Speaker, and the House minority leader. This commission will begin implementation of new voting requirements starting in 2006. These requirements will permit voters to verify their ballots, correct errors before ballots are cast, and allow notification to voters if there is more than one choice made on ballots, among others.

In addition, the bill authorizes $3.5 billion for grant and matching programs to provide grant money to States and localities to meet the voting requirements under the bill. The grants will be administered by the Attorney General in consultation with the FEC, until the new election commission is operating.

The bill also uses a buy new voting equipment, train poll workers, implement various other recommendations, or make other improvements approved by the commission. In order to receive funding, States and localities will have to demonstrate compliance with the Voting Rights Act and other civil rights laws, institute provisional balloting and other safeguards to assure accuracy during the transition to new voting systems, establish poll worker training, voter education programs, provide disabled voters with the opportunity to vote under the same conditions of privacy and independence as the nondisabled.

Again, in my view, I must mention a concern I have for rural States such as mine, Kansas, and the Presiding Officer’s, Nebraska, that would be at a disadvantage under a competitive bidding process as is contemplated in the Dodd-McConnell bill. I hope a formula process can be worked out that will make the grant-making process fairer for rural States such as my own.

I am pleased to see one of our key requirements was adopted by the Senate that assures all military and overseas votes are counted. I believe this is important legislation that will instill confidence in our voting system. Not only should we do everything possible to ensure that, if an enfranchised American is able to vote, but that we are able to do so with certainty, accuracy, and confidence.

Again, I commend the chairman and the ranking member for their tireless efforts in this regard to this bill. I am hopeful we can get through a good, bipartisan piece of legislation that will improve our ability to vote in this country, will shorten the timespan for us to get an accurate vote taken. Clearly, in this age where we have rockets going all sorts of places in outer space, surely we can find a way to count votes quickly and accurately. This bill will help move us forward in that regard.

I suggest the absence of a quorum.

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

Mr. HOLLINGS. Mr. President, the distinguished Senator from Nevada, Mr. RINN, and myself are sponsoring an amendment which I think will be agreed to because it is merely a study. Our hope is to try to change the day the elections are, so as to really promote campaign reform.

In my experience over the years, the first Tuesday after the first Monday in November is just an arbitrary choice of the middle of the week, whereby we have less than half of our electorate actually participating.

For industrialized countries, you might say we have the least. The only other countries I have been able to find that have a middle-of-the-week election are the Dominican Republic and Belize. The industrialized countries all have far greater participation by the electorate.

Right to the point, it is really inconvenient to hold an election on a workday. It is not a holiday. People come early in the morning, before going to work, and already there is a long line. So we least thing thing you know they go to work and say they couldn’t get off in time at night to go and vote.

The Senator from Nevada and I are convinced we can select a better day. We all thought, of course, of Saturday. But our religious friends who do not participate in civic activities on a Saturday would have some misgiving about that particular selection. Similarly, people would have misgivings with respect to the selection of a Sunday, which is the day used in many industrialized countries.

The bottom line is, I think perhaps Veterans Day, which is already a holiday, could be an alternative. The whole idea is to get a day that is a holiday. No one wants to add another holiday to the calendar year. But if we put it on Veterans Day, veterans couldn’t have any better celebration than participating in democracy. They have given their all to ensure democracy in wars overseas. What better way to celebrate, in addition to Veterans Day parades and other kinds of celebrations, than to also celebrate by going to the polls and voting. This day—Armistice Day, November 11—and open the polls. Of course, the idea here is to proclaim a day, other than Saturday or Sunday, so as not to get into the same problem.

This year, for example, I think election day is November 5, and then November 11 is Veterans Day, which is the next Monday.

I hope, given a deliberate study and consensus being developed, we can very promptly put this in the particular reform. It is not just machines and chads and other things down in Florida that causes election problems. The problem is the working population. In many instances, they do not get off in time at night to go to vote.

The attitude is developed by us in public life that there is something wrong in participating in politics. That has to be changed. One quick way to change it and one quick way to really enhance the participation of our electorate in these elections is to have it a holiday and perhaps select Veterans Day. It could be the study would recommend another approach on Saturday or Sunday or whatever, but the important thing is that we do have a day off so we can participate in the most important function of our entire democracy.

I suggest the absence of a quorum.

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

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its proper filing with our distinguished chairman of the Rules Committee and the principal author of our election reform bill, and I suggest the absence of a quorum.

Mr. DODD. Mr. President, let me inquire—the Kyl amendment has been temporarily laid aside. Is my colleague filing this or is he offering it?

Mr. HOLLINGS. No, filing it for your consideration because I have been working with Senator Specter—this is a study, not an actual requirement.

Mr. DODD. Let me say, in the absence of my colleague from Kentucky—he will be back shortly—there are a number of our colleagues who expressed the same interest as the Senator from South Carolina. I think Senator Boxer from California has expressed an interest in the same subject.
Mr. DURBIN. 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 ensure certain special treatment of punchcard voting systems under the voting systems standards)

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) In general—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects more than 1 candidate for a single office—

(I) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for that office;

(II) notify the voter before the ballot is cast and counted of the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Mr. DURBIN. Mr. President, let me at the outset commend my colleague, Senator Dodd. This was an amazingly difficult issue to tackle because when he decided to tackle it, America was in flames over the last Presidential election. There were strong feelings among Democrats and Republicans about the outcome of that election and the decision of the Supreme Court. In America, it seemed for weeks that there were abuses of the election, and we heard charges and countercharges. Frankly, I think that although in some areas angels fear to tread and came up with an excellent piece of legislation which I am more than happy to cosponsor. In fact, I am proud to cosponsor it.

I commend the Senator because I know this piece of legislation doesn’t embody everything he wants nor everything the cosponsors want. But it is his best good-faith effort to put forward a bill which will significantly change and significantly improve elections across the land. I want to commend him but I think he has done a great public service to this Nation. The fact that several Republican Senators have stood up in support of this effort—I hope there will be many who will vote for it—is evidence that we can solve problems in America. And certainly the Senate should be in the forefront of solving the problem and basically making certain that the right of Americans to vote is protected.

The preamble to the bill we are considering today I really think says it all. The first finding of this bill says: Right to vote is a fundamental, indubitable right under the Constitution. It goes on to spell out exactly what that means in terms of Congress’s obligation once we have acknowledged that fundamental, incontestable right under the Constitution.

I think this bill in so many ways addresses that. It creates a commission to try to find more efficient and modern ways for fraud-free voting and that secure the American people.

The amendment I bring to the floor addresses an issue which I hope my colleagues will consider. The issue is this: If you decide to exercise your civic duty and go to the polls and vote, you have the people exhorting you to get out and vote, that your vote counts, and you believe it in your heart and are willing to make a sacrifice of your time, and perhaps to leave your family or your job to go to the polling place and vote, the basic question in mind is whether or not we are going to help in that circumstance, make certain that people have their chance to express their political will or whether we are going to put obstacles in their paths. There are already obstacles in the system. You have to register to vote. We want to try to eliminate as much fraud as possible when it comes to voter registration.

Of course, you have to follow the rules of voting when you turn up at the polling place or apply for your absentee ballot, which I did a few minutes ago at my desk here in Washington for our primary election in Illinois on March 18. Where are we all going to make a sacrifice of your time, and perhaps to leave your family or your job to go to the polling place and vote, when it comes to voting and then put your ballot, as instructed, in the appropriate receptacle for it to be counted. That is the basic system for paper and punch card ballots, and a number of other systems do it differently.

But there was language added to this bill which trouble me greatly. The provision says when it comes to overvoting—in other words, when it comes to situations when a mistake is made, you have spoiled your ballot, you have voted, for example, twice for the same office—originally it was my intention and hope that we would say to a voter in that circumstance, if you make a mistake, to err is human; we will give you another chance to vote.

But language was inserted—the Senator from Missouri, Republican Senator from Missouri offered it—which says that we will make an exception when it comes to those errors and those mistakes in punchcard systems. I need not remind you what punchcard systems are all about. With the
phrase ‘hanging chad,’ all the lexicon of the last election comes to mind immediately. In my home State of Illinois, in all but a few counties we use punchcard systems—not only in the city of Chicago but all across the State.

So you walk in there, and they give you this card that has all of these little windows on it. You go into your polling booth and put the matrix on top, which is the ballot. Then you punch the hole next to the candidate of your choice. I have actually seen having been a lawyer in the State capitol for years and watching election contests, that when I finished voting I always lifted that ballot up to look for hanging chads to make sure that the numbers I punched corresponded with the names on the ballot. I think that is an extra effort, but I want my vote to count. I believe every American thinks the same way.

But when it came time to compromise on this bill, language was offered where you make a mistake in your voting in a punchcard precinct in America, we are not going to tell you about it; we are not going to notify you; we are not going to inform you. So the net result of that is a person who in good faith is trying to exercise their civic duty and their constitutional mental and incontrovertible right to vote is discriminated against when it comes to whether they will be notified of mistakes.

We included paper ballots in this exception. I can understand the practical reason for that. If you have made a mistake on a paper ballot, you have to manually count the whole ballot in a polling place. You can’t do that and preserve ballot confidentiality. That is not practical. That is not going to work. I understand that exception.

We also made an exception, primarily for the States of Washington and Oregon, and said because you have a system where everybody mails in their ballots, how in the world can we receive the ballots, count them, and send back the ones that are in error? It is practically impossible to make that work.

But look at the rest of the world and the rest of the United States. At least thirty-four percent of voters in America use the punchcard system. For the vast majority of those voters, we are saying if you have over-voted and spoiled your ballot, it is going to be thrown out and not counted, and we are not going to tell you. It is a ‘gotta’: You went in and did your best. But you didn’t do good enough. Sorry. Go home and try again in 2 or 4 years.

I do not buy that. The premise of this bill is that the right to vote is a fundamental and incontrovertible right under the Constitution and we should do everything in our power to assist voters in exercising that right. How important is that?

There is a study that I have had a chance to look at by Caltech and MIT called the Voting Technology Project. They go into an analysis of voting systems and people who have spoiled their ballots where they are not counted.

I will tell you that the No. 1 voting system for spoiled ballots in Presidential elections in America is the punchcard system, the very system for which this bill creates an exception. Here we know that the most problematic voting system is the punchcard system, and we have said in this bill, that has pledged itself to protect the right of American’s to vote, that we are not going to make mistakes in a punchcard system if you make a mistake: That’s your problem, buddy; come around next year. I don’t think that is right. Not only is it not right, but it destroys confidence in the process.

Let me give you some statistics which you might be interested in. This comes from the same study to which I am making reference.

Punchcards lose at least 50 percent more ballots than optical scanning. Punchcards have an average residual vote—a spoiled ballot—of 2.5 percent in Presidential elections and 4.7 percent for other offices. Over 30 million Americans used punchcards in the year 2000 election. Had those voters used optical scanning, there would have been 300,000 more votes recorded in the 2000 Presidential election. In addition, 420,000 more votes would have been counted in Senate and gubernatorial elections.

Let me tell you that this strikes close to home. One hundred and twenty thousand of my constituents in the State of Illinois in the County of Cook who voted in the gubernatorial elections in the November Presidential election of 2000 and had those ballots thrown out. They might as well have stayed home. They didn’t vote for anybody. They thought they did. They took the time, I do not care, take it. That is your right. Not only is it not right, but it disenfranchises them, or, to put it more moderately, you are stacking the deck against them, and not doing it for other election systems. That, to me, is unfair.

In these situations, you find that the overwhelming majority of African-American and Hispanic voters use punchcard systems, systems that are antiquated. As we know from Florida, even with the best of intentions, you may not get the result you want using a punchcard system.

So if you do not tell these voters they have made a mistake, you are basically disenfranchising them. We put it more moderately, you are stacking the deck against them, and not doing it for other election systems.

That, to me, is unfair. Let me just tell you the lay of the land. This was the state of the art back in the 1960s, the IBM punchcards. Well, the world has changed, but a lot of election jurisdictions do not have the money to change with it. So they are using the old system.

So where do you find these punchcard systems? You find them overwhelmingly used, for example, inner-city areas, such as the city of Chicago, the city of St. Louis, Kansas City, and others. I should correct my statement. I also certainly can say St. Louis and Kansas City have them. I can certainly speak for Illinois.

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In these situations, you find that the overwhelming majority of African-American and Hispanic voters use punchcard systems, systems that are antiquated. As we know from Florida, with even the best of intentions, you may not get the result you want using a punchcard system.
Illinois, the same rules apply, the same law applies. Whether you are voting in a Republican-dominated county downstate or in a Democratic county, such as Cook County, the same rules should apply. That is what this amendment specifies—punchcard systems, whether in rural Republican areas or in Democratic inner-city areas, should be systems we can trust and count on.

We should accept our responsibility under this law to help the voter, not to make it more difficult. That is why I have supported the punchcard systems. I sincerely hope my colleagues following this debate will stop and reflect on what happened in America with the last Presidential election.

I can recall a cabdriver in Chicago. I asked him where he was from. He said: Africa.

I asked him: What do you do for a living besides driving a cab?

He said: I am an engineer. I am trying to make a living here in the United States.

We were in the middle of the Florida recount.

I asked him: What do you think about all this?

He said: In my home country, people would be killed in the streets over the dispute you are having in this Presidential election.

Thank God that never happened, and I hope it never does. But we know that, though there might not have been lives taken in the streets, a lot of people left that November 2000 Presidential voting experience with a bitter taste in their mouth. They thought the system of voting in America was not a friendly system, it was not a system dedicated to what we have called this ‘incon- trovertible constitutional right to vote.’ They thought it was a system that was designed to catch you if you didn’t play by every single rule and go by every single instruction. If it caught you, it would disenfranchise you.

This amendment gets us back to establishing confidence again in a system that I think will say to all Americans: If you are in punchcard jurisdictions— and one out of three Americans is in a punchcard voting jurisdiction—we are going to help you make a decision so your vote will count. That is so basic. I think it really reflects the intention originally of the sponsor, Senator Dodd, in this legislation, that we make this commitment to the system.

I hope my colleagues will join me in supporting this amendment.

I yield the floor.

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

Mr. DODD. First of all, Madam President, I commend my colleague and friend from Illinois for his support on the underlying bill. I am very grateful to him for helping us craft this proposal and lending his name as a cosponsor of the bill. He has been tremendously helpful.

The Senator from Illinois makes a compelling case. We have tried, in this legislation, to strike a balance. I suppose it is a painful lesson we all have to learn from time to time. But we would like to write our own bills. We all have our own ideas of exactly what we would do if we could just write the bill ourselves.

Senator Dodd on the floor with a bill that is endorsed and cosponsored by the chairman and the ranking member of the Rules Committee, and others, obviously did not happen miraculously. It happened through the work of trying to outline what are the provisions that will allow people to achieve a level of comfort with a product to which they are willing to lend their names, and to be able to present it to our colleagues for their overall support.

That is where we find ourselves and where I find myself with this particular proposal. Again, I am one who believes, wherever possible, where the equipment allows, that people ought to be able to vote their first choice.

The Senator from Illinois makes an irrefutable case for it, in my view.

While memories fade a bit, and other events have overtaken the events of 14 months ago, it is not that hard for people to remember that this country was over the fact that we could not seem to get a Presidential election straight.

We discovered—obviously, not just in Florida, and it was not just for this race—that across the country there were serious problems with the election systems and that voting systems were outdated. Depending on what community you lived in—how affluent it was—you might have better equipment than other communities. There have been all sorts of problems that have been identified by every single study and commission that has looked at election processes in the country.

What the Senator from Illinois has proposed is that when we are talking about punchcard systems—and there is a machine that can indicate over-votes on a punchcard. Under our bill, we provide grant money to States and localities to help them acquire equipment. The $3 billion is there for that purpose. You can actually buy a voting system that does exactly what the Senator from Illinois would like to see done.

When I wrote the bill with Senator BOND and Senator McCONNELL, there was give up on some things I did not like giving up on—and this is one of them—in order to get support for other provisions of the bill. I am not going to speak for my colleagues from Missouri and Kentucky, but there were things they did not want to particularly give up on. So we struck an agreement on this overvote issue that presently does not require as a matter of national law that punchcard systems must report an overvote.

But I also say, there is nothing in this legislation which prohibits any State from doing exactly what my friend from Illinois wants to do. In fact, I think the State of Illinois does require that there be an overvote requirement—or there is a court order pending that—

Mr. DURBIN. In Cook County.

Mr. DODD. In Cook County, excuse me. It is not a mistake.

So I say to people who are wondering about this issue, while we do not go to the extent that my colleague from Illinois would like us to in this bill, by requiring, as one of the minimum standards in this legislation standards that every jurisdiction in the country that uses a punchcard system must use a punchcard system that would allow the voter to be able to determine whether or not an overvote has occurred. We say nothing in this legislation that would, in any way, restrict a State from requiring exactly what the Senator from Illinois is seeking. In fact, I would encourage States to do it, to use the grant funding and acquire them because I think it is a great service to be able to provide for your voters, and to avoid exactly the situation the Senator from Illinois describes.

We all remember, very vividly, the pictures every night on television of those overseas ballots where to say it was a confusing situation was a mild description of those ballots. And there were the punchcards that were also very difficult to read. People were holding them up to the light and showing hanging chads and the like.

So the Senator’s point is an excellent one.

It is not a point with which I disagree. But anyone who has ever had to manage a bill on the floor, where you have 99 other colleagues and you are trying to put together a compromise bill that includes some very important changes and advances in the law, then you know how difficult that can be. That is exactly one of those points. I agree with what my colleague wants to do, but I also know in putting this bill together, the decision was made to allow States to do that but not require in the punchcard system that it be done. I am in an awkward position because I agree with my colleague, but I am in a tough position because I am trying to work out a bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mr. DURBIN. Let me counsel my friend and colleague from Connecticut to follow his heart.

Is it not true in this bill with the Bond exception that we do say to jurisdictions across America that we want them to tell people if they have overvoted and spoiled their ballot, if they have cast other than a paper ballot, a punchcard ballot, or a mail-in central counting system, like Washington or Oregon? So for other methods of voting, the standard lever machines, the direct recording electronic, this bill says: We want to save you from making a mistake. We
want you to have your vote count. Isn’t that true? We have said for those systems that we really want to have this protection, but not the punchcard system.

Mr. DODD. The Senator from Illinois is exactly correct. There is exactly what the bill does. As I said before, he urges me to follow my heart. I would be very much inclined to do so. He also is a very accomplished legislator and knows how difficult it is. In fact, he has been in this very chair. Now, I have made that distinction with not dissimilar proposals where his heart said one thing and, as he tried to cobble together a piece of legislation that enjoyed the bipartisan support I am seeking with this bill, he was torn between trying to produce an underlying bill and agreeing with the proposal that one of his dear friends offered.

I have no argument whatsoever with the proposal, but he knows the quandary bills are being put into.

Mr. DURBIN. I ask my friend and colleague from Connecticut, if you can’t follow your heart, can you at least take a walk?

Mr. MCCONNELL. I thank my colleague from Illinois. Again, I urge Members to follow what he has proposed here. He said it very well. We do require in this bill that there be overvotes, not undervotes. I don’t know if my colleague from Illinois made that distinction. There are different lines in this bill that requires that a person be notified of an undervote. Senator McCaIN, in fact, raised this issue with me. I thought he brought up a very good point. There are many of us—we can all identify with this—who have gone in to vote and there were some positions where we just did not know the people. We did not know anything about them whatsoever. So from time to time, we do not cast a ballot on those particular races. We have come to the conscious decision not to cast a ballot.

We don’t want to necessarily be notified that we have not voted for the deputy sheriff in some place. So we have excluded any reference to undervote references, only to overvote where, again, everyone wants to be notified if they voted for two candidates for President or two candidates for Senate, or Governor. The overvote issue is extremely important.

Mr. MCCONNELL. I have spoken to the ranking minority leader on the Senate Rules Committee, Senator McConnell. Once again, I make this offer on the floor. If there are any who wish to speak for or against this amendment, I want to give them ample opportunity to do so at this moment. But if there are no requests for debate, in the interest of completing the bill today, I will ask for the yeas and nays. But I will withhold that in the interest of having a free and open debate on this.

Mr. MCCONNELL. Regrettably, I am going to join Senator Dodd in opposing this amendment. We had a carefully crafted compromise on this whole issue of whether or not to, by either direction or indirect, require certain voting machines in jurisdictions. I think that is, in effect, what this does. We don’t want to dictate to any State what form or what kind of machine they choose to take. This was a significant point of contention between the five principals on this bill, who were Senators Dodd, myself, and Senators Bond, Torricelli, and Schumer.

This would mandate a certain kind of punchcard machine, one that notifies the voter of the decision which the five of us concluded should best be left to the States. In crafting this bill, we were careful to avoid mandating any particular system out of existence, and that, in effect, is what this amendment would do. Our bill seeks to address the Senator’s concerns. It does it in such a way that we don’t eliminate any system.

Regrettably, I join the chairman of the committee in saying if this amendment takes away any argument we can make in opposing any other amendment if somebody says you think you ought to use this kind of machine or that kind. Regrettably, I, too, have to oppose the amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MCCONNELL. In response to the Senator from Kentucky, if he would like to engage me in dialog, I invite him to do it.

In your bill, as currently written, it says if people have overvoted and spoiled their ballots, we will notify them in jurisdictions that don’t have punchcards and in States such as Washington and Oregon where there are mail-in ballots. I say to my friend from Kentucky, you are, in this bill, already establishing a standard of care for every voting system but three. Why do you make an exception for a punchcard system where one out of three Americans vote with that system, a system we saw in Florida that was rife with problems, where people voted with the best of intentions, and where we lost 120,000 voters in Cook County, IL? Why would you say, if you happen to have an optical scanning system, you have to notify voters if they spoiled their ballots? If you have a lever machine, you have to notify people. If you have an electronic device, you must notify people. But when it comes to the punchcard system, the oldest one, the one fraught with more problems than any others, you have carved out an exception. Why do you make that distinction?

Mr. MCCONNELL. More Americans voted on punchcards than any other way in 2000. So if we want to start mandating certain kinds of punchcard voting systems, we are going to have to pay if you want to have funded mandates. If you have an electronic device, you are going to have to pay, in effect, to replace, apparently—most places except Illinois—all of these punchcard machines. I suspect that is a simple answer to the question of the Senator from Illinois.

Mr. DURBIN. I may be mistaken, but I thought this bill not only created a commission, but created a Federal election system to determine what we are talking about, to modernize election systems across America so they are more trustworthy and consistent with this so-called incontrovertible constitutional right to vote.

Mr. MCCONNELL. Can’t overvote on a lever machine, and you can’t overvote on these optical touch-screen voting machines. So it is really not a problem with those kinds of machines. Mr. DURBIN. If you accept the premise of the bill you brought to us that this is an incontrovertible constitutional right, think about what you have just said. Is this really equal justice under the law, that we have a slot machine culture when it comes to voting? If you happen to be in the right jurisdiction with the right machine, we will correct your mistakes; but if you happen to be one of those poor people with a 40-year-old punchcard system, good luck. If your vote isn’t counted, try it again in 2 or 4 years from now.

Mr. MCCONNELL. One short answer to the Senator’s concern is that of these millions of people who voted on punchcards, almost nobody complained except in Florida. Nobody demanded a recount. Nobody went to court. The practical effect of what the Senator is suggesting here is that we mandate a certain kind of punchcard voting system. It seems to me that clearly wrecked the fundamental concept of the bill.

Mr. DURBIN. With all due respect to my colleague, if I have cast a spoiled ballot, they don’t give me a call or send me a note in the mail. I never know it. Those 120,000 people, who thought they had done the right thing and performed their civic duty, went home proudly after voting in Cook County, and 300,000 who voted across America went home and their kids: This is what you have to do, you have to vote. Their ballots were tossed because they were punchcard voters who got caught in hanging chads and a system that was over 40 years old.

Are we really serious about giving people their constitutionally protected, incontrovertible right to vote, or is this going to be a haphazard system? I hope not.

Mr. NELSON of Florida. Will the Senator from Illinois yield?

Mr. DURBIN. Yes.

Mr. NELSON of Florida. Madam President, I bring to this debate the very painful experience we had in Florida. Due to the troubles with the punchcard ballots, the Florida legislature has wisely eliminated punchcard ballots for the future, but many other places in the country still have punchcard ballots. I would never want voters in other places to have the confusion, mystification, and belief that their constitutional right of being able to vote
had been taken away by virtue of hav- 
ing realized after the fact that their 
ballot had been punched twice, because of 
inaccurate instructions, or incoherent 
instructions, or an incoherent way in 
which the ballot was designed that con- 
fused, not intentionally, but had the 
bottom line result of confusing the 

t voter. 
If it is so easy with technology to no- 
tify a voter that they have, in fact, 
overvoted, why should we not give that 
almost—God-given—right—certainly, 
that means, that this ballot isn't going 
counted because it has been 
overvoted?
So I lend my voice, having been 
borne out of the painful experience of 
the Presidential election in Florida in 
2000, in support of the Senator from Il- 
ninois and his amendment.
Mr. DURBIN. I thank the Senator.
I ask unanimous consent that Sen- 
or G. RAHAM of Florida be added as a 
cosponsor.
Mr. HARKIN. If the Senator will 
yield, I thank him for his leadership.
I ask the Senator if he agrees, and 
may he doesn't; I didn't confer with 
him. But I do really ought to be in the 
position of saying if States in fact say 
that they have to modernize their voting 
jurisdictions in a Federal election 
simply can't use punchcards. I 
think we ought to get rid of them all.
I am proud that my State of Iowa, 28 
years ago, got rid of the punchcards for 
the very reason that too many people 
were making mistakes. That was 28 
years ago. I am very proud of that. I 
think this is an old technology, fraught 
with all kinds of errors. I don't care 
what anybody says, they ought to be 
done away with. Again, I suppose we 
are not in a position to do that here, 
but at least we can do it in the Sen- 
or's State of Illinois.
Mr. DURBIN. Madam President, I 
thank the Senator from Iowa. The fact is, 
the history of spoiled ballots and spo- 
lots in Presidential elections in Amer- 
ica is on punchcard systems. It makes 
the point of the Senator from Iowa.
Look at the last Presidential elec- 
tion, what a handful of votes would 
have meant in one State or another, 
and to have a report that over 300,000 
more votes should have been recorded 
in that Presidential election that were 
lost to punchcards. This bill, which is 
supposed to be about election mod- 
ernization, the election reform, turns 
a blind eye to the voting system used by 
one out of every three Americans. I do 
not think that is consistent. I do not 
think you can say it is an incontro- 
tevertible constitutional right and ig- 
nore one out of three voters when it 
comes to realizing them from a mistake.
Mr. DODD. Madam President, will 
my colleague yield? I want to make a 
point. I said to my colleague, I cer- 
tainly do not disagree with what he 
wants to do. Let me make the case 
again. One thing in this legisla- 
tion, in fact, prohibits any State from 
making a decision requiring this equip- 
ment and notifying voters of an 
overvote. In fact, in Cook County there 
is a court order that requires that very 
result. Other States may do the same. 
Again, I make the point to my col- 
leagues, this was putting together a 
bill with a lot of different features to 
get a bipartisan product. Unlike the 
other body, the Rules Committee in 
the Senate does not control the debate 
and whether there are no amendments. 
They just bring the product out and 
you vote for or against it. Here we have 
done away with a lot of amendments, 
and I have a book thick with amendments people may offer on 
this issue.
Senator BOND, Senator MCCONNELL, 
and myself tried to whittle some- 
things out that will move us along on some 
important underlying provisions. 
Again, this equipment is not inexpen- 
sive. States can apply through the 
grant program to get the money to buy 
this equipment. They can put it in 
place. There is nothing here that pro- 
hibits people from doing that whatso- 
ever. In fact, I encourage them to do 
exactly that.
Mr. DURBIN. Will the Senator yield 
for a question?
Mr. DODD. Certainly.
Mr. DURBIN. If we accept what the 
Senator has said, that it is really up to 
every State to modernize their system 
and to make it more trustworthy sys- 
tem, I have two questions for Senator 
Dodd: First, why did he preface this 
bill by saying this is an incontrovert- 
ible right under our Constitution; and 
second, why did the Senator include 
these provisos that prohibit States from 
notifying someone that their ballot isn't 
going to count because it has been 
overvoted?
Mr. DODD. The bill does not prohibit 
that.
Mr. NELSON of Florida. Given what 
we went through.
Mr. DODD. What my colleagues are 
requesting is that we mandate that in 
this bill. There is nothing in this legis- 
lation that says Florida is going to in- 
sist—the State of Florida has aban- 
doned their punchcard system, but in 
the case of Illinois, which is a live ex- 
ample, under a court order, the State 
has said you must notify voters of an 
overvote. That is fine. No one here is 
suggesting in this bill that the State of 
Illinois should not be able to do that.
What is missing, what the Senator 
from Illinois would like, is that we ab- 
so lutely require in every jurisdiction 
where a punchcard system is located 
that system notify the voter of that 
overvote. I do not disagree with him 
in that sense, but understand in 
putting this bill together, I was not 
able to get that far. We had to com- 
promise.
Mr. NELSON of Florida. I understand 
the Senator's discomfiture. It just 
seems to me it is common sense to as- 
sure a person's right to have their bal- 
lot counted given the awful experience 
we had in the State of Florida on bal- 
lots not being counted. I just do not 
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understand the opposition.
Mr. DODD. I yield the floor. Does the 
Senator from Missouri want to be 
heard?
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Mr. DODD. I yield the floor. Does the 
Senator from Missouri want to be 
heard?
Mr. DODD. May I make a suggestion? How much time does Senator BOND need?

Mr. BOND. Madam President, since most of the discussion has occurred on the other side, I think we need at least 15 minutes on this side. I think this is a subject that interests what I think are some alternatives. Some good questions were raised by the Senator from Illinois and the Senator from Florida. I would like to have a chance to speak about them. I hope I can have at least 15 minutes for that. I do not know how much time the distinguished Senator from Kentucky will need in addition to that.

Mr. DODD. Madam President, I ask unanimous consent that the distinguished Senator from Missouri, or his designee, be recognized for 15 minutes; that the Senator from Illinois, Mr. DURBIN, be recognized for 5 minutes; that the Senator from Kentucky, Mr. MCCONNELL, be recognized for 5 minutes, and that the vote occur on or in relation to amendment No. 16, with no other amendments in order to this amendment, with no intervening action.

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

The Senator from Missouri.

Mr. BOND. Madam President, I know there are many concerns about voting. We cannot solve all of them in this bill. I think we have reached a workable position where we will provide assistance to States and localities to improve their voting system. If a State wants to change its voting machine, or if it wants to add a new kind of machine to check punchcards, it can do that.

If the system does not work in Chicago, or if it does not work in Illinois, there is money in this bill to allow them to change it. If it works in Missouri, why should we be told we have to spend money on a whole raft of new supplementary equipment or new machines?

There is $3.5 billion in this bill. We hoped when we put this money in that the dollars that are going to improve the performance of voting jurisdictions in the country will be there to assist us. Twenty-six of those jurisdictions had an error rate below the national average. Nine of them were punchcard counties. St. Louis County, King County, Orange County, CA, all had error rates less than 1 percent. Clark County, NV, home of Las Vegas, Sacramento County, Santa Clara County, San Bernardino County and San Diego County all used punchcard and had an error rate less than 2 percent. In fact, punchcards are much better represented than electronic machines. Only three of those jurisdictions that fell below the national average used electronic machines.

To conclude that punchcards are out of date and not responsible for the high error rates we saw in Palm Beach County is simply wrong. In Florida, there were 15 other counties that used punchcards and had a lower error rate than Palm Beach County. The problem is not punchcards. The problem was in the voting booth with the voters in Palm Beach County.

Whatever the issue, whatever the problem, the people of Palm Beach, their elected officials and those who have to address the problem and correct it. There are a number of ways they could do it. If they want to use money that is available to buy a checking machine, they can do that. If they want to put up signs and tell the people, look at the ballot, we are going to put lines on the ballot that show which are color coded so each office has a color code, they can do that. The fact that they need to do that in Palm Beach County, or in Cook County, Ill., is not a reason why we should not move forward to improve the voting system in our State or any other State should be required to get some kind of fancy machine that they do not have or pay equipment that they do not need.

The performance of voting machines is affected by many factors that go beyond the equipment. Some of that is the skill and training of poll workers. Mistakes made by the individual voters does occur. Some voters choose not to cast a ballot.

I have pointed out in my discussions that one time when I ran, my opponent and I, in a large suburban county, received less votes than an uncontested candidate for Congress received. Now, we cannot under vote to say that I cannot claim they were under votes. I think maybe the voters chose to say they did not want either one of us. That is one of the choices that voters make.

There are some administrators I have talked to who say that dollar for dollar you can get more and better results in assuring voters really cast the vote and have them vote with voter education and poll worker training. Machines do not solve all human problems. We are going to make machines available for those who have conditions that require special needs. We are going to provide assistance to those States and those States where they think they need to use a different kind of machine.

The punchcards serve specific local needs. With a punchcard machine, each voter needs a blank punchcard. With an optical scan, they need a separate ballot. With this bill, we expand the language requirements of new voters in very large jurisdictions with many offices and propositions. It may be to provide the punchcard makes more sense than other technologies. Why should they not be able to use it?

I believe that we are on the right track by providing assistance. Where local jurisdictions have problems, where they do not feel a need or for some reason or another punchcards do not work, we are providing some money and they ought to step up to the plate and put in some of their own money and get something they think would work. I strongly object to saying we are in this bill going to mandate that everybody uses a certain kind of machine or has a certain kind of check and balance. We have already gotten into the business of local elections on a grand scale and, frankly, I do not think most of us who have had experience in elections want to see the Federal Government take over the function totally. We are making money available for those jurisdictions and those States who think they ought to have a different system.

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

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, we all know, regretfully, we are going to be spending the Social Security surplus in this year’s budget, and this amendment, in effect, would require us to spend some of the Social Security
surplus to buy new voting machines. It seems to me that is a particularly in-
appropriate use of the Social Security surplus, which is, in fact, going to be
spent this year on such items as fight-
ing the war abroad and homeland secu-

I want to echo the comments of Sen-
ator KIT BOND. There are 64,337 pre-
cincts in America that use punchcards. Nearly 50 million voters vote on punch-
cards. The practical effect of the amend-
ment of the Senator from Illi-
nois is to replace the vast majority of
those with some system, which is why
the Senator from Connecticut, the
chairman of the committee, who would
otherwise be in favor of this amend-
ment, has stated that this begins to un-
ravel the bill.

If we mandate a particular voting
system in this way, there will be lots of
other amendments coming in man-
dating other kinds of methods of vot-
ing. So I hope this amendment will be
defeated. I think it is a path we do not
want to go down if we are serious about
trying to enact this legislation. I know
the chairman of the committee and I
are certainly serious about it. We
think it would be a step in the right di-
rection and an appropriate step to
take. We have managed to get together
on the bipartisan basis and we hope we
can keep that bipartisan spirit to-
gether and move this bill toward pas-
sage.

I am unaware of any other debate.
Did Senator BOND reserve the remain-
der of his time?

The PRESIDING OFFICER. That is
correct.

Mr. McCONNELL. Then I will reserve
the remainder of my time.

Mr. DURBIN. Madam President, how
much time is remaining under the
unanimous consent agreement?

The PRESIDING OFFICER. The Sen-
ator from Illinois has 5 minutes. The
Senator from Missouri has 6 minutes.
The Senator from Kentucky has 3 min-
utes.

Mr. DURBIN. I don’t know if the Sen-
ator from Missouri wants additional
time. I thought we were aiming for 10
minutes to 3.

Mr. DODD. There is nothing in the
Constitution that prohibits the Sen-
ator from yielding back time.

Mr. DURBIN. I have not used the last
5 minutes. I thank the Senator for his
always valuable advice.

The Senator from Missouri, in all
fairness, was not here at the opening of
my comments about the system. I want
the Senator to reflect for a moment on
some of the things he said and some of
the things which we know to be true.
The Senator undoubtedly points to St.
Louis County which has an excellent
record on the punchcard system. But
the simple fact according to the Caltech/MIT study is that nationwide
the No. 1 voting system which voided ballots at the 2000 election. Senator BOND in
2000 was the punchcard system. There
was no other system as bad as the punchcard system for taking away a
person’s right to vote for President in the
year 2000. That is a fact. They con-
clude 300,000 Americans went to vote
for President and their votes were not
counted on punchcard systems, but
would have been on other systems such
as optical scan. Punchcard systems
didn’t work as well. They spoiled their
ballots.

To suggest there is no problem defies
the obvious statistical information in
evidence we have been given.

The Senator from Missouri also said
you can check out your ballot before you
leave the punchcard voting place.
He is right. I have done it. It is no
small feat. Remember those pictures of
the judges in Florida staring at the lit-
tle holes in the cards, trying to figure
out which hole had been punched, what
was hanging, what was pregnant, what
was done, what was here, what was
there?

If we are going to turn voting in
America into this kind of bunco game
to see how we can stop someone from
exercising their right to vote, we ought
to mandate punchcard systems. We
know that is the system that takes the
vote away for President of the United
States, whether you are a Democrat or
a Republican.

I know what it means to check the
ballots, the punchcard ballots. Better
have good eyesight and patience to
match up every hole in the card to the
number next to it on the ballot in front
of you.

There has been lots of talk about
Federal mandates. I didn’t write the
compromise substitute amendment be-
fore the Senate. I believe the Senator
from Connecticut, the Senator from
Kentucky, and even the Senator from
Missouri had a voice in this. I refer
Members to the opening of this amend-
ment. Here is what the amendment the
Senator is prepared to support, the
Chairman of the committee and I
think it is fair. I don’t think that is fair. I don’t
think it is fair to voters across Amer-
ica who have little voice in the process
overwhelming majority of Democrats
would enjoy the support of an
appropriate substitute amendment
representing the position of the
Chairman of the committee, who would
not to my advantage. Cook County has
billion, we are told, is the number if
every single precinct in the country de-
cides to change every voting machine.
It has to be the most sophisticated
equipment you can buy. The number
we have put in this bill is not drawn
out of thin air. This is a number that
should accommodate virtually every
jurisdiction to make changes. Obvi-
ously that will not happen in every ju-
risdiction. But the money will be there,
provided the Appropriations Com-
mittee supports what the President
asked for in this budget and what we
included.

Second, I make the case again, this
bill gives people the right to be able to
verify how they have voted and to have
the right to ask for that check to occur.
It says nothing in here to pro-
hibit that. In fact, the resources are
going to the States, and in this par-
ticular case, so they get the equip-
ment that Illinois will have in Cook
County, to be able to update its punch-
card system or whatever else it wants
to have.

These are very significant steps for-
ward that come closer to addressing
the problem that the Senator from Illi-
nois identified. Not as comprehensively
as he would, I add, with his amend-
ment; his amendment goes much fur-
ther than that. I am dis-
agreeing except to the extent I try to
present to this entire Chamber a bill
that would enjoy the support of an
overwhelming majority of Democrats
and Republicans. That is not an easy
task to get to that consensus.

I have great respect for my colleague
from Illinois, and I urge our colleagues
to vote their conscience, although on
this issue I happen to disagree.

If there is no further requests for
time, I urge we get to a vote on this
amendment.

The PRESIDING OFFICER. The Sen-
ator from Missouri.
Mr. BOND. Madam President, I concur with the Senator from Connecticut. We should move along as quickly as possible. There were a number of issues raised. Apparently, there was a misunderstanding on the Senator from Illinois. I said I had some things I didn't understand. I didn't say there were no problems. I didn't say they didn't have a problem in Cook County. They have a court order. Apparently, they do have a problem. They may well have a problem in Palm Beach County.

I said we provide some money that can assist them in curing their problem. We want to see elections honestly and fairly conducted and do everything we can to assist the voter to make the right choice and be able to cast their ballots as they wish. There is no requirement in this bill that if you have a paper ballot you have to have a machine to check it. If you have a mail-in ballot, you don't have to send it back if it is not overvoted or undervoted. If you have an optical scan, there is no way to check it.

On these things where there is a piece of paper, optical scan or a punch-card, we say we are putting money for voters to tell voters how to do it. It is not like the poor people trying to come up with ideas about what is a hanging chad or what is a pregnant chad. With a little voter education you can tell them, if you are not sure after you punched the ballot, you look at it. If you do not think you got it right, you can get another one and do it right.

There is an obligation on the voter and there are all different kinds of voting equipment and systems to make sure he or she makes the right choice. As I said, part of that is making sure if you want to vote for candidate A, you vote for candidate A. This is not a big brother nation where we go in and guarantee everybody is going to make every right choice. There are lots of errors.

As a matter of fact, some of the most expensive equipment we have, the DRE equipment, a whiz-bang machine, the error rate is equal to the error rate on punchcards. By the way, the studies that have been done show there is no link whatsoever between the kind of system or the technology available and the economic status of the voting area. That is what I would call a red herring. St. Louis County, MO, has some of the wealthiest and some of the poorest voters in our State. They all get to use a punchcard.

In Audrain County, MO, we don't have a lot on the high end. We have a lot in the low end. We have a lot in the middle. We use a punchcard. I don't think we ought to be saying that because folks in Cook County or Palm Beach have had problems with punchcards, given the fact that our county clerk in Audrain County makes the system work for the people who vote there, we should not have to go back and tell them: Whoa, you have to spend some money, take the available Federal resources, match it, because you need to have a different kind of equipment to check the punchcard. Most of the folks back home at the coffee shop would say, after all this whoop-de-ia in Florida, they are going to look at the ballot and they punch the things out that they wanted to punch out.

I do not believe we need to intrude further on the management of elections by saying you can't use a punchcard, or you have another form of device. I urge my colleagues to defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank, again, the Senator from Missouri for his contribution to this debate and reiterate that the key to this is voter education. Mr. BOND pointed out, and with the punchcard there is an opportunity to correct.

Assuming the amendment of the Senator from Illinois is agreed to, this is going to use up close to $1 billion of the $3.5 billion authorized in this bill. Then I wouldn't be surprised to see other Senators amending the bill to mandate other kinds of voting machines.

So I think this amendment should be opposed. I think it begins to unravel the bill. I hope our colleagues will not support amendment.

Is all time yielded back?

I reserve the time.

The PRESIDING OFFICER. The Senator from Illinois has 30 seconds.

Mr. DURBIN. Madam President, the debate we just heard is probably a replay of many arguments over the Voting Rights Act of 1965: It is a matter of States' rights. It isn't the Congress's responsibility. This is too big a job.

But we decided in the 1960s that the accident of birth or color would not deny you your right to vote in America. Today, by turning down this amendment, we would say the accident of the voting machine that you face wherever you happen to be registered can turn away your right to vote, can deny you this basic constitutional franchise.

One out of three voters will not have the protection of this law because the compromise legislation doesn't provide for notification in punchcard systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCONNELL. I would like my colleagues to understand that voting for the Durbin amendment means spending Social Security surplus to buy voting machines--spending Social Security surplus to buy voting machines. I hope that is a step we will not take, and I urge my colleagues to oppose the Durbin amendment.

Mr. DURBIN. Madam President, I ask for 30 seconds.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri has time remaining.

Mr. BOND. Madam President, briefly, this is not, as has been characterized, a replay of the basic Voting Rights Act. Everyone has a right to education. We are not mandating a new machine be purchased in every jurisdiction, whether they need it or not. They work in many jurisdictions. If they do not work, let those jurisdictions fix them. We are not going to mandate that everybody spend money on them.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2895. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. BAUCUS) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

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

The result was announced—yeas 44, nays 50, as follows: (Roll Call Vote No. 32 Leg.)
The PRESIDING OFFICER. The Senator from Missouri.

Mr. BURNS. Madam President, I believe the Senator from Montana is ready to call up an amendment.

AMENDMENT NO. 2887

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration. The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The clerks' ledger read as follows:

The Senator from Montana (Mr. BURNS) proposes an amendment numbered 2887.

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

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

The amendment is as follows:

(Purpose: To clarify the ability of election officials to remove registrants from official list of voters on grounds of change of residence)

On page 68, between lines 17 and 18, insert the following:

SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

“(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—The exemption shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the vote by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

“(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

“(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

“(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, the taxable year attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

“(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

“(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

“(B) any credit, properly allocable or chargeable against amounts excluded from gross income under this subsection.

“(d) DETERMINATION OF RESIDENCY.—

“(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

“(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.

“(b) NO WAGE WITHHOLDING.— Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

“(E) for services for an employer performed by an employee if it is reasonable to propose an amendment numbered 2887.

Mr. BOND. Madam President, I might suggest, we just had an amendment from your side. If this amendment could be handled in 15 minutes, why don’t we work on getting time agreements, go back and forth to the extent that we have an equal number of amendments?

Mr. DODD. I prepared to do that as well. In the meantime, my colleague from Montana very graciously has offered to wait because I did make a commitment to my colleague from Connecticut. You don’t want to get me in trouble in Connecticut. Let me turn to my colleague from Connecticut.

AMENDMENT NO. 2898

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut, the distinguished chair, and managing editor of this very critical piece of legislation, Senator Dodd and Senator McConnell for the bipartisan agreement they have that brings forth this historic reform legislation.

As the Presiding Officer knows well, I have a particularly personal and poignant series of memories related to the election of 2000, most of them really quite good until post-election day. As my mother, if I may quote her in this great Chamber, said: There must have been a reason that happened.

Maybe one of the reasons was to lead to the election reform proposal that is before this Chamber which I think will take significant strides forward in making sure that if we ever have a national election as close as the one in 2000 again, there will be a series of laws and procedures in place that will make certain, one that the right of citizens to vote is not just the right to cast their ballot but the right to have that vote counted, of which millions were not counted throughout the country, that we have a orderly process for determining, without resort to courts, what the result of that election was.

Bottom line: I thank Senator Dodd and Senator McConnell for bringing this bill forward.

I call up amendment No. 2889, which I have placed at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. LIEBERMAN), for himself and Mr. FEINGOLD, proposes an amendment numbered 2889.

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

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

The amendment is as follows:

(Purpose: To provide for full voting representation in Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes)

On page 68, between lines 17 and 18, insert the following:

SEC. 139. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District of Columbia and who are citizens of the United States shall have full voting representation in Congress.

SEC. 140. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

“(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—The exemption shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate as Members who represent States.

“(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

“(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

“(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, the taxable year attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

“(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

“(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

“(B) any credit, properly allocable or chargeable against amounts excluded from gross income under this subsection.

“(d) DETERMINATION OF RESIDENCY.—

“(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

“(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.

“(b) NO WAGE WITHHOLDING.— Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

“(E) for services for an employer performed by an employee if it is reasonable to propose an amendment numbered 2889.

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believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or
(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the last section of the preceding section the following new item:
“Sec. 138A. Residents of the District of Columbia.”.
(d) EFFECTIVE DATE.—
(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.
(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

Mr. LIEBERMAN. Madam President, this is an amendment that I am introducing and the citizens who live right here in our Nation’s Capital. We believe the vote to be democracy’s most essential tool. Not only is the vote the indispensable sparkplug of our democracy, the vote is the sine qua non of democracy and equality because each person’s vote is of equal weight, no matter what their wealth is or their station in life—or is it?

That is the question this amendment poses. As we engage in this debate to remedy the voting problems that arose in the election of 2000, we have to acknowledge the most longstanding denial of voting representation in our country, and that is the denial of voting rights for the citizens of our Nation’s Capital. The District of Columbia is our Nation’s Capital. The revolution that gave birth to the nation—that no man or woman should be required to pay taxes to a government until represented by a vote on what that government does or requires.

No other taxpaying Americans are required to pay taxes without representation in Congress. Indeed, residents of the District of Columbia are second per capita in taxes paid to the Federal Government—comparing them to all the States of the Union. Tax issues, of course, are among the most contentious issues that come before the Congress. We cannot even begin to contemplate how our own constituents would react if we could not vote one way or another on pending tax legislation that would have so personal an effect on them.

I support voting rights for District residents for the same reason I support the historic election reform bill before us today. The great principle of voting rights is a right we take for granted. I know the American people believe their national credo requires that no taxpaying Americans are to be excluded from voting representation in Congress. A national public opinion poll suggests as much. The majority of Americans believe that DC residents already have congressional voting rights. When informed that they do not, 80 percent say, around the country, that DC residents should have full representation. Like the No Taxation Without Representation Act seeks to vindicate the precious right of voting representation. As I said at the outset, I do not intend to press for a vote on this amendment at this time. That is a decision that I have made in cooperation with those in the District who most advocate voting rights, including ELEANOR HOLMES NORTON. I raise voting rights for the citizens of our Capital during this discussion because these rights are a related issue of great importance to us in Congress.

Last year was the 225th anniversary of the American Revolution, and the 200th anniversary of the establishment of the Nation’s Capital. The revolutionaries who fought to establish our country, and later the wise Framers who wrote our Constitution, did not intend to penalize and deny basic rights to the citizens who settled and built our Capital into a great American city. The sacrifices from which the land for the District was ceded, for 10 years following the ratification of the Constitution. In placing our Capital under the jurisdiction of the Congress, the Framers intended to pass to us the responsibility, I believe, to assure the rights of the citizens of the Capital once the city was established.

Unfortunately, Congress has failed to meet this obligation for more than 200 years. So I intend to withdraw this amendment. As I do, I ask that we reconsider the denial of voting representation to the citizens of our Nation’s Capital, those who live here at the heart of our democracy. The times have passed for Congress to extend voting representation to those who live where we do the people’s business. I hope we will find a way to remedy this wrong soon.

I want to state that Senator FEINGOLD is my cosponsor and, at the appropriate time, we will submit a statement for the record in support of this amendment. I now withdraw the amendment.

Mr. DODD. Before he does that, I want to be added as a cosponsor as well.

Mr. LIEBERMAN. I am honored to do it.

The amendment (No. 2889) was withdrawn.

Mr. DODD. There have been a number of proposals such as this throughout the years for the District of Columbia's voting representation. It is one of the great travesties, in my view. Many people live here. It has the population of many States, and they don’t have a vote or a voice in the Senate. They have a voice, but no vote, in the House of Representatives.

I appreciate the fact that we are not going to press the issue on this bill. I commend the Senator for raising the issue, for articulating the point of view that I think many Americans, when confronted with the facts, embrace. I think they are shocked to see that this many people are excluded from representation.

Mr. FEINGOLD. Mr. President, there is no value we can attach to the most basic right of every citizen living in a democracy. The right to vote is much more than dropping a ballot in a box. The right to vote symbolizes freedom, equality, and participation in the government that creates the laws and policies which we, as Americans, believe is why we rise today, in support of Senator LIEBERMAN’s D.C. voting rights amendment.
Under our representational democracy, every American is entitled to a voting voice in Congress, a voice that seeks to speak for their interests and present their needs, unless you live in the District of Columbia.

When the District of Columbia was created as the United States Capital 200 years ago, its residents lost their right to congressional representation. It is time for us to right this wrong.

District of Columbia residents serve in the U.S. armed forces, and some of them are currently overseas fighting in our war on terrorism. D.C. residents fought and died in the Vietnam war. They keep our Federal Government and capital city running, day and night. They pay Federal taxes. And yet they have no voice. We fail to give them a say on even basic administrative matters that other states and cities decide for themselves. D.C. residents can fight and die in the name of their country, but they can't implement legislation as the "Fenest without the approval of Congress.

What makes this inequity particularly egregious is that District of Columbia residents, like all Americans, pay Federal taxes. So while the rest of the country benefited from our victory in the Revolutionary War, the voice of D.C. residents continues the rallying cry, "No taxation without representation." This founding principle of our Nation, which so vigorously carried us to our independence, has still not been honored for this group of Americans.

There are approximately 490,000 Americans living in the State of Wyoming. Residents of Wyoming have three voting voices in Congress. There are 550,000 Americans living in Washington, D.C. These Americans, however, purely due to the location of their residence, have no representative with full voting authority in either the House or Senate. While D.C. has one delegate, Eleanor Holmes Norton, but she does not enjoy the same right to participate in decision-making as her colleagues.

And, of course, D.C. has no representation in the Senate. This is not equal representation. It is unequal representation. It is wrong. It is un-American. And it should end.

Fortunately, since 1978, the Senate has not considered this important issue.

President Lincoln spoke of a “government of the people, by the people, and for the people.” This guiding principle has sustained America throughout some of her most trying times. Shouldn’t we stand up and move on, side by side with the people of this former president’s monument, and who have contributed so much to making our Nation the great nation that it is, have the right to live by this ideal?

It is time to address this injustice. At a time when the Senate is debating election reform and reflecting on issues like antiquated voting machines, the Senate should also address one of the oldest and most egregious violations of the fundamental right to vote—the lack of full voting representation in Congress for D.C. residents.

I thank Senator LIEBERMAN for offering this important amendment, and I urge my colleagues to join our effort to allow D.C. residents to enjoy the full rights and privileges of American citizenship.

Mr. LIEBERMAN. Madam President, thank you and colleagues from Connecticut for his kind words and for his leadership.

I ask unanimous consent that the amendment offered by Senator BURNS be set aside for a moment so I may offer an amendment.

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

Mr. BOND. Madam President, is this another amendment?

Mr. LIEBERMAN. Madam President, is this another amendment?

Mr. BOND. Madam President, what is correct.

Mr. LIEBERMAN. Madam President. I thought that the Senator from Montana was going to be able to go after the first amendment. I had an amendment on the death tax and small business depreciation. We were trying to expedite the election. I ask how long this amendment will take.

Mr. LIEBERMAN. My statement will take, at most, 10 minutes. I think the understanding, I say through the Chair, is that I should make a statement on behalf of D.C. voting rights, withdraw it and then proceed to an amendment, which may engender debate on the floor.

Mr. LIEBERMAN. Madam President, I have amendment No. 2890 at the desk.

The PRESIDENT pro tempore OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2890.

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

The PRESIDENT pro tempore OFFICER. Without objection, it is so ordered. The amendment is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the “Federal Employee Voter Assistance Act of 2002”.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by adding after section 6329 the following:

(1) 6329. Leave for poll worker service.—

(1) In this section, the term—

(A) ‘employee’ means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

(B) ‘political appointee’ means any individual—

(1) who is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate; or

(2) who is employed in a position in the executive schedule under sections 5312 through 5316;

(C) ‘noncareer appointee’ in the senior executive service as defined under section 3132(a)(7); or

(D) who is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

(2) ‘poll worker service’—

(A) means—

(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

(ii) training before or on that date to perform service described under clause (1); and

(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

(b)(1)(A) Subject to subparagraph (B), the head of an agency—

(1) who is not a political appointee—

(2) may authorize leave for poll worker service—

(3) [section]

(4) for an employee who is a noncareer appointee in the senior executive service as defined under section 5312(a)(7); or

(5) for an employee who is employed in a position required by law to serve as a poll worker;

(6) for an employee who is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

(7) for an employee who is employed in a position in the executive schedule under sections 5312 through 5316;

(7) [section]

(2) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public interest.

(2) Leave under this section—

(A) shall be in addition to any other leave to which an employee is otherwise entitled; and

(B) may not exceed 3 days in any calendar year;

(2) [section]


**February 14, 2002**

S824

CONGRESSIONAL RECORD — SENATE

work at the polls on election day to en-

sure that the laws we adopt, including the one before us, are implemented fully and that the elections are conducted efficiently and fairly. Right
down, from all that the experts tell us, that army of poll workers is without
time off for training and then to work as nonpartisan poll

workers in Federal elections. We are not talking about election workers for either party but nonpartisan poll work-

ers. Most civil servants demonstrate the temperament and

maturity necessary to serve citizens at the polls.

Moreover, because many Federal em-

ployees are bilingual, they would be a part-

icular asset to foreign-language-speaking voters, addressing yet another problem facing many jurisdic-

tions as they organize elections.

I stress that this amendment would authorize civil servants to be paid by their agency only to work in non-

partisan capacities. Anyone who wants to serve in a partisan capacity must do so on their own time at their own ex-

pense.

I am also not proposing in this amendment that we establish a general pool of Federal en-


ciency would impede the agency’s ability to accomplish its mission. That is an ex-

ception written into the amendment which we are not touching in this amend-

ment.

Under the amendment, employees who want to participate would be allowed to work in jurisdictions across the country. There are not sufficient employees to fulfill the agency’s ability to accomplish its mission. That is an exception written into the amendment which we are not touching in this amendment.

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ment.
In the interim, let me say it is about 10 minutes of 4 p.m. I urge Members to come or send staff over. We have a long list of amendments. I have shown the list before. There are Senators who have indicated they may be interested in offering amendments. I also know that the majority leader may propose an amendment at 5 p.m., if I have not heard from Senators, I am going to draw the conclusion that they are not necessarily interested in offering it at this time or on this bill. So Senators have an hour to let us know if they want to know that the way they move forward so we can come up with a list of amendments, maybe settle on some times and resolve many of them.

I think we can probably come to agreement on some of the amendments without votes in order to move this product along. So by 5 p.m., if I have not heard from Senators, I am going to assume that their amendment would not be offered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BOND. I thank my colleague from Connecticut. I would turn over the time arrangements to the distinguished Senator from Kentucky, who is the ranking member and is responsible for offering managing the bill, but I wanted to comment on a few items.

My good friend from Connecticut, the other Senator from Connecticut, has raised some points. I come at it from a very different perspective. I want to share the very briefly.

No. 1, I wholeheartedly agree that many of the problems we have in elections today arise from the lack of dedicated, partisan poll workers and watchers looking over each other’s shoulders in the election booth. This is where a lot of the problems can be cleaned up. I am most interested and will look with a great deal of interest on any recommendations where we can get the young college Democrats and Republicans involved in every election in the elections because when elections need are partisans who are aggressive and informed and will provide a check on each other to make sure the voter hears both sides and makes sure nobody who may vote for one side or another is not given full information.

Precisely for that reason, I question whether we ought to be releasing a whole group of Federal employees, who have important responsibilities serving as their friend, to work in the polling place, then that would give the Federal employee the opportunity to take the day off with pay. They would not receive any pay from the localities. This would actually be a help to the local governments. They would not get only first-class, nonpartisan poll workers but would not have to pay for them. That is what this is all about.

I assure my friend from Missouri this is not going to be a Federal invasion of the local election process. This is very much a voluntary issue, which is, if local election officials want some people living in their town, their neighbor presumably, maybe even their friend, though a Federal worker, perhaps even a Federal employee to work in the polling place, then that would give the Federal employee the opportunity to take the day off with pay. They would not receive any pay from the localities. This would actually be a help to the local governments. They would not get only first-class, nonpartisan poll workers but would not have to pay for them. That is what this is all about.

I thank Senator Dodd for the time he has given me. I will move in a moment to set the amendment aside, but I do want a recorded vote, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?
There is a sufficient second. The yeas and nays were ordered.
Mr. LIEBERMAN. I ask unanimous consent that the amendment now be set aside.

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

Mr. DODD. Madam President, we have been talking about poll workers, and we would be remiss if we did not point out, because there are literally thousands of people across this country every election day, not just on the first Tuesday after the first Monday but also referenda that occur in our States and communities all during the year, that these are dedicated volunteers. It is really a remarkable thing, despite the shortcomings in the process today, that from the beginning of our Nation’s history it has been voluntary citizens who have offered their time at all the polling precincts across the country to participate in the election process of the country.

I would not want the day nor the discussion to end and not point out that we have great respect and admiration for these people throughout the years who have given so much of their time and effort to see to it that the election process goes on in this country.

The Senator from Connecticut, my colleague, made a wonderful suggestion for expanding the ranks of people who would like to do this. Senator SARBANES, I believe, will offer an amendment to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved. We ought to encourage young people in college to get involved.

We have counties that have a population of only 1,800 people with 2,500 square miles in the county, and we cannot purge those lists in those counties. We have some polling places that have no electricity.

Everybody found that sort of humorous. Imagine the migration from the States of the old potbelly stove. But they become a polling place during elections. There is no heat, no light, no phone, no electricity. The only heat is an old potbelly stove. But they become a polling place during elections. There is no heat, no light, no phone, no electricity.

We have counties that have a population of only 1,800 people with 2,500 square miles in the county, and we cannot purge those lists in those counties. We have some polling places that have no electricity.

Clean, adequate, statewide registration makes it easier to vote and tougher to cheat. I hope we can have further discussions in this area to make sure we provide the best tools possible to the State and local officials while maintaining the basic goals of the Federal legislation.

Mr. BURNS. Mr. President, I think this gets down to where we really want to be in cleaning up this situation on voting lists, registrations, and everything that goes with elections. When you have a list that is inaccurate, whether it be by address or by name or by whatever, and there is a huge list of names on the inactive list, this absolutely invites fraud and mischief. It also invites the situation where, if you are a voter and you want to vote and that list is inaccurate, you may not be able or allowed to vote.

That is why the purge of the list at least every 4 years is necessary. I am adamant on this because I come out of county government. I was just a little, a county commissioner, but I understand the challenges one has putting on elections. I also understand the cost. I also understand what it costs to...
maintain a database that is accessible and easy to change as the times or the circumstance would suggest.

This may be a part of our problem in facing the challenges of elections, trying to keep "one vote, one person" and making sure that person is on the list and can vote.

I ask support of my amendment. I understand the work the managers have done on this legislation. I fully understand that and I fully understand where they come from. But as we move forward, if we have difficulties and we see the difficulties of maintaining the lists, then we can also reconsider this at a later time.

I appreciate the cooperation of the managers, and my good friend from Connecticut, and I will yield the remainder of my time, but first I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. DODD. I yield back my time as well. I ask unanimous consent the amendment of the Senator from Montana be temporarily laid aside so we can stack some votes. We will turn now to my colleague from Florida to offer another amendment.

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

The Senator from Florida.

AMENDMENT NO. 2901

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk. This is an amendment offered by Senator GRAHAM and me.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. NELSON), for himself and Mr. GRAHAM, proposes an amendment numbered 2901.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to require the Attorney General to submit to Congress reports on the investigations of the Department of Justice regarding violations of voting rights in the 2000 elections for Federal office)

On page 68, between lines 17 and 18, insert the following:


(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted on or before November 2000 in this section referred to as the "investigation") has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that will greatly improve the election process. Nothing is more fundamental than the right to vote. We saw in the experience in Florida that there were some flaws in the system.

I thank the Senator from Missouri, the ranking member, Senator MCCONNELL and Senator DODD for bringing such an important piece of legislation to the floor.

I yield to my colleague from Florida. The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we are here this afternoon largely because of the events which surrounded the election in November of 2000. Had there not been the degree of turmoil and controversy and allegations, it is unlikely there would have been the public momentum that led to the development of this very constructive national legislation that I hope we are about to adopt.

There have been other arenas which have been touched the most of the Department’s investigation into alleged voting rights violations during the 2000 election.

The Attorney General promised to deliver this information during his Senate confirmation year later we are still in the dark. We have not been getting these reports. Senator GRAHAM and I have sent letters. That did produce a meeting with Justice Department officials.

We asked that a report be sent to us monthly. It has not. One or at most two reports out of 12 months have been sent to us.

I regret this legislation is necessary, but the Department has left us with no other option. Senator GRAHAM and I have repeatedly asked the Voting Rights Office to fulfill the Attorney General’s promise, and each time we have requested this status report the Voting Rights Office has promised to comply, yet we have received almost nothing over a 12-month period. That is not the way government is supposed to work.

So we come to the Senate today to ask that the Department’s behavior change. We think it is unacceptable. It directly contravenes the Senate’s ability to exercise its oversight authority over these investigations.

As we have discussed earlier today on the election reform bill, our State is certainly riveted to the subject matter that we are discussing today and particularly now the amendment Senator GRAHAM and I offer. The people of Florida deserve answers about what went wrong in that 2000 election, and we want to get some answers.

Basically, we want to know, how is the Justice Department investigation going? We want a status report. In our bill, we are asking for one every 2 months. Then we say, after the Attorney General’s office concludes their own investigation, that within 60 days they report to the Congress.

I express my support for the underlying bill and my thanks to Senators DODD and MCCONNELL for crafting a bill
which wrote these laws that the Department of Justice is supposed to be enforcing, as to what is happening, and how close we are to getting to a completion of this review.

This is intended to be a means by which the Congress can carry out its oversight responsibility and to make sure that the laws—laws that, as I said, were particularly designed to protect the voting interests of all Americans, especially those Americans who in the past have not had equal access to our democratic system—are not sitting on their hands and report to the Congress once the conclusion is reached. We don’t say how long they have to do it. All we do in our amendment is say every 2 months give a status report to the Congress. Then we say that at the end of their investigation when they draw their conclusion, send that report to the Congress.

I hope this is something that we don’t have to spend time on. I ask the Senator from Missouri and the Senator from Kentucky to please recognize the bipartisan spirit in which this amendment is being offered. Mr. President, I don’t have us go through a harangue here. I urgently plead, please accept the amendment.

The PRESIDING OFFICER. Who seeks time?
Mr. BOND. Mr. President, we have worked hard and long on a bipartisan basis to try to fix a lot of problems we saw in the past without going back to look at the problems that arose in the 2000 election, the 2001 election in my State, and others.

Frankly, there is some concern on this side of the aisle. The amendment is designed with the likelihood of reigniting a controversy that we thought we put aside. I agree 100 percent that Congress has a right, in its oversight responsibilities, to ask for reports from every agency of the executive branch. Frankly, that is what oversight hearings are for in the authorizing committees. That is what oversight hearings are for in the Appropriations Committee.

I have asked very difficult questions of agencies, both under Democratic and Republican Presidents. I think, frankly, in the last 8 years I didn’t get a heck of a lot of answers. But I don’t think that we bring the oversight fights to this body and try to get the body on record with what has been in the past a very political controversy. Frankly, the Department of Justice has under consideration the allegations of criminal activity engaged in by the Gore-Lieberman campaign in both St. Louis and Kansas City. We pointed out that in those two areas, almost identical petitions were filed within 14 minutes of each other. Fortunately, the lawsuit was thrown out in Kansas City. But the judge initially ruled in favor of Gore-Lieberman in St. Louis. That is the time we found out that the person who was alleged to have been denied a right to vote had been dead for 15 months, which was probably a slightly greater impediment to him voting.

That matter has been referred to the Department of Justice.

I don’t think we need to go down the path of making a formal legislative finding that they should report on that. I am disappointed that we seem to be getting back into this battle by opening up the controversies of the 2000 election.

I urge my colleagues to ask in oversight committees then and representatives of the Department of Justice are there to speak for themselves, what the status is or why there is no report. I think we should not burden the bill that we are fighting to keep a bipartisan bill with something that smells to some on my side as an effort to re-inject a partisan battle. This is all very partisan, I know, when it gets to elections. I believe you need to have good Republicans and good Democrats on both sides.

I just hope the distinguished Senators from Florida, for whom I have great admiration, would use the oversight hearings to ask the questions of the Department of Justice.

Mr. President, I don’t believe in negotiating in public. This is not just an intellectual exercise for our colleagues from Florida because the entire world inhabited their State for a number of weeks, and the entire world watched on an electrifying basis, hour after hour of voting precincts, what they went through. It was a tremendous ordeal that the State of Florida went through.

My colleagues are being mild in their expression of the frustration their constituents felt.

I also understand the point my friend from Missouri raised. We said over and over again that this bill is about the future and not about the past. We are not going to deal with the situation in Florida, or one election, but, rather, a condition that has grown over the years of a corroding and deteriorating condition of the election process in America, that was reflected by what happened in the year 2000 but not exclusively so. We wanted to get away from the notion of examining, through this vehicle anyway, what had happened last year.

I think there is some frustration that my colleagues feel, however, about whether or not the Department of Justice is going to respond to inquiries they have made.

I recommend that maybe there ought to be a willingness to sign onto a letter among them to give answers, rather than getting involved in a debate, and a vote, however it breaks down on party lines, inviting more action.

We all know the frustration in asking an agency of the Government to respond to us, and they do not do it. If that has been the case here, then maybe our colleagues, as coequals, deserve to be heard. If they are not responding to our colleagues, that is worse. Whatever the results may be, they deserve answers. I think that is what they are asking; to be heard from and given answers.

So I might suggest that maybe a letter could be crafted, on a bipartisan basis, which we could sign and get to the Department of Justice, and ask for those answers to come back to our two colleagues. If any of our States went through what they went through, we would want nothing less. So it is a way of maybe getting away from this particular process.

The PRESIDING OFFICER. The Senator from Florida.
Mr. GRAHAM. Mr. President, as usual, the Senator from Connecticut
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has found a reasoned way to resolve this issue and avoid some of the concerns that the Senator from Missouri expressed.

As we mentioned during the conversation we had in the Senator's office about a week ago, Senator NELSON and I are very supportive of the underlying legislation. We do not want to be, in any way, an obstacle to its successful passage.

We do have this issue. I might say, Senator KYL, it is not the only Senator where there are unresolved allegations of irregularities.

Mr. DODD. No.

Mr. GRAHAM. The amendment we offered was not State specific. We are requesting wherever there is yet an open file of an allegation of irregularity in the Department of Justice, the Department periodically report as to how they are progressing so that eventually there will be closure. We do not want to get to 2004 and still have open cases from the year 2000 election.

The Senator's committee is the committee that has jurisdiction over these issues. Witness the fact you produced this excellent piece of legislation. So if your colleagues could accomplish what, frankly, Senator NELSON and I have been frustrated in our efforts to do for the last several months, which is to get a status report—I would hope you would be asking for all States, but we would particularly urge that you do it for our State—that would satisfy our goal, which is to get to closure, not to do so in a particular process, whether it is legislation or otherwise.

The Senator has suggested a process that seems very reasonable. If you think you would be willing to do so, we will be pleased to accept the Senator's generous offer and leave.

Mr. DODD. I appreciate my colleague's comments.

I turn to my colleague from Kentucky for his comments.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut, the chairman of the committee, for an excellent suggestion.

I also thank the Senators from Florida for being willing to take this particular path. It certainly simplifies our lives and hopefully gets the response the Senators are seeking as well.

I have talked to Senator BOND. He also agrees.

So it seems to me that is a good solution to the issue.

Mr. DODD. I thank the Senator.

AMENDMENT NO. 2901 WITHDRAWN

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to withdraw the amendment based on the representations by the Rules Committee.

The PRESIDING OFFICER. The Senator has that right. Without objection, it is so ordered.

Mr. NELSON of Florida. What are we looking for are some answers. We thank you for helping us achieve that.

Mr. DODD. Mr. President, they have every right to those answers. We will do everything we can to craft a request to see to it they get those answers.

Mr. President, the pending amendment is the KYL amendment, as I understand it. And we made a request earlier that Senator KYL of Arizona come to the Chamber.

The PRESIDING OFFICER. The pending amendment is the Lieberman amendment.

Mr. DODD. Lieberman is pending.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I say to my friend from Connecticut, we may be in a position to dispose of the KYL amendment. I am sure that Senator LIEBERMAN would not mind if we set his amendment aside in order to achieve that.

I understand Senator KYL is on his way and should be in the Chamber momentarily.

Mr. DODD. Why don't we wait for Senator KYL to come. He is going to be here shortly.

I would like to engage in a colloquy with him about some concerns about his amendment, ones I think he may be able to address in a colloquy. We might be able to then accept that amendment and then go to the Lieberman amendment and the Burns amendment and vote on those. I think that is where we would be at that point. We would have cleaned up at least existing matters.

We still obviously have outstanding issues. I made the point earlier, and we would ask my colleague from Kentucky to join me in this request to our colleagues, please bring over or have your staff bring over amendments, if you care about them.

We have a long list. It may be that you have decided you do not particularly want to offer your amendment, but I have it here. If I do not hear from you by 5 o'clock, I am going to assume you decided you will wait for another day.

We can get a list made up so that either tonight—we may not have votes after 5:30, 6 o'clock, but that will be up to the leaders, but at least we will be able to dispose of some amendments that we can get an agreement on, or set up a schedule tomorrow, very early, so we might be able to dispose of this bill. I still hope that is possible. I realize that diminishes as each hour passes, but that may be the case.

So unless you feel a burning, overwhelming desire to bring your amendment up—and if that is the case, please let us know immediately—we are going to assume that you have decided to defer to another time.

My colleague may want to join me in that request while we are waiting for Senator KYL.

Mr. MCCONNELL. Yes. I say to my friend from Connecticut, we originally hoped we would finish today. That may be fading on us, but hope springs eternal, and the possibility of having the recess begin tomorrow is not completely over but looking unlikely.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I ask unanimous consent that the Lieberman amendment be temporarily set aside.

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

Mr. DODD. What is the pending business before the Senate?

The PRESIDING OFFICER. The McConnell second-degree amendment.

Mr. DODD. Let me describe what I think may occur. One is to accept the McConnell amendment to the KYL amendment, first of all. That would be routine. Then we would like to engage my friend from Arizona in a colloquy about his amendment and what it does—there was some confusion about what the effect of the amendment would be in the earlier debate—and to then have the two recorded votes and I have already discussed in private around this amendment. He is very sensitive to these questions.

My intention is to accept this amendment with the McConnell second-degree amendment and then have a colloquy as to what the effect of this amendment would be, with the further understanding that between now and the completion of this bill, we may not be able to get all the answers we would like from the Social Security Administration of their views on this and what the effect of it could be. We will try and do that before we get to conference. If there are problems we can’t identify at this moment that may emerge, we will try to address those in conference. That is really the gist of what I want to get to.

Let me turn to my colleague to once again briefly describe his amendment. We will have a colloquy, and then we can move to accept it, my hope is, and then have the two recorded votes on the Lieberman and Burns amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I certainly appreciate the comments of the Senator from Connecticut. I will describe again what we intend this to do. The language does it, especially with the second-degree amendment that has been adopted that the Senator from Kentucky offered.

This amendment allows what 11 States currently are allowed to do and 7 actually do do, which is to use Social Security numbers to validate people for later registration purposes. When the Privacy Act was adopted, those States were grandfathered. The other States were prohibited from doing this. There are several States that request
Social Security numbers but don’t require them. This would simply allow but not mandate States to request or to require Social Security numbers as one of the methods of identification.

To the two specific points Senator Dodd raised, it is our intention, I reiterate our support for the language—that this is voluntary, not mandatory. No State would have to do this. And, of course, any State that did do it would have to meet all constitutional requirements, could not violate any privacy requirements, and so forth.

Secondly, it is not our intention that this would be in any way an exclusive method of identification and that States should not, as a result, use Social Security numbers as the only way of validating the identity of the person being registered or the person whose name is being expunged from the rolls or for whatever purpose they would use it.

The Senator from Connecticut is correct in his understanding. I think the language is clear. We need to work with the Social Security Administration or others during the continued progress of this bill. It is certainly our intention to do that to ensure that this intent is carried out.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona. I have said it already—he has repeated it—but just toclist nothing in this amendment that would mandate the use of the Social Security identification number by any State; is that correct?

Mr. KYL. The Senator from Connecticut is exactly correct.

Mr. DODD. Secondly, any State that would use only a Social Security number as a means of identification would also be prohibited under the law; is that not correct?

Mr. KYL. It would be our intention to ensure that is the case, with only one caveat. The seven States that currently do this legally, I am not sure exactly what their laws say, and it is not our intention here to deal with those one way or the other. Those are all grandfathers in. I suspect they at least require an address, if not something else. The State should require something else.

It is our intention, at least prospectively, with our amendment, that they should add ID and —

Mr. DODD. If we look at this, maybe if it is in conference or before the conclusion of the bill, with a technical amendment to accomplish whatever it may be, I ask my colleague if he would be willing to accept much language in order to clarify that.

Mr. KYL. For that explicit purpose, yes.

Mr. DODD. I thank my colleague for his answer to these questions. I point out, the Social Security Administration doesn’t like the Social Security card being used for identification purposes. I know people do it, but it makes them nervous. Obviously, there are a lot of problems with it. I gather my colleague from Arizona, before coming over to the floor, was engaged in a hearing dealing with the issue of stolen Social Security numbers, the problem of 9-11 where people that are not actually the election who, I am told, at least in some cases may have been terrorists themselves who were using Social Security identification numbers.

There are legal problems with this. We have tried to solicit from the Social Security Administration why they have, beyond what I have expressed, reservations about the use of the Social Security identification. I can understand from the secretary of state’s standpoint why this identifier is attractive. It is there. It is one that is easily used. It is national in scope. But there are concerns about it.

I say to my friend from Arizona, as we solicit from the Social Security Administration what these additional concerns may be, that we will certainly take that into consideration in conference as we craft a final version of this bill. And if there are some reasons with which I am not familiar, I would say I am amenable to listening to those concerns to modify this amendment so as to accommodate, to the extent possible, if it is reasonable, the Social Security Administration’s concerns.

Mr. KYL. Mr. President, obviously, we will listen to those concerns. I need to go back and mention one thing I mentioned when I introduced it earlier. There is a long list of things for which the law permits us to use Social Security numbers precisely because the Federal Government does need to verify identity. If you apply for food stamps, if you apply for Medicaid, if you apply for a green card, a passport, a lot of things that the Federal Government do, in some cases State governments do, we really need to be sure that the person who is applying for the benefit or applying for the activity involved is in fact who he says he is.

We don’t have a national ID card, and the card that has more closely approximated a government identifier than anything else of uniform use is the Social Security card. That is why the Federal Government does in fact require it. Obviously, our right to vote is one of our most sacred. We don’t want that diluted by people who should not be voting. We want to ensure that people who are voting are in fact who they say they are. This is one of the better ways of doing it, through the Social Security card.

It can be stolen. There are fraudulent Social Security cards in circulation, to be sure. It is not a perfect identifier. The Social Security Administration is concerned that the more uses there are to which the Social Security card is put, the more people there is to steal cards or make invalid cards. Until we have a different kind of identifier, perhaps one that involves biometric data or some other way to ensure that the person appearing before the Federal agency requesting the benefit is in fact the person he says he is or she says she is, the Social Security card is about the best thing we have.

If nothing else, this points up the fact that the Government, for all kinds of purposes, needs to know who people really are. We need to consider what kind of identifier would work best.

The argument is not that we should not have it, it is what will be the best one. For our purposes today, about the best we can do is the Social Security number. Some States already use it. We want to make that opportunity available to the other States.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut for agreeing to accept the amendment and say to the Senator from Arizona, when the secretaries of state were asked what is the single most effective thing they could be given to combat fraud and to pure down lists and remove from those lists people who are not supposed to be on the Social Security number. So while the Social Security Administration may have some reservations, the secretaries of state have no reservations.

They think it would be an extraordinary step in the right direction. I must thank the Senator from Arizona for offering the amendment. I thank the Senator from Connecticut for accepting it.

Mr. DODD. Mr. President, we have the McConnell second-degree amendment, which we are going to accept, and then we are accepting the Kyl amendment, as amended, by the McConnell amendment. How do you want to proceed?

The PRESIDING OFFICER. Is there further debate on the second-degree amendment of Senator MCCONNELL?

The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the —

Mr. DASCHLE. Mr. President, before we go to the pending amendment, I have some comments.

These will be the last two votes of the evening. I wanted to give ample opportunity for our colleagues to spend some time with their spouses tonight and wish them a happy Valentines Day.

We will be in session tomorrow, of course. There will be no votes on Monday day when we come back. I am not sure what day that is. But on Monday we will not have votes.
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CAMPAIGN FINANCE REFORM

UNANIMOUS CONSENT REQUEST

Mr. DASCHLE. Mr. President, after consultation with the Republican colleagues, there is a unanimous consent request I wish to propound prior to this vote, if I may.

Laughter late, the House passed the campaign finance reform bill. We are very appreciative of the tremendous work done by so many of our colleagues on the House side and are very pleased now that we are at a point where expeditiously we can take this bill to the Senate floor and then send it off to the President. My hope is that we can do it with a minimum amount of additional debate, given the fact that the bill is virtually the same one we passed in the Senate.

I ask unanimous consent that the majority leader, after consultation with the Republican leader, may, at any time after the Senate has received the bill from the House, turn to the Senate floor and then send it off to the President. My hope is that we can do it with a minimum amount of additional debate, given the fact that the bill is virtually the same one we passed in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCONNELL. Mr. President, I thank the Senator from Kentucky and comment again that he has fought a good fight. The opponents of this bill have fought tenaciously, honorably, and I believe they certainly have a right to examine legislation that was passed as late as 3 o’clock in the morning.

I want to point out also that, of the 140 bills that the law durts in the 107th Congress, only 19 necessitated conference committees between the 2 Houses of Congress. Eighty-six percent of the bills that became law during the 107th Congress did not require a conference committee between the Houses.

Some are of great importance, such as the Victims of Terrorism Tax Relief Act and the Railroad Retirement and Survivors Act. There are many very important pieces of legislation that did not require a conference. I believe that, upon examination, my colleagues will see that the bill is basically the same as the one that was passed by the Senate, with the exception of the Torricelli amendment, which had to do with the lowest unit rate requirement for the purchase of television ads.

Frankly, in the interest of straight talk, I have never seen any way you can emerge victorious over the broadcasters. The broadcasters have $70 billion worth of spectrum. They win no matter what. If anybody thinks we can beat the broadcasters, I would like to interest you in some desert land in Arizona.

Aside from that amendment, the bill is really in its original form as passed by the Senate. Again, I want to say not only to my colleagues in the Senate but to those in the other body, this has been a very emotional, spirited debate. Frankly, in the interest of straight talk, I have never seen any way you can emerge victorious over the broadcasters. The broadcasters have $70 billion worth of spectrum. They win no matter what. If anybody thinks we can beat the broadcasters, I would like to interest you in some desert land in Arizona.

That is in the tradition of the Senate. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona knows I care deeply about—and he has been supportive of that as well—I think great progress has been made on that subject in the bill of which the Senator from Arizona was a principal sponsor, which left the Senate and passed the House. Both candidates and parties have been operating under hard dollar limits set at a time when a Mustang cost $2,700. We did a study of the cost to candidates over a 6-year term, and for the typical candidate in America over a 2-year term, the cost of running the same campaign he ran 6 years before is up 40 percent. So certainly that is a good feature in the bill.

Again, I commend the Senator from Arizona for his steadfast interest in this issue, and he has been a great competitor. I admire him greatly. We will be prepared to deal with this issue after the recess.

Mr. MCCAIN. I thank my friend from Kentucky for his kind words. I do want to say, I may not miss it at all.

Laughter.

My friend from Wisconsin is here. We shared the very wonderful moment last night with our colleagues in the House and Congressman MEEHAN and Congressman SHAYS. It was quite a remarkable time. I am glad to have been able to be a part of this process.

Again, the opposition has been principled, honorable, and ferocious. That is in the tradition of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I spoke this morning of the great victory of campaign finance reform in the House last night and the importance of taking up a bill quickly in the Senate so we can send it to the President. I expressed concern that games might be played by the House leadership in transmitting the bill to the Senate so we can consider it. I was pleased by the announcement this afternoon by
Speaker Hastert that the bill should come over to us in a matter of days. That is good news, and I am pleased to hear it.

I, too, thank the Senator from Kentucky. He was very gracious in his remarks today. Whether or not we miss this process in the future is one issue. Certainly that has been the nature of the experience over these many years, and I sincerely thank him for that.

The possibility of delay still exists in this body. I sincerely thank the majority leader for his tremendous commitment today to bring up the bill in the Senate as soon as it comes over and to lead us in fighting through whatever procedural hoops might be placed in our path to try to stop the Senate from acting on the bill.

We had a long, fair, and good debate last year on this legislation. Any effort to prevent the Senate from acting on the bill I think will simply delay the inevitable; it would frustrate the will of the Senate and the will of the American people.

Yesterday’s strong bipartisan vote in the House after marathon debate reinforces once again the time has come to pass the bill. As much as some tried to deny or rationalize it, the soft money system taints all of us in this body, and it truly undermines our credibility with the American people.

There does come a time when we have to say enough. That time is now. As soon as the bill comes to us from the House, let’s take it up; let everyone say a final word about their positions, and then send it to the President to be signed into law.

Again, I thank the majority leader. I thank my good friend, Senator McCain. I yield the floor.

The PRESIDING OFFICER (Mr. Reid). The majority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Wisconsin and the distinguished Senator from Arizona for their incredible leadership. History will be written about what they have done and what these two outstanding Senators will be acknowledged for the tremendous contribution they have made to the improvement of our political system.

Once again, and not for the last time, I acknowledge their leadership and appreciate very much the effort they have made to get us to this point.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DASCHLE. Mr. President, I want to make sure that I clarify something. Just because we are not having additional votes does not mean Senators could not come over and offer additional amendments. Senator Dodd has indicated a desire to stay here for as long as there are those who have amendments. We may be able to obtain a finite list. I hope we can continue to chip away at those amendments tonight and tomorrow.

I want to accommodate Senators who have dates with spouses and significant others, but there may be those who have neither and would be more than willing to come over and talk about election reform. If that is the case, we are ready. I know Senator McConnell is every bit as interested in moving this legislation along.

I applaud the managers and thank them for their willingness to stay here and continue this effort. Please, if Senators have amendments, come to the floor. We will do these two votes and we are interested in doing more, even though we will not have additional rollcall votes tonight.

I yield the floor.

VOTE ON AMENDMENT NO. 2891, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2891, as amended.

The amendment (No. 2891), as amended, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay on the table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2890

Mr. DODD. Mr. President, is the pending business now the Lieberman amendment?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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 amendment will be so modified. The amendment, as modified, is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) Short Title.--This section may be cited as the "Federal Employee Voter Assistance Act of 2002".

(b) Leave for Federal Employees.--Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

"§ 6329. Leave for poll worker service

"(a) In this section, the term--

"(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

"(2) 'political appointee' means any individual who--

"(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate; and

"(B) is employed on the executive schedule under sections 5312 through 5316;

"(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

"(D) is employed in a position that is excepted from the competitive service because of the confidential or policy-determining, policy-making, or policy-advocating character of the position; and

"(3) 'poll worker service'--

"(A) means--

"(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

"(ii) training before or on that date to perform service described under clause (i); and
"(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

"(b)(1) The head of an agency shall grant an employee paid leave under this section to perform poll worker service.

"(b)(2) Leave under this section—

"(A) shall be in addition to any other leave to which an employee is otherwise entitled; and

"(B) may not exceed 3 days in any calendar year; and

"(C) may be used only in the calendar year in which that leave is granted.

"(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

"(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.

"(c) REGULATIONS.—

"(1) In general.—Not later than June 1, 2005, the Office of Personnel Management shall promulgate regulations to carry out the amendments made by this section.

"(2) EFFECTIVE DATE.—This subsection shall take effect on January 1, 2008.

In effect, what the Senator from Connecticut is suggesting is that Federal union employees be given a paid holiday by the taxpayers of the United States to go out and work for Democratic officials on election day. I strongly urge this amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Connecticut, Mr. LIEBERMAN, No. 2890.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. Mr. President, I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Burns amendment. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I understand there is a minute on each side on the Burns amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend. Mr. President, this amendment is patently simple. It allows the Director of Elections in each county or the Secretary of State to purge the list every 4 years, or every other Federal election.

Right now, they cannot purge it but every other Presidential election. So you are carrying dead weight for 8 years. It costs Missoula County $16,000 just to maintain these big lists. It also makes a lot of people ineligible to vote even though they are on the list.

This is strongly supported by the secretaries of state of your States. I ask for your support. This makes no sense. This is where the mischief is in elections.

I yield the floor.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to this amendment. Right now, the voter lists have to be purged every 8 years. The Burns amendment would conflict with the motor-voter law; furthermore, many people would be needlessly purged. People who did not vote in two elections would be purged from the list and would have to reregister.

In a bill where we are trying to make it easier for people to vote, this takes
two steps backwards and makes it harder. We have taken care of this in the bill. The lists are purged at some point, but it should be a longer period of time. Simply because you miss two elections should not take you off the rolls. I urge rejection of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very simply stated, you have the right to vote, but you also have the right not to vote in two elections and not be purged. If the Burns amendment were adopted, and you missed two elections because you didn’t want to vote, you would be off the list. That is too extreme. I urge rejection of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2887. The yeas and nays have been ordered. The clerk will call the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

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

The result was announced—yeas 40, nays 55, as follows:

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 establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(A) ERROR RATES.—

(1) The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration by the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(2) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

Mrs. CLINTON. Mr. President, I rise to do two things. The first is to thank my colleagues, Senators DODD and MCCONNELL, and thank my colleagues for the extraordinary work they have done in crafting an election reform bill that will significantly improve our Federal election system.

I am very pleased that in this legislation we call for national standards for voting systems, that we agreed greatly the call for national standards for voting systems, provisional voting, and statewide voter registration lists in all voting systems used in Federal elections. I believe these national standards are critically important because the rights of citizens in one State to exercise their constitutional right to vote should not be any greater or lesser than the rights of a citizen in any other State.

In considering and passing this bill, we are also making a statement of our values and, in a direct way, repudiating those who attacked our country on September 11 because of our commitment to a free and democratic system that we would like to see replicated in every nation of the world. But the only way we can demonstrate to the rest of the world that we put our values into practice is if each and every American has faith that our election system is the best and fairest.

I rise to offer an amendment that will provide a greater assurance that the rights of voters to vote and have their votes counted in Federal elections will not vary widely from State to State to State.

As we know, the bill we are considering requires by 2006 that all voting systems used in Federal elections have an error rate that does not exceed the standards established by the Director of the Office of Election Administration. That refers to the rate that voting machines make mistakes in reading ballots.

This standard is important because it means that by 2006 all voting systems used in Federal elections will have to use technology and equipment that does not result in more than a minimum percentage of votes being discarded.

Yet as important as this standard is, it deals with only one of the two pieces of the problem of discarded ballots because this standard concerns votes uncounted due to mechanical errors of the voting system, but it does not address at all the major problem of residual votes which are overvotes, undervotes, or spoiled votes that are discarded due to unintentional human error.

Residual votes, not mechanical errors, are by far the most common reason why ballots are discarded and not counted and why, therefore, voters who thought they were doing the right thing ended up being disenfranchised.

Over the past four Presidential elections, the total rate of residual vote error was slightly higher than 1 percent. This translates into more than 2 million voters in these elections not having their votes counted. The percentage of residual votes is even higher in Senate elections.

With respect to last year’s Presidential election, the Caltech-MIT voting technology project reports that voting ballot problems led to an estimated 2 million votes never being counted because ballots were ambiguous or unclear. Although 500,000 of these ballots represented abstentions, the remaining 1.5 million ballots represented votes where the voters actually believed they had recorded a vote for President even though their votes were ultimately discarded.

In addition to the Caltech-MIT study, the U.S. Commission on Civil Rights found that in some precincts as many as 20 percent or more of the ballots were incorrectly counted. Other researchers and media analysts found the same results, and many of these discarded votes were actually what we call residual votes.

Mr. CRAIG. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.
For these reasons, the Election Reform Commission, chaired by our distinguished former Presidents, President Carter and President Ford, the so-called Carter-Ford Commission, recommended unanimously that we focus not just on machine errors in improving our system, but on these unintentional human errors as well.

The Commission members from both parties from all regions of the country did so because they knew that focusing only on mechanical errors was not good enough; that only by measuring residual votes will we be able to assess effectively whether the voting process as a whole is giving citizens an equal opportunity to have their votes counted.

The bottom line is that there is no dispute that residual votes are a major problem. The question is, What are we going to do about it?

The amendment I have offered provides a fair, reasonable, and effective amendment that calls upon the Office of Election Administration to establish a national performance benchmark for residual votes, measured as the percentage of residual errors at the top of the ballot, excluding an error on the language available research of intentional undervotes.

Like the other benchmarks in the bill, voting systems used in Federal elections would have to meet it. This amendment sets a standard that is already in the bill that calls upon the Office of Election Administration to set a benchmark with respect to mechanical error rates. The amendment, however, puts in the final piece of the puzzle for requiring this benchmark for residual votes as well.

For any who might be concerned that the benchmark is measured by subtracting an estimated number of intentional undervotes, that is not the case. In considering this particular issue, the Carter-Ford Commission noted there has been considerable progress in determining how often intentional undervotes occur. We can take this data from the National Election Studies, from the Voter News Service, and we can then use it for the determination as to how we consider this remaining problem.

The Caltech/MIT study, for example, said exit polls suggested approximately 30 percent of votes, less than 1 percent of all votes, are intentional. Individually and collectively, therefore, we can estimate these intentional undervotes and knock them out and only focus on the unintentional where someone thought they were actually marking the ballot.

I hope when we establish these national standards, we recognize this is an important issue. Yes, we need to take care of those mechanical errors but we also have to take care of the unintentional human errors. We have learned in election after election, not just in 2000 but in many of our elections, that hundreds of thousands of our fellow Americans have gone to the polls believing they were exercising the most fundamental of their constitutional rights. They cast their ballots and they never knew their ballots were not counted and their voices were never heard.

I hope the Senate will consider this problem and will favorably act upon my amendment so we can, at the end of this process, say clearly and unequivocally to all Americans we have put into place the best possible system we can and that every vote truly counts that our election system matches our values.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2908 TO 2910, EN BLOC

Mr. MCCONNELL. Mr. President, I have three amendments that have been cleared on both sides: one by Senator CHAFEE, one by Senator JUDD GREGG, one by Senator JOHN MCCAIN. I send the three amendments to the desk and ask that they be considered en bloc.

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

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The bill from Kentucky [Mr. MCCONNELL] proposes amendments Nos. 2908 to 2910, en bloc.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2908

(Purpose: To clarify that States and localities with multi-year contracts are eligible to apply for grants under the Act)

At the end of section 206(b), added the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract."
which will benefit in the economic re-
vitalization provided in the bill. Fi-
ally, it is a victory for the environ-
ment which will benefit from the sig-
nificant increase of funding new pro-
grams to help restore wildlife habitat,
reduce water pollution, and resolve conflicts.

Together with Senator LEAHY, I
spent a lot of time working on the con-
servation provisions of the bill. It was
only part of this massive bill which was
written by Senator HARKIN of Iowa.
The bill is over 1,000 pages. It has sepa-
rate titles dealing with commodity pro-
grams, conservation, trade, nutrition,
credit, rural development, research,
forestry, and energy. Countless amend-
ments were drafted to the bill, and many
were offered. Work on the bill began in earnest more than a year
ago.

When we complete a bill of this size,
we often thank our staff for the work
they put into such an effort, and right-
fully. I would like to thank Senator
HARKIN, ranking member Senator LUGAR, Senator
DASCHLE, and Senator LEAHY’s staff, in
particular, put in a tremendous amount of work on this bill.

Sometimes, though, we forget to
thank the people who are essential to the success of this legislation. That is the Senate legislative counsel. They do
tremendous work. The bill we passed is a product of numerous drafts, revi-
sions, alternates, and many amend-
ments. Our legislative counsel were re-
sponsible for ensuring that all those
many drafts and amendments captured
our interest. They had to do so under
time pressure. They were a great help to me and my staff on the con-
servation provisions and on the water provisions in particular.

It may surprise some to know that
only 5 attorneys were responsible for
all the work that went into the 1,000-
page bill. I personally would like to
thank them. Not only on my behalf but
time, it should be just the opposite.

On this occasion, I make sure I express
my appreciation to Lisa Moore and the
many other people I mentioned who
were so important in passing this legis-
lation.

I suggest the absence of a quorum.
Mr. DASCHLE. The clerk will call the
roll.
Mr. DAYTON. Mr. President, I ask
unanimous consent the order for the
quorum call be dispensed with.
Mr. DODD. Without objection, it is so
ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

AMENDMENT NO. 2838

Mr. DAYTON. Mr. President, I offer an
amendment, No. 2838, to S. 565, the
election reform legislation.

The PRESIDING OFFICER. The
clerk will report.

The legislative clerk read as follows:

The Senate from Minnesota [Mr. DAYTON] proposes an amendment No. 2838.

Mr. DAYTON. I ask unanimous con-
sent the reading of the amendment be
dispensed with.

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

The amendment is as follows:

(Purpose: To establish a pilot program for
free postage for absentee ballots cast in
elections for Federal office)

On page 88, between lines 17 and 18, insert the
following:

SEC. 2. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) PILOT PROGRAM.—The term “pilot program” means the pilot program established
under subsection (b).

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under the Postal Service Act that contains the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than ballots mailed materials mailed under sec-
tion 3406 of title 39, United States Code). Such pilot program shall not apply with re-
spect to the postage required to send the ab-

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to
conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implement-
ing the pilot program; and

(C) the demographics of voters who partici-

pated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date
that is 90 days after the date on which the
general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such rec-

POTENTIALLY DEADLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individ-

uals and individuals with disabilities; and

(ii) identify methods of targeting such indi-

viduals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be
appropriated $1,000,000 for fiscal year 2004 to
carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUND-

ING.—The Federal Election Commission and the
Postal Service shall not be required to carry out any responsibility under this sec-
tion unless the amount described in para-
}

S836

CONGRESSIONAL RECORD—SENATE February 14, 2002
of citizenship in a democracy. Throughout our Nation's history, a task of the Senate and the House has been to remove the barriers to this right to vote. We have made great progress beyond gender exclusion, poll taxes, literacy tests, and other historical and social barriers to voting. Still, this important bipartisan legislation before us today. They have performed a great service to our Senate and to our Nation.

In our national election of the year 2000, only 51 percent of America's voting-age population participated. Although this participation rate was a 2 percent improvement over the previous national election, it remains very troubling that only half the eligible citizens in our country took the time and made the effort to help choose their leaders. I am always curious when people say their vote does not count. When possible, I like to ask, “Your vote counts one, the same as everyone else’s. How much do you think your vote should count?” A democracy is a democracy because every person’s vote counts the same as everyone else’s. How much do you think your vote should count? They miss the essential point, that a democracy precisely because every person’s vote counts the same as everyone else’s. When a society reaches a point where some people’s votes start counting more than others, either officially or unofficially, a country is usually sliding toward rule by a political and economic elite. When only one person’s vote counts, it is a dictatorship.

However, there are still real reasons why some people cannot vote. In Ely, MN, Terry Lowell, the City Clerk, recognized a problem which senior citizens and people with disabilities sometimes encounter. A mail-in ballot is frequently the only way a home-bound citizen can exercise the right to vote. Yet, something as simple as a postage stamp can stand in the way. While the cost of mailing a ballot may seem small, it can also become a matter of practicality—when a person has difficulty getting out of bed or going to the kitchen, just “running out to get a stamp” is not a simple task as for most of us.

There are also many senior citizens in Minnesota, and probably elsewhere, who literally watch every penny they must spend. With the costs of their prescription medicines ever rising beyond their control, they have not enough money left for food and utilities. Every additional expenditure, of any amount, is perceived as a burden.

Plus, the way they look at it and the way I look at it is a matter of principle. Voting should be free. Voting is free for able-bodied citizens. It should be free for everyone else, as well.

My amendment would create a onetime, pilot project in the 2004 national election, to be designed and implemented by the Postal Service with consultation with the Federal Election Commission. Postage-free absentee ballots would be provided in one State for that election. The project will measure the effect of postage-free absentee ballots on voting participation by elderly, disabled, and other citizens. We can then consider whether it would be worthwhile to expand their use in future elections.

This amendment’s passage will also demonstrate that a citizen, anywhere, can have a good idea and through an elected representative, actually see that idea turned into law. For that, I salute Terry Lowell, in Ely, MN.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DODD). The Senator from Connecticut.

Mr. DODD. Mr. President, I suggest the absence of a quorum. Mr. President, I yield the floor and ask unanimous consent that reading of the Congressional Record be dispensed with.

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

Mr. DODD. Mr. President, I am going to proceed to offer three individual amendments, and I will be asking to lay them aside. But this way they can be debated tomorrow or Monday when we come back on the 25th. They may be accepted or end up being part of a managers’ amendment but disposed of somehow in order to have them before the Senate.

AMENDMENT NO. 2912

The first amendment is an amendment offered by Senator HARKIN, No. 2912, I offer that amendment on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. Dodd), for Mr. Harkin, proposes an amendment numbered 2912.

Mr. DODD. 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 provide funds for protection and advocacy systems)

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.)

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C.
Mr. DODD. Mr. President, I ask unanimous consent that the Harkin amendment be temporarily laid aside.

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

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator HARKIN and Senator MCCAIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

SEC. 2. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevent individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting only be an alternative of last resort in providing equal voting access to all eligible American citizens.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 2914

Mr. DODD. Lastly, Mr. President, I offer an amendment on behalf of the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(B) Provisional Voting.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

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

AMENDMENT NO. 2914, AS MODIFIED

Mr. REID. First of all, I say to my friend from Connecticut, what a great job you have done on the bill today. We have made tremendous progress. We have a list of amendments. I will be happy to work with the Senator tomorrow, and the days after that, and, hopefully, we can pass this bill Tuesday. That would be a great mark for the American people.

SENATOR DODD’S BABY

Mr. REID. Mr. President, I also say to my friend, I had such a pleasant time about half an hour ago. I went back to Room 219 and saw Grace Dodd, his beautiful 6-month-old baby. As I said to Jackyke, your lovely wife: She is a real person, little Grace. And I bet the Senator is very proud of her, as he should be.

Mr. DODD. Absolutely.
utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter.

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual’s identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(i) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(ii) in the case of an individual who votes at the table, without any further intervention or debate.

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. REID. Mr. President, I ask unanimous consent that the following list of amendments that I will send to the desk be the only first-degree amendments remaining in order to S. 565, the election reform bill; that these amendments be subject to second-degree amendments which are relevant to the amendment to which they are offered; and that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage, the title amendment which is at the desk be agreed to, and the motion to reconsider be laid upon the table with any further intervening action or debate.

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

The list is as follows:

FIRST-DEGREE AMENDMENTS TO S. 565, ELECTION REFORM

Byrd: Relevant, Vote for.

(Cantwell: Relevant (3).)

Cleland: Military and Disabled Voters (2). Amending short title.

Clinton: Residual ballot rules.

Daschle: Relevant, Vote for.

Dayton: Prevent and Reduce Mail-in Ballots, Pilot Program (Amdt. 2807), Pilot Program (Amdt. 2998).

Dodd: Managers’ Amendments, Criminal Penalty Clarification, Relevant (2), Relevant to the list.

Durbin: Photo ID Alternative, Relevant.

Feinstein: Retro Activity, Relevant.


Hollings: Weekend elections, Using NIST.

Jeffords: Felon list, Minimum State funding, State plan, First-time voters, Minimum State Funding II.

Kennedy: Harbor.

Kerry: Election Day Holiday (Amdt. 2860).

Kohl: Weekend voting.

Landreau: S50 local impact (Amdt. 2869), Federal holidays (Amdt. 2868), Strike study on establishing Election Day as holiday (Amdt. 2867).

Levin: Provisional ballot, Grant funds.

Lieberman: Recount standards.

Reed: Relevant (2).

Reid: Relevant, Vote for.

Rockefeller: Overseas voters.

Sarbanes: Help America vote college program.

Schumer: Lever Machines, Age Box, Voter Registration, First-Time Voters.

Torricelli: TV broadcasting.

Wyden: ID verification (Amdt 2870).

B. Smith: Military voting.

Collins: Grant minimum.

Gramm: Military voting.

Sessions: Civic education, Mock election.

Lugar: Toll free hotline for fraud.

Enzi: Parking lot accessibility.

Grassley: Military voting, Voter registration, Overseas voters.

McCain: Polling accessibility for disabled.

Specter: Relevant (3).

Bond: Relevant (3).

Roberts: Provisional voting, Notify voters.

Burns: Relevant, Election technology.

Kyl: Relevant (2).

Hatch: Relevant (2).

Ensign: Grant funding, Auditing.

Chafee: State Grant Payments.

Nickles: Relevant (2), Relevant to the list.

Thomas: Voter registration procedures, Exempt states.

Santorum: Americans abroad.

McConnell: Relevant (2), Relevant to the list.

Lott: Relevant (2), Relevant to the list.

Mrs. CARNAHAN. Mr. President, discussions about the state of our democracy too often focus on what is wrong with our political system.

Experts bemoan low turnout; they say young people will turn off by politics; they say grassroots campaigns no longer can work in the age of 30-second television ads.

But Americans cherish their democracy. Political participation allows us to express our deepest held beliefs. When we fight for something we believe in are we true participants in our democracy. I know this is true because I saw it myself. Missourians during the last election, even in the face of grief, went to the polls to make their will known. The 2002 election, however, revealed a number of flaws in our electoral machinery.

Far too many Americans were being disenfranchised without their knowledge. Too many voters left the polling places in confusion; too often registration lists had not been properly maintained.

The promise of American democracy is that everyone has the right to vote without regard to their individual circumstance. It is our job to make that promise a reality.

The Constitution calls for a decentralized system that puts states in charge of elections. But since States hold elections for Federal offices, it is appropriate for the Federal Government to encourage and empower States to improve the voting process. I believe this bill does just that and I am pleased to support it.

I congratulate the sponsors and those who have put many hours of hard work to bringing this consensus bill to the floor.

This bill is framed around two basic premises: Those who are not properly registered to vote are not allowed to cast a ballot, but for those who are properly registered, we want it as easy as possible for them to go to the polls, vote, and have their vote counted.

To those who say we need additional steps to eliminate voter fraud and punish those who abuse the system, you are correct. We must work harder to put systems in place that will adequately update voter rolls. Many States and local registrars are plagued by insufficient technology, and thus an ability to maintain databases that are current. There must also be adequate voter education so that our citizens understand what steps they must take to register properly. And we must make sure that poll workers receive the appropriate training so that we can reduce any potential issues at the polling places.

To those who say we must live up to the promise of our Constitution and do all within our power to bring more people into the process, I say your call must be heard.

This Nation’s history is built on the fight for suffrage. To place even the lowest hurdle before someone seeking to exercise the right to vote is an affront to our democracy. This bill ensures that we go the extra mile to protect the rights of those populations most vulnerable to disenfranchisement: the elderly, the disabled, those who are not fluent in English, ethnic and racial minorities, and members of the armed services who are serving overseas.

Perhaps the most significant reform in this bill is that States will be required to implement a system of provisional voting. From now on, if someone’s eligibility is challenged at the polling place, they will have the right to cast a vote. If it turns out that the voter was properly registered, his or her vote will be counted.

The bill will also prevent disenfranchisement by updating voting technology. In the future, voters will know if they unintentionally selected more than one candidate for a single office, or if their ballots are not otherwise properly marked, and they will have a chance to correct their ballots, and make sure their vote is counted. It is common sense that when a system is broken, we must make it right.

When this system concerns a fundamental and cherished right, it is not only common sense, it is vital to the health of our Nation.
Our efforts today to empower voters remind me of the words of President Franklin D. Roosevelt, who said:

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a politician and government officials, but the voters of this country.

Let us renew the promise of our great Nation and enact legislation that will promote fairness, enhance participation, and increase our faith in the greatest democracy in the history of the world.

NORTH DAKOTA VOTING PROCEDURES

Mr. CONRAD. As my colleague from Connecticut knows, North Dakota currently operates a unique voting system in that we have no registration system whatsoever for our State. This is a very open system that I believe is very much in line with the intent of your legislation to ensure the maximum amount of openness and accessibility in our Nation’s voting system. Am I correct in reading the language of subparagraph 103(a)(1)(B) of the substitute amendment to allow North Dakota to continue operating a registration-less voting system for Federal elections in our State?

Mr. DODD. Yes, the clear text of this provision exempts states without a registration requirement for its voters from having to implement such a computerized system consistent with section 103. Put simply, the exception provided in 103(a)(1)(B) exempts North Dakota from all provisions of the bill concerning a computerized statewide voter registration system. We simply did not want any of this bill’s provisions, either directly or indirectly, to interfere with North Dakota’s ability to continue operating its commendably open and accessible registration-less system of voting.

Mr. CONRAD. Mr. President, I thank the Senator from Connecticut for his aid in understanding this exemption. I also have a question with regard to Section 102 of the bill—the provisional voting section. I would like to describe the way North Dakota currently operates its “voter challenge process” to get my esteemed colleague’s perspective on whether our State currently satisfies the requirements of this section.

In North Dakota, the members of an election board or poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector. A poll challenger or election board member may request that a person offering to vote provide an appropriate form of identification to address any voting eligibility concerns, such as age, citizenship, or residency requirements. If the identification provided does not adequately resolve the voter eligibility concerns of the poll challenger or election board member, the challenged person can execute an affidavit before the election inspector affirming that the challenged person is a legally qualified elector of the precinct. The affidavit must include the name and address of the challenged voter and the address of the challenged voter at the time the challenged voter last voted.

If the election inspector finds the affidavit not valid, the challenged person is allowed to vote as any other voter does and his or her voted ballot is deposited in the ballot box with the rest of the voted ballots from the precinct and counted by a canvassing board, in recount by the recount board, in exactly the same manner as a ballot cast by non-challenged voters. In other words, the challenged person’s voted ballot is not segregated or designated in any special way for further or future inspection by election officials, canvassing officials, recount officials, or legal authorities.

I ask my distinguished colleague the Senator from Connecticut whether this section satisfies the requirements of section 102 of his bill.

Mr. DODD. Mr. President, I again commend the State of North Dakota’s open and accessible voting system. Our intent in drafting section 102 was to require that the voter be challenged, but felt that they had the legal right to vote, were given the opportunity to cast a ballot and then have that ballot set aside and verified. North Dakota’s system goes beyond this intent by being even more voter-friendly. Based on my understanding of your description of North Dakota’s system, North Dakota should be able to continue operating its more voter-friendly voter challenge system.

For example, paragraphs (a)(3) and (a)(4) of section 102 requires election officials to verify the written affirmation of that voter’s eligibility before the ballot is counted. Under North Dakota law, as you stated, it is the duty of North Dakota’s election officials to verify that someone is a resident of North Dakota. In North Dakota, the verification is done orally, at the time the voter votes.

Mr. CONRAD. Mr. President, I greatly appreciate the Senator from Connecticut taking the time to answer my questions about his bill. I also want to take this time to commend the Senator for his terrific leadership and work on the very important issue of election reform.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business.

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

YUCCA MOUNTAIN

Mr. REID. Mr. President, today, the Secretary of Energy recommended to the President that Yucca Mountain, Nevada should be the site for storing all of America’s nuclear waste, all 70,000 tons. This recommendation came as a result of a decision made by a group of independent experts who have reviewed the project. I will name just a few of them. There are many others, but the credibility of those I will name cannot be refuted. These experts all say that the science is not sound.

The General Accounting Office is the watchdog for Congress and the watchdog for the American people. The GAO has been an important part of our Government for many decades and is noted of Energy on Yucca Mountain. The General Accounting Office has stated that making a decision now regarding the Yucca Mountain project is neither “prudent” nor “practical.” That is pretty direct.

The Nuclear Waste Technical Review Board is an independent agency established to review what is going on with nuclear waste from a technical standpoint. It is chaired by the former dean of the Forestry School at Yale University, who is now the president of Carnegie-Mellon in Pennsylvania and is one of the foremost scientists in America. The Nuclear Waste Technical Review Board says that the scientific review that has been conducted at Yucca Mountain is “weak.” That is pretty direct.

The Inspector General of the Department of Energy stated that because the law firm giving advice to the Secretary of Energy on Yucca Mountain, the law firm giving advice to the Secretary of Energy on Yucca Mountain, Winston and Strawn, was the same law firm that was giving legal advice to the Nuclear Energy Institute, the umbrella for the nuclear utilities in this country, there was a clear conflict of interest.

No one can challenge the credibility of this all-star team of independent experts: The Inspector General, the General Accounting Office, the Nuclear Waste Technical Review Board. No one can challenge their credibility.

Secretary Abraham has made a hasty, poor, and really indefensible decision. Now the question of whether a high-level nuclear waste dump will be built in Nevada lies with the President of the United States.

It is time for President Bush to fulfill the commitment he made to the people of Nevada and to the country; that is, that he would not allow nuclear waste to come to Yucca Mountain. Unless there was sound science justifying such a decision.

The General Accounting Office, the Nuclear Waste Technical Review Board, and the Inspector General have all said that science does not exist, that science does not exist.
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until he receives it before making a decision about Yucca Mountain. The President has the responsibility and the authority to fulfill the promise he made to this Nation as a candidate regarding nuclear waste.

I urge President Bush to exercise that authority and show the Nation he is a man of his word. We are depending on him.

Mr. President, this visual aid represents the proposed routes that trucks and trains would travel to Nevada carrying 70,000 tons of toxic material. One hundred thousand truckloads of nuclear waste will be hauled on these roads. And 20,000 trainloads of nuclear waste will be hauled along the railways we see here on this map.

The Department of Energy has refused to do an environmental impact statement assessing the effects of transporting all of this deadly material. Why? Because they cannot explain how it would be possible to safely haul 70,000 tons of nuclear waste over the highways and railways of this country.

Since September 11, we know that terrorists are waiting for targets of opportunity. We know now not only that they are waiting for targets of opportunity but also that they are capable of hitting their targets. The tragic events of September 11 demonstrated that in such a dramatic fashion. It would be reckless and dangerous to provide terrorists with more than a hundred thousand truckloads of nuclear waste; it would become.

So, Mr. President, I say to you, and the rest of America, we are depending on the President of the United States, George W. Bush, to be a man of his word and not allow nuclear waste to travel across this country until there is sound science. There is not sound science, as separate reports prepared by the General Accounting Office, the Inspector General of the Department of Energy, and, of course, also by the Nuclear Waste Technical Review Board, all make clear.

The President should wait until he has credible evidence and a sound scientific basis to support a plan for storing nuclear waste at Yucca Mountain and allowing it to travel across the country.

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

The PRESIDING OFFICER. The call will now be for thePrevious Order. The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 671, 672, 675, and 697; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, statements of debt with respect to the nominations be printed in the Record, and the Senate then return to legislative session.

Mr. President, this applies to David Bunning, to be United States District Judge; James Gritzner, to be United States District Judge; Richard Leon, to be United States District Judge; and Nancy Dorn, to be Deputy Director of the Office of Management and Budget.

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

The nominations considered and confirmed are as follows:

THE JUDICIARY

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

The majority leader.

TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3090, that all after the enacting clause be stricken, that the text of the substitute amendment which is at the desk be substituted in lieu thereof, the bill be to have a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I will not object.

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

The amendment (No. 2896) was agreed to as follows:

(Purpose: To provide for a program of temporary extended unemployment compensation)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Temporary Extended Unemployment Compensation Act of 2002.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Temporary extended unemployment compensation account.
Sec. 4. Payments to States having agreements under this Act.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Application.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the “Secretary”), Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or about the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND- Tier BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to an individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after the individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual’s rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual’s base period; or

(2) the individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT.—For purposes of any agreement under this Act—
(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. 7. DEFINITIONS.

In this Act, the terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms in section 1001 of title 18, United States Code.

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning on the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

The bill, H.R. 3090, as amended, was read the third time and passed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, for the knowledge of Senators, this is the same language for unemployment insurance extension that we had passed earlier. There is no change. I wanted to make that clear.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur with the distinguished Republican leader in making that assertion as well. This is exactly the same language that 7 days ago we sent to the House. My only reason for renewing the request today is because, unfortunately, I think we are going to be getting a much more comprehensive package back from the House, a package that clearly doesn’t today enjoy the 60 votes that it would require to move not only unemployment compensation but all the other issues that are attached.

On a bipartisan basis, both Republican and Democratic leaders in the Senate are clear and on record in support, at the very least, of an extension of the unemployment benefits, and for good reason. Every day, about 11,000 people are pushed off the unemployment compensation rolls. About 77,000 of these workers have been made ineligible for unemployment compensation just since we passed this resolution 7 or 8 days ago. Our proposal is simply to give the House an opportunity to take up this simple extension with an expectation that some point later that we could entertain economic stimulus legislation as well.

I thank my colleagues for their cooperation. Again, this sends a clear message. We are very hopeful we can do something to help these unemployed workers prior to the President’s Day recess.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.
PRESIDENT BUSH’S NEW APPROACH TO CLIMATE CHANGE

Mr. CRAIG. Mr. President, this afternoon President Bush outlined a new approach to climate change for this Nation, and I believe for the world.

The President has thoughtfully tackled the daunting challenges of climate change and focused us in a pragmatic way. I believe this is a demonstration of leadership.

He has thoroughly considered the existing scientific evidence, which remains inconclusive and determined that a slow and cautious approach to stabilizing greenhouse gas emissions is the most prudent policy.

And many of my colleagues in the Senate have worked hard for years on this challenging issue and wholeheartedly concur with the President’s decision.

The President’s determination to aggressively pursue answers to many critical questions and his concern about the effects of action on American jobs and our economy are well balanced.

The proposed actions in the President’s plan will be effective in giving us the tools we need. The voluntary nature of these proposals provides needed flexibility to achieve substantial reductions in emissions.

The President has outlined a strategy that incorporates incentives and opportunities for creative ways to achieve those reductions.

The President’s plan also thoughtfully addresses the critical need to actively engage developing countries.

I have stated in the past that American policy should recognize the legitimate needs of our bilateral trading partners to use their resources and meet the needs of their people.

For too long the climate policy debate has centered on assigning blame and inflicting pain. The President clearly recognizes that this is harmful and counterproductive.

His plan will make our best technology available to developing countries and the United States to focus American research activities on developing country needs as well as our own.

During this Congress and the last I, along with many of my colleagues, worked diligently to construct a framework for national consensus on this issue. The legislation that I and several of my colleagues introduced was organized around the central notion of “risk management.”

The President’s approach is fully consistent with that notion.

It develops a “long-term” strategy;

It quantifies risk by improving scientific research programs;

It develops tools to improve energy efficiency and find ways to sequester carbon by funding a comprehensive R&D program;

It removes disincentives by removing barriers to deployment of energy technology;

It encourages a global solution by aggressively pursuing international technology transfer programs.

The benefits of the President’s approach are broad-based, as they must always be.

It employs a least-cost path to emissions goals by using energy technology and incentives;

It yields real emissions reductions by improving the emission reduction registry currently monitored by the DOE;

It strengthens the hands of U.S. negotiators by implementing significant domestic action;

It is more than just CO2—it encourages reductions of emissions of methane and other more powerful greenhouse gases;

It focuses on more than just the electric power sector by including the agriculture, forestry, transportation industries;

It sends the right market signals by focusing on innovation, investment in new technology—not prescriptive regulation; and

It maintains policy flexibility—our future policy response can respond to changing knowledge on technology, understanding of climate impacts and risk.

President Bush, I believe, has offered us leadership, and I thank him for it, by setting for our Nation a safe, prudent, and responsible path toward resolving this issue.

I hope all of my colleagues in the Senate, especially those who have shown great concern about climate change and join me and seize the opportunity that our President has given us to move constructively, without rancor, to offer up the best technology, the best science, and to bring our country together—not to divide our country—and to continue to progressively achieve, in a recognizable and measurable way, reduction in greenhouse gases as we have done over the last decade, and to do so without damaging our economy.

I believe that is what President Bush has laid before this Nation today, and the world: A pragmatic and realistic challenge of leadership as it relates to addressing the question of climate change in an understandable fashion and a manageable approach.

I yield the floor.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I call to the attention of my colleagues the fact that the President announced his plan related to global warming.

The plan appears to endorse some of the energy efficiency and clean energy incentives that were reported out of the Senate Finance Committee last evening. Obviously, I think all of us welcome White House support for those initiatives.

I hope we can get the same level of support from the White House for the other critical elements in the energy bill that relate to this important issue of global warming.

Unfortunately, the rest of the plan that the administration unveiled today appears to be little more than business as usual. The President’s statement earlier today referenced the voluntary reporting program for greenhouse gas emissions which was established by Congress in 1992 as part of the Energy Policy Act.

The intent of that program at that time was to encourage the energy sector to begin to pay attention to greenhouse gas emissions. It was not to drive serious reductions in emissions. It was a decade ago when that legislation passed, which is much more now about global warming and the threat that it could pose to us.

According to a year 2000 report by the Energy Information Administration entitled “Emissions of Greenhouse Gases in the United States,” U.S. energy intensity—that is the energy consumed per each dollar of gross domestic product, and that is sort of the measure the President referred to—fell by an average of 1.6 percent per year from 1990 to the year 2000.

At the same time that energy intensity was falling, the carbon intensity of energy use has remained fairly constant. It is the use of less energy per unit of economic output that has kept emissions from growing at the same rate as the economy is growing, and the rate of carbon emissions per unit of energy is not decreasing—or is decreasing very little, certainly not enough.

Our economy has become increasingly oriented toward the service sector, toward intellectual, high technology sectors. We are less focused on heavy industry and manufacturing, and we are using less energy per dollar of gross domestic product, which is to be expected as our economy has evolved.

Yet as the population has grown and affluence has increased, we are using more and more energy without reducing the emissions per unit of energy consumed.

Clearly, climate change is an energy issue. We need to address it as part of this energy policy debate that we are going to have when the Congress returns after next week.

The United States committed under the framework convention on climate change that was ratified in the Senate that we would take action to reduce emissions to 1990 levels by the year 2000. Under the plan announced today, the U.S. emissions will be 30 percent above 1990 levels by 2010.

Continued reliance on these voluntary actions, which is what the President is urging, without an overall policy framework, without specific goals, will not lead to any serious reductions in domestic emissions of greenhouse gases.

I have to ask why we would sell our technological and entrepreneurial ingenuity so short. The American people believe climate change is a critical issue. They also believe we can innovate our way to solutions to these problems. With the administration approach to addressing climate change, I fear we are communicating to the
world we no longer have confidence in our technological ability to solve these problems.

The energy bill we are going to debate when we return from the recess includes concrete energy policy provisions that will reduce carbon intensity in the energy sector. It includes increased vehicle fuel economy and provides incentives to commercialized cutting-edge vehicle technologies. It gives consumers greater information about emissions from the energy they use so they can make deliberate decisions to control their own contributions to greenhouse gas emissions. It increases the mix of technologies for power generation, including a much greater role for renewables and more efficient fossil generation technology.

The renewable portfolio standard, for example—and that is a provision in the bill we will be debating—is a market-driven approach that will force renewable projects to compete against each other for the green in the electricity market. To shift to a greater investment and combine heat and power systems could more than double the efficiency of coal-fired generation while dramatically cutting emissions.

The world's clearest and most well-informed and thoughtful people in the private sector eager to move forward with these types of projects. The right energy policies can unleash the competitive creativity that will meet our energy needs and reduce greenhouse gas emissions. We need to agree on a framework that removes impediments to efficiency and market competition, that provides incentives for cleaner energy strategies that will reduce emissions, and a framework that empowers consumers to control their energy choices and manage their own environmental impact.

When I talk to students in my State—and I am planning to do that on several visits next week—I express great interest in energy and environmental issues. They want to know what they can do to affect greenhouse gas emissions. They have a much greater stake in the future than those of us here do, in fact. We need to be sure that 10 years from now we have not left them with a problem that is out of control. We need to be responsible and prudent now and not wait until 2012 to make hard decisions on this very difficult issue.

I yield to Mr. JEFFORDS. Mr. President, in the last few days, I have spoken in honor of two prominent Winter Olympians from Vermont, Kelly Clark and Ross Powers. They are extraordinary snowboarders and athletes. They have performed miracles in the air and snow in Salt Lake City.

I want Vermonters and all Americans to enjoy the Winter Olympics here and elsewhere for the foreseeable future. They bring out the best and noblest elements in human nature.

Today, the President is announcing his administration's policy to deal with the global warming that threatens the reliability of winter and therefore the enjoyment of winter sports. Unfortunately, from what I understand, this policy will do nothing to significantly reduce the greenhouse gas emissions that are contributing to global warming.

Obviously, this is a very serious matter to Vermonters who love to snowboard, ski and skate, and depend on predictable winters and snow. It is also a serious matter to the mayor of Salt Lake City, whose city is taking actions to reduce greenhouse gas emissions and increase energy efficiency. Further, I would note that the mayor and the city of Burlington, like other progressive State and local leaders and communities across the Nation, are taking similar actions to fill the void of Federal leadership on this important issue.

I don’t mean to be selfish, but I would like to be certain that Vermonters can continue to win Gold Medals in the Winter Olympics for generations to come. That means taking credible action on global warming now so winter is around long enough every year for training, competing, and busting huge air. And the snowboarders say at Suicide Six Ski Area in Woodstock, VT:

Clean air is a major issue in Vermont. We want to stop acid rain, and other public health and environmental emissions. The President has finally put forward his multi-pollutant proposal. We have been waiting for it since he took carbon dioxide off the table about a year ago. Perhaps the administration will actually work with Congress on this issue constructively.

I hope the administration sends the proposal up the Hill right away in legislative form as was promised. That will speed our committee's deliberations on the issue.

The details are not clear yet, but I hope that it will not entail reducing any existing Clean Air Act protections. That is a crucial question that Vermonters will ask, from the skiers and snowboarders to the hikers.

Unfortunately, real carbon reductions appear to have completely fallen off the table in this climate policy. In fact, all we are getting are some crumbs. Some of them even appear to be recycled crumbs that Congress never passed and probably wouldn’t have worked anyway.

A year ago, the President sent several Senators a unilateral "Dear John" letter rejecting carbon dioxide reductions at power plants and formally rejecting the Kyoto Protocol. Today's new climate policy is like delivering the final divorce papers to the public and the world. And it is divorced from the reality of global warming. Maybe you could call it a love letter to the status quo and the polluting past.

The Framework Convention, or the Rio Agreement, that the U.S. Senate ratified under former President Bush commits us to adopting policies that will achieve 1990 levels of greenhouse gas emissions. That is our commitment to the world.

This policy breaks that commitment. And it fails to acknowledge that we are well on our way of emitting 25 percent of the world's greenhouse gases. Under this policy our share would continue to grow. There would be no real reduction in our total emissions.

I have faith that American ingenuity can develop cleaner, greener, and more efficient technology to reduce greenhouse gas emissions. But, without a hard target to aim at, the arrow of progress is severely blunted. Our technology edge, instead of our exports, will pass to Europe, China, and other countries.

Finally, as I told Governor Whitman yesterday, the administration's multi-pollutant bill has to improve air quality faster and better than business as usual to be really credible. We will be watching for that kind of proof in the coming days.

We will need details on how fast their bill reduces acid rain impacts in the Northeast and how quickly it saves lives being lost or damaged from particulates. The delay hurts the environment and public health.

I hope their numbers can help move us forward and don't drag us backward.

I must say, without real carbon dioxide reductions, this proposal comes up short. You don’t win a race with a three-legged horse, you don’t drive a car with three wheels and you don’t get lucky off a three-leaf clover.

I ask unanimous consent to print in the RECORD a Washington Post editorial by Mayor Anderson from February 8, 2002.

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

From the Washington Post, Feb. 8, 2002

WINTERLESS OLYMPICS

(By Ross C. "Rocky" Anderson and Bill McKibben)

SALT LAKE CITY—When the Winter Olympics opens tonight, both of us will be standing on the sidelines and cheering—one as mayor of the host city, the other as merely a rabid fan of Nordic skiing. But for all the hoopla and speed and elegance, we also are both aware that the future of the Winter Games is in danger, because winter itself is in danger.

The world's scientists have issued strong warnings about climate change in the past few years, and their computer models show clearly that, of all seasons, winter may change the most. Across the West, snow levels are expected to climb hundreds of feet up the mountains. In the East, according to a recent assessment by scientific researchers, the cross-country skiing and snowmobile industries "may become nonexistent by 2100." The majority of sub-Arctic glacial systems are now in rapid retreat. Sea ice in the Arctic is thinning quickly. What is measured by dates of first and last freeze, is now almost three weeks shorter across North American latitudes than it was in 1970.

Such changes have dire consequences. The weakening of winter will, for instance, mean less water stored in mountain
The ski industry is already fearful of the economic losses from shortened seasons. As you watch the world’s finest athletes glide down the snow-covered slopes, you see a vision of the future: the ski industry is ready to adapt and thrive.

Our ski resorts have already begun to implement energy-efficient practices. They are using solar panels to generate energy, and they are switching to low-energy lighting systems. These changes are not only good for the environment, but they also save money on energy costs.

The ski industry is also working to protect the natural resources that make the mountains so special. They are implementing sustainable practices to ensure that the ski slopes remain healthy and vibrant for future generations.

As we look to the future, we must continue to support the ski industry and the natural resources that make it thrive. Together, we can ensure that skiing remains a beloved sport for years to come.
February 14, 2002

Mr. President, I rise today to express my strong support for the farm bill the Senate passed yesterday.

I want to commend Senator HARKIN for this bill. Through his leadership, the Senate has passed a Farm Bill that will establish a better economic safety net for many farmers, bolster conservation efforts, improve nutrition and food security for our poorest citizens, and encourage new opportunities in rural communities. The bill also makes critical investments in agricultural trade and research.

I will talk about the long-term policy change in a moment, but I want to mention a critical amendment sponsored by Senator BAUCUS. The Baucus amendment provides assistance to farmers and ranchers who have been hard hit by drought and other weather events. I worked with Senator CANTWELL to include $100 million in market loss assistance for apple growers in the amendment. I am very pleased the Senate voted 69-31 in favor of the amendment, and I will work to keep it in the final bill.

This Farm Bill passed by the Senate today will restore an effective safety net for many of our Nation's farmers.

For the last several years, I have heard concerns from farmers in Washington State and across the Northwest. They believe, as I do, that the 1996 Farm Bill failed to meet the needs of producers and rural communities. The strongest proponents of the 1996 Farm Bill argued that more flexibility, created the best agricultural research system in the world, and opened foreign markets, our farmers would thrive in the global marketplace.

I have strongly supported more flexibility in our commodity programs. And I have strongly supported efforts to improve our research infrastructure and expand and open foreign markets.

But our actions were not enough. Congress could not wave a magic wand and create a rational world market for agricultural products. The commodity title of the 1996 Farm Bill was written for a world that simply did not, and does not, exist.

This year in this Farm Bill, Congress has the opportunity to write a commodity title that works. And Senator HARKIN and the Senate Agriculture Committee did just that. Wheat and barley producers in Washington State will benefit from a strong safety net that includes a good balance between higher loan rates, fixed payments, and countercyclical payments when market prices fall below target prices.

In addition, the bill includes a new marketing assistance loan program for dry peas, lentils, and chickpeas. I applaud this provision in the bill. It will help restore market-based decisions and make it economical for producers across the northern-tier States to grow these important rotational crops. I have been pleased to work with my dry pea, lentil, and chickpea growers in Washington State on this important issue. I believe it is critical, and I urge, the conferees to retain this provision in the final bill.

The Senate Farm Bill makes critical investments in conservation. The conservation title creates new opportunities to conserve resources on private lands while helping farmers and ranchers with their bottom lines.

The conservation title of this bill gradually increases funding for the Environmental Quality Incentives Program from its existing authorization of $200 million a year to $1.5 billion each year. EQIP is an effective and flexible tool. It provides technical, financial, and educational assistance to producers to build animal waste management facilities, improve irrigation efficiency, and enhance wildlife habitat.

The EQIP funding included in this bill will help us improve water quality and salmon habitat in the Pacific Northwest.

The bill also includes commonsense increases for the Conservation Reserve Program and the Wetlands Reserve Program. While I recognize there are some concerns in farm country with expanding these programs, I believe the CRP and WRP provisions in this bill are reasonable.

The bill includes a new water conservation program within CRP. I believe this program will lead to new opportunities to protect fish and wildlife while respecting the rights of our farmers and ranchers. As the bill goes to conference, I look forward to working with interested organizations on this issue.

Finally, the conservation title expands our investments in the Farmland Protection Program, the Wildlife Habitat Improvement Program, the Resource Conservation and Development Program, establishes a new Conservation Security Program, and improves forestry initiatives.

The conservation changes made in this bill are particularly important to States like Washington. The farmers in my State produce approximately 230 commodities. However, only a fraction of these commodities have a direct impact or price support relationship with the Federal Government.

Without new investments in the Environmental Quality Incentives Program, the Conservation Reserve Program, and the Conservation Security Program, many farmers and ranchers would not receive the financial help they need to make the conservation investments the public is demanding. This bill creates a win-win situation for the environment and for farmers and ranchers.

I believe Congress also has a responsibility to create a win-win situation for our farmers and ranchers with respect to trade. One way we can do this is to invest in trade promotion programs that will help our farmers build markets we are currently losing.

In 1999, and again in 2001, I introduced the Agricultural Market Access and Development Act. My legislation would increase funding in the Market Access Program to $250 million a year to enhance funding for the Foreign Market Development Program. I was joined on that legislation by a bipartisan coalition of members.
The Senate Farm Bill includes substantial new investments in the Market Access Program and the Foreign Market Development Program, and I was pleased to be the leading advocate in the Senate to enhance these programs.

Congress also has a responsibility to allow all commodity groups to participate in our foreign food aid programs. I worked to include a small provision in the Farm Bill that requires the U.S. Department of Agriculture to issue a report on the use of perishable commodities, like potatoes and apples, in foreign food aid programs. Specifically, my amendment requires USDA to report to the Congress on transportation and storage infrastructure problems and funding problems that have prevented greater participation in the programs by specialty crops.

Just recently, 110,000 boxes of apples arrived in Vladivostok, Russia. This is the first time USDA has funded a shipment of apples through our foreign food aid programs. I believe our fruit and vegetable producers deserve an opportunity to participate in these initiatives, and I believe this report will be an important first step in improving access to these programs.

The Farm Bill includes additional provisions that I believe will help our farmers and ranchers. The first would require country-of-origin labeling for fruits and vegetables, meat, and farm-raised fish and shellfish. We require our farmers and ranchers to meet environmental and food safety standards that are far above many of our competitors. Country-of-origin labeling will give consumers additional information with which to make a decision on the food they buy.

The second provision would allow the Federal Government to guarantee private loans to Cuba for the purchase of U.S. agricultural products. For too long, the United States has used food as a weapon against the Cuban people. The only person that has benefitted from this policy is Fidel Castro. I strongly support the Committee’s bill with respect to Cuba, and I was pleased to join with my colleagues in defeating an amendment to eliminate these new financing tools.

Trade is critical to the long-term future of our agricultural producers. One other lesson that we need to make is in the area of agricultural research.

In my home State, we are fortunate to have an excellent working relationship between our State universities and the USDA Agricultural Research Service. Through these partnerships, our universities and USDA have been able to leverage limited resources to create new varieties of crops, enhance food safety and improve conservation. This research is vital to our farmers, consumers, and the environment.

I am pleased that this Farm Bill strengthens our research infrastructure and increases funding for priority research initiatives. One program that is of particular significance to researchers in Washington State is the Initiative for Future Agriculture and Food Systems, and I am pleased the Senate bill includes additional funding for it.

The Farm Bill goes far beyond agriculture and conservation. It is a critical vehicle for helping communities and the poor. Senator HARKIN has always been a leader in rural development, and this Farm Bill shows how seriously he takes this issue.

Included in the managers’ amendment is a provision I authored on rural telecommunications planning. It would simply modify the broadband telecommunications grant program in the bill to add a small planning component. I will work to include this and other rural telecommunications provisions in the final bill.

I would like to complete my remarks by commending Senators HARKIN and LUGAR for their efforts in writing a strong nutrition title in this Farm Bill. Both the Chairman and Ranking Member of the Committee have an outstanding record of leadership. During the debate on the Farm Bill, I was pleased to support amendments that further strengthened the food stamp program changes included in the bill.

The underlying bill made significant improvements to the food stamp program. It provides three more months of transition food stamp families moving off welfare. It simplifies the program for State administrators and participating families. It helps keep up with inflation and addresses the needs of the poorest families. And it restores eligibility for low-income working legal immigrants and their families.

The Senate also passed amendments by Senators DURBIN, DORGAN, and MCCONNELL that expanded the nutrition title. The Durbin amendment helped restore food stamp benefits to legal immigrants who have lived in the United States for five years. The Dorgan amendment expanded access to food stamps for families with children and modified the excess shelter expense deduction. The McConnell amendment expanded access to food stamps for low-income disabled families.

I was pleased to see the report final passage of this legislation. I believe it is the right bill at the right time for rural America, and I look forward to working with my colleagues as the bill goes to conference.

TRIBAL FORESTRY IN THE FARM BILL

Mrs. MURRAY. Mr. President, I rise today to speak on two tribal forestry amendments that were included in the Farm Bill that passed the Senate yesterday. I was pleased to work on these amendments with Senators INOUYE, CANTWELL, BAUCUS, and WELLSSTONE.

The purpose of these amendments is to improve coordination between the United States Forest Service and Native Americans in managing and protecting our natural resources.

The Forest Service owns millions of acres of forests and grasslands that share borders with land owned by and used by Native Americans. It is in the national interest for the Forest Service and tribes to coordinate their efforts to protect and manage these resources. It is also the Federal Government’s fiduciary responsibility to assist tribes in managing trust lands and to ensure their tribal treaty rights on Forest Service lands are upheld. While over the years the Forest Service has adopted many policies regarding relationships with tribal governments, these policies have not been implemented consistently.

In 1999, the Chief of the Forest Service created a National Tribal Relations Task Force to make recommendations to strengthen policies and improve coordination. The Task Force, which included representatives from the Forest Service, the Intertribal Timber Council and the Bureau of Indian Affairs, BIA, found that, “Specific legal authorities, authorizing legislation, regulations, manuals, and handbooks, must be reviewed to build a foundation necessary to build long-term working relationships with Indian Tribes.”

These amendments build upon the recommendations made by the Task Force. The first amendment expands the Cooperative Forestry Assistance Act to include a section creating four programs for tribal governments. Currently, tribes are eligible to participate in the Forestry Incentives and Forest Stewardship programs created by the Act, but there are significant barriers to tribal involvement in these programs, which were designed primarily for state governments.

This amendment would allow the Secretary to facilitate tribal consultation and coordination related to tribal rights and interests on Forest Service land, management of shared resources, and tribal traditional and cultural expertise. It would also authorize the Secretary to provide assistance with: conservation awareness programs on tribal forest land; technical assistance for resources planning, management, and conservation; and tribal acquisition of conservation interests from willing sellers.

The second amendment to the Cooperative Forestry Assistance Act would create an Office of Tribal Relations within the Forest Service. The purpose of this Office is to provide advice to the Secretary on Forest Service policies and programs affecting Native Americans, to ensure coordination between the Forest Service and tribes to administer tribal programs set up by the Forest Service. The amendment also requires the Office to coordinate with other agencies within the Agriculture Department, the Bureau of Indian Affairs, BIA, and the Environmental Protection Agency. Finally, the amendment requires the Office to create an annual...
report on the status of these efforts to increase partnerships between the Forest Service and Native Americans.

There is widespread support for these amendments authorizing greater collaboration between the Forest Service and Native Americans. Amendment of the Farm Bill. The Department of the Interior is in favor of these amendments, and the U.S. Department of Agriculture has signed off on them as well. I have heard from several Washington state tribes asking me to be an advocate for these amendments to the Farm Bill of the Interior. I am especially grateful for the Makah Tribe and the Intertribal Timber Council, which brought these ideas to me last year. Also, I greatly appreciate the assistance I have received from Senators DASCHLE, INOUYE, CANTWELL, and BAUCUS in working on these amendments.

I also appreciate help I received from Senators HARKIN and LUGAR so these amendments could be included in a manager’s package of amendments to the Farm Bill. On behalf of the numerous tribes and grasslands bordering Forest Service lands.

ENDORSEMENT OF AMENDMENT TO BAN PACKER OWNERSHIP OF LIVESTOCK

Mr. JOHNSON. Mr. President, I rise today to call to the attention of my colleagues an editorial which appeared in the Huron, SD Daily Plainsman entitled “We Need Action, Not Another Study.” This editorial provides a strong endorsement of the bipartisan amendment that Senator GRASSLEY and I had included in the Senate version of the bill to ban the ownership of livestock by packers.

This newspaper recognizes the importance of my amendment and understands the real motivation behind the lobbying efforts to replace my language with a study on vertical integration—to kill it.

This editorial speaks clearly to the importance of having a farm bill that goes after concentration and replaces government checks with dollars from a true, competitive marketplace.

Mr. President, I ask unanimous consent that the editorial published in the Huron Daily Plainsman on February 10, 2002, be printed in the Record.

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

[From the Huron Daily Plainsman, Feb. 10, 2002]

WE NEED ACTION, NOT ANOTHER STUDY

An amendment to the Senate farm bill being offered by Sen. Tim Johnson, D-S.D., that bans the purchase of livestock stock 14 days prior to slaughter is running into rough resistance from the packing industry.

The latest is an amendment that would replace Johnson’s proposal with a study.

Passing a farm bill that generously hands out taxpayers’ dollars to producers who are caught up in the “packer web” is not going to change the outcome. The ability of corporate concentration in the agricultural industry isn’t the idea. More important is a farm bill that attacks concentration and replaces current checks with dollars from the marketplace that are generated from true market competition.

The Johnson-Grassley amendment is a step in that direction. If Congress decides to study it some more, all that will do is to allow the big boys to get even bigger and continue the economic depression that has staggered rural South Dakota the last five years.

Smithfield Foods, which owns the John Morrell plant in Sioux Falls, recently placed ads in South Dakota newspapers criticizing Johnson’s amendment. The ad said that if the amendment passed, Smithfield Foods would not rebuild the Sioux Falls plant, or build a new plant in South Dakota or make any further investment in South Dakota. The company goes on to say that nearby public officials are hostile to their company.

The ad has been called economic blackmail politically motivated. It appeared only in South Dakota newspapers, even though Sen. Chuck Grassley, R-Iowa, is a co-sponsor of the amendment and Smithfield owns a plant in Iowa. Johnson, who has championed a number of bills, such as the ban of packer ownership of livestock and a meat-labeling law, that brought the ire of the meat-pack ing industry, is going after the re-election bid against Rep. John Thune.

But the motivation of the Smithfield ad is clear and simple—further control and dominance of the marketing system.

It must be remembered that Smithfield is the company that bought out the Dakota Pork plant in Sioux Falls. It promptly closed it down, abruptly putting about 800 people out of work. At the time, Dakota Pork was John Morrell’s main competition for South Dakota hogs.

In the Smithfield ad, not only did the company criticize Johnson’s amendment, but it also said Amendment E was a restrictive law that was responsible for driving the supply of South Dakota hogs to its Sioux Falls plant.

But what has caused the decline of the hog industry in South Dakota was not the law that banned corporate hog farms in the state, but the vertical integration business of the largest producer and processor of hogs, Smithfield Foods, which is already the world’s largest producer and processor of hogs, also reflecting a corporate philosophy that is troublesome to independent producers and rural communities.

Grassley recently spoke of a conversation he had with the head of Smithfield, Joe Luter, when Luter said that the average farmer isn’t sophisticated.

“I wish we could remember the exact words because it was very denigrating to the family farmer, not being smart enough to run his operation,” Grassley said.

The objectives of this amendment are to increase competitive bidding, choice, market access, and bargaining power of farmers and ranchers in livestock markets.

Now, does that sound like that would destroy the market for work and beef industry? Or does it sound like it would threaten large corporations in their bid to decrease independent producers’ ability to have competitive bidding, choice, market access, and bargaining in livestock markets?

PLANNING GRANTS FOR RURAL TELECOMMUNICATIONS DEVELOPMENT

Mrs. MURRAY. Mr. President, I am pleased that Chairman HARKIN and Senator LUGAR and my amendment on rural telecommunications to the Farm Bill that passed the Senate yesterday.

My amendment simply adds a small planning component to the scope of acceptable activities for grants in the bill to help rural communities get connected to broadband telecommunications services.

Specifically, my amendment would provide access to broadband planning and feasibility grants to rural communities, with a maximum of $250,000 for statewide grants and $100,000 for regional grants. The total resources would be no more than $3 million per state. These funds could be used for regional consortia of local governments, tribal governments, cooperatives, and State and regional non-profit entities would be eligible to receive the grants.

As small and rural communities across the country try to get connected to advanced telecommunications services, they need help in the planning stage. And this amendment will give them the help they need.

Two years ago, I formed several working groups in my state to identify the primary needs of our rural communities and to find ways that our government can help meet those needs. We learned that many rural communities don’t have access to high-speed telecom services, like high speed Internet access. That lack of access is hampering their economic development and quality of life.

So I developed another working group to look for ways to help communities get connected to advanced telecommunications services. The members of my Rural Telecommunications Working Group held forums around the state that attracted hundreds of people. We tapped the ideas of experts, service providers and people from across the State who are working to get their communities connected.

They found that while urban and suburban areas have strong competition between telecommunications providers, many small and rural communities are far removed from the services they need.

We must ensure that all communities have access to advanced telecommunications like high speed Internet access. Just as yesterday’s infrastructure was built of roads and bridges, today our infrastructure includes advanced telecom services.

Advanced telecommunications can enrich our lives through activities like distance-learning, and they can even save lives through efforts like telemedicine. The key is access. Access to these services is already turning some small companies in rural communities into international marketers of goods and services.

Unfortunately, many small and rural communities are having trouble getting the access they need. Before areas can take advantage of some of the help and incentives that are out there, they need to work together and go through a community planning process.

Community plans identify the needs and level of demand, create a vision for
the future, and show what all the players must do to meet the telecom needs of their community for today and tomorrow.

These plans take resources to develop. This amendment would provide those resources.

Providers say they’re more likely to invest in an area if it has a plan that makes a business case for the costly infrastructure investment. Communities want to provide them with that plan, but they need help developing it.

Unfortunately, many communities get stuck on that first step. They don’t have the resources to do the studies and planning required to attract service.

So the members of my Working Group came up with a solution: have the Federal Government provide competitive grants that local communities can use to develop their plans.

I took that idea and put it into a bill. I introduced in June 2001, S. 1056, the Community Telecommunications Planning Act of 2001. The basic structure of that amendment was incorporated from Bill S. 1056.

When you think about it, it just makes sense. Right now the Federal Government already provides money to help communities plan other infrastructure improvements, everything from roads and bridges to wastewater facilities.

The amendment would provide rural and underserved communities with grant money for creating community plans, technical assessments and other analytical work that needs to be done.

With these grants, communities will be able to turn their desire for access into real access that can improve their communities and strengthen their economies. This amendment can open the door for thousands of small and rural areas across our state to tap the potential of the information economy.

I will work to ensure this provision is included in the Farm Bill along with the other critical telecommunications initiatives that passed the Senate yesterday.

BUTTER/POWDER TILT

Mrs. BOXER. Mr. President, the U.S. Department of Agriculture, USDA, sets a price for the purchase of non-fat dry milk and the economic impact of USDA’s decision is very important to California dairy farmers. On May 31, 2001, USDA made a decision to drop the price at which it will purchase non-fat dry milk as part of the dairy price support program.

USDA did not provide the dairy industry with an opportunity to provide information or comment on the Department’s recommended decision. There was no advance notice or public hearings.

USDA conducted an economic analysis and all of the options may have been analyzed. But this information has not been released to the public, even though it was requested under the Freedom of Information Act.

In the first 6 months after USDA’s decision to lower the price for non-fat dry milk took effect, California’s dairy farm families lost tens of millions of dollars. In meetings with USDA, California farmers learned that another drop in the price is under consideration, which would result in millions more lost to dairy farmers. California produces the nation’s supply of non-fat dry milk and so California could be hit hard yet again.

Transparency is a critical part of a fair and equitable decision-making process and it does not currently exist in the USDA’s decision making for the non-fat dry milk price. The Secretary is currently required to make a decision that includes factors such as cost reduction to USDA. The Secretary also must consider other factors that the Secretary considers appropriate. I believe additional steps should be taken during the conference to assure transparency in the Secretary’s decision-making process.

Factors that may be important to a decision includes prices for butter and non-fat dry milk include: whether the decision will result in an intended change in milk production, whether the change will actually reduce government purchases and related costs, whether it will change producer milk prices, and whether other market factors, such as imports, have an effect.

Milk Protein Concentrate, MPC, is of particular concern. A recent GAO study documented significant increases in MPC imports that may be displacing domestic milk protein products. Since USDA is not releasing its economic analysis, we cannot know whether this important issue is being properly considered.

I would like to ask the Chairman of the Agriculture Committee, Senator HARKIN, if he would be willing to work with me on additional language to address this issue during the conference? Mr. HARKIN. I would be pleased to work to address the concerns of the Senate from California regarding USDA procedures for the dairy support program.

PRESIDENT BUSH’S CHINA VISIT

Ms. COLLINS. Mr. President, as we commemorate National Duchenne Muscular Dystrophy Awareness Week, I express my gratitude to my colleagues and to the Bush administration for their support to date last year in passing H.R. 717, the Muscular Dystrophy Community Assistance Research and Education Act.
Sadly, at this time, there is no cure for DMD. Little boys with DMD are most often not diagnosed before the age of 2 or 3 years. Most boys with DMD walk by themselves later than average, and then in an unusual manner. They may fall frequently, have difficulty going up steps. Calf muscles typically look over-developed or excessively large, while other muscles are poorly developed. Use of a wheelchair may be occasional at age 9, but total dependence is usually established in the teen years. Most boys affected survive into their twenties, with relatively few surviving beyond 30 years of age.

I have heard from the parents and family of two little boys in Maine who have DMD. Their names are Matthew and Patrick Denger, and their family members are desperately hoping for a cure so they don’t have to watch their sons suffer the long-term impacts of this debilitating disease. While we are far from discovering a cure for DMD, I am hopeful that the MD CARE Act, signed into law by President Bush on December 18, 2001, will help Matthew and Patrick and the thousands of other young boys suffering from DMD. Specifically, the act authorizes the Secretary of Health and Human Services to expand and increase coordination of the activities by the National Institutes of Health with respect to research on muscular dystrophies, including DMD.

Efforts to improve the quality and length of life for thousands of children suffering from Duchenne muscular dystrophy are valuable beyond measure, and I commend all of my colleagues and all of the families who have worked so hard to raise awareness about this devastating disease.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred October 28, 1994 in Fall River, MA. A gay high school student was beaten by another teen who was heard shouting anti-gay epithets. The assailant, a minor, was charged with a hate crime and assault and battery.

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

U.S. COMMISSION ON AFFORDABLE HOUSING AND HEALTH FACILITY NEEDS FOR SENIORS IN THE 21ST CENTURY

Ms. COLLINS, Mr. President, I am following with great interest the work of the U.S. Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, a Congressionally established panel co-chaired by Nancy Hooks of New York and Ellen Feingold of Massachusetts. Through a series of coast-to-coast field hearings, the “Seniors Commission” has launched an important nationwide dialogue on senior and health care issues, and the public policy challenges America is facing with the aging of the baby boom generation.

The Seniors Commission is due to deliver its recommendations to Congress by June 30, 2002. I am hopeful that the work of this panel will help to produce a more effective, coordinated and efficient approach to housing and health services for seniors. Americans—young and old—can learn more about the commission’s views by reviewing the comments by the commissioners by viewing the Seniors Commission’s website—www.seniorscommission.gov.

PRESIDENT BUSH’S CLEAR SKIES PROPOSAL

Mr. ENZL, Mr President, I rise to speak in support of the President Bush’s Clear Skies proposal that he announced earlier today. The president’s proposal is a plan that would use our nation’s greatest resource, the ingenuity of our private industries, to ensure our children and grand children will inherit, not just a healthy environment, but a healthy economy as well.

The President has made this possible by giving industries a clear target to reduce emissions but will allow them to find the means and the method to reach those targets without following the traditional command and control environmental policies that have proven to be such a big failure in the past.

The goals are not going to be easy to reach. His proposal to reduce greenhouse gas emissions by 18 percent over the next ten years is going to require Industry stretch if it is going to measure up to the President’s yardstick. But the goals are attainable, and, more importantly can be reached without bankrupting rural communities that rely on energy development, or by hurting those people who will suffer most by rising energy prices—people like seniors or low income families who could face the choice between paying their heating bills or buying food.

I also want to applaud the President for his willingness to reach out to developing nations to help work with them in developing a truly global effort to address global warming.

I have the honor of representing the United Senate at a number of Global Warming Conferences, starting with Kyoto, Buenos Aires, Se-
As a Civil War historian, Bob has written nearly a dozen books, most notably "Stonewall Jackson at Cedar Mountain." Bob has also written four unit histories, including a roster of Confederate soldiers killed at the Battle of Gettysburg and a book about a Marine Corps infantryman at the Battle of Iwo Jima. His dedication to preserving Civil War sites has saved literally thousands of battlefield acres every year.

Bob, who lived in Fredericksburg when he began his career as a Civil War preservationist, did extensive work at the Fredericksburg Battlefield site, including significantly increasing the size of the park. During his time at Fredericksburg, Bob also taught the historians at nearly half of the Civil War Battlefields parks across our country. Despite the fact that Bob is retiring, his effect on preserving one of the defining periods in our Nation’s history will continue to make an impact long after his departure.

Although much has been accomplished during Bob’s tremendous career, there is still more to do. Therefore, Bob plans to serve on the Board of the Richmond Battlefield Association, write and continue advocating for the protection of Civil War Battlefields. I wish Bob the best of luck and look forward to our continued friendship.

AMERICAN HEART MONTH

- **Mr. INHOFE.** Mr. President, Since it is Valentine’s Day, I would like to offer a few brief comments on the heart health status of our nation. It is a serious concern in my state of Oklahoma and all across the country. Today over two thousand Americans will die from some form of cardiovascular disease, and in my state of Oklahoma, almost 45 percent of all deaths this year will be from cardiovascular disease. Heart disease is the number one leading cause of death in Oklahoma and in America. This is a sad state of affairs.

Although some children are born with heart conditions, and others may have a genetic tendency toward developing cardiovascular disease, there are many people suffering who could have prevented the onset of heart disease. A healthy diet and regular cardiovascular exercise can prevent high blood cholesterol, obesity, and high blood pressure, all of which are risk factors for heart disease.

I appreciate the work of the American Heart Association and others in raising awareness of the risk factors, warning signs, and preventative lifestyle changes that are crucial in our fight against this type of disease. This year the focus of Heart Month, which we celebrate every February, is Being Prepared in a Cardiac Emergency. I encourage all of my fellow Americans to take CPR classes and urge parents to teach their children how to call 9-1-1 in an emergency. Taking just a few cautionary steps can save lives.

Heart-shaped cards and candies inundate us this week and especially today. When we see these playful reminders of Valentine’s Day, let us be reminded of how we must take care of our heart health and continue to fight the tragedy of heart disease in our Nation.

TRIBUTE TO STAMFORD’S FIRST AFRICAN-AMERICAN POLICE OFFICER

- **Mr. LIEBERMAN.** Mr. President, James Foreman, a distinguished citizen of Stamford, CT, celebrated his 90th birthday on February 12. Raised in Stamford and a World War II Army veteran, James Foreman was the first full-time African-American police officer hired by the City of Stamford Police Department. Prior to his official hiring in 1947, Jim had served as a "special hire," or auxiliary officer, for 12 years. As a police officer, he served with great courage, often in the most difficult times. Jim retired as a patrolman from the Stamford Police Department in 1977, with a total of 42 years of service. Since his retirement from the police force, Jim Foreman has remained very active and continues to call upon his wit in the community. He is a Justice of the Peace for the City of Stamford, and he volunteers in service to other senior citizens. Jim is well respected and greatly admired in the City of Stamford. I remember him with fondness and respect from the years of my youth, and after, in Stamford.

I am delighted to join with the current and past members of the Stamford Police Department, the citizens of Stamford, and Jim Foreman's family and friends in honoring him on his 90th birthday. We are eternally grateful to him for all the years he put his life on the line to enforce the law and protect the citizens of Stamford regardless of their race or creed. We are grateful, too, for all Jim Foreman accomplished through his long and dedicated service to help break down racial barriers in the department and throughout my home town of Stamford.

"GUNFIGHTERS" FROM MOUNTAIN HOME AFB

- **Mr. CRAIG.** Mr. President, I rise today to recognize the accomplishments and the brave men and women who have served or who are serving during Operation Enduring Freedom. All who were involved in this operation have done an extraordinary job routing terrorism, defending our nation from further attacks, and making their fellow Americans proud of their efforts and accomplishments.

Let me especially thank the brave men and women of Mountain Home Air Force Base (MHAFB). The 366th Wing of MHAFB deployed three of their flyers, a four-man team and their ongoing operation, which included the 389th Fighter Squadron of F-16Cs, the 391st Fighter Squadron of F-15Es, and the 34th Bomber Squadron of B-1Bs. During their time in and around Afghanistan the 389th flew daily sorties attacking Taliban vehicles, facilities, and cave complexes. The 391st added to toppling the Taliban and al Qaeda by dropping a majority of the 500 pound bombs. Finally the 34th were the lead bombers of the campaign and accounted for a majority of the Air Force’s 14 million pounds of munitions in the first 95 days of the air campaign.

While these squadrons’ support, justice might still have been served in Afghanistan, but it would not have been served forcefully, with authority, and with accurate and deadly precision. This was a tremendous accomplishment which demonstrated to potential evil-doers that aggression against the United States will provoke a response from Mountain Home Air Force Base and other United States entities.

Finally the 389th, the 391st and the 34th received well-deserved attention, let us not forget the efforts of MHAFB here at home protecting the United States. In addition to its efforts abroad, MHAFB is playing a significant role in defending our nation as part of Operation Noble Eagle. Currently, the 726th Air Control Squadron is protecting our interior air space twenty-four hours a day. And as I speak, the 726th is monitoring the air traffic over and around Salmon Lake ensuring the Olympics continue without interruption. Also helping support a safe Olympics is the 22nd Air Refueling Squadron of Mountain Home, which is flying air refueling missions for the combat air patrol fighters around Salt Lake.

Once again, I want to thank all of our men and women in uniform for their efforts and I especially want to take this opportunity to salute MHAFB. As the motto of the 366th Wing says, ‘Audaces fortuna adiuvat,’ Fortune Favors the Bold. I am proud that Idaho is the home of the bold men and women of Mountain Home AFB, and I wish them good fortune in all their future endeavors.

COMMEMORATING THE RETIREMENT OF MAJOR GENERAL WILLIAM A. MOORMAN

- **Mr. DURBIN.** Mr. President, I would like to bring to your attention today the exemplary work and most commendable public service of one of our country’s outstanding military leaders, Major General William A. Moorman, and Judge Advocate General of the United States Air Force. General Moorman will be retiring after an especially distinguished military career on May 1, 2002.

General Moorman entered the Air Force in 1971 through the Air Force Reserve Officer Training Corps program. His early assignments included Richards-Gabaur Air Force Base, Missouri, Yokota Air Base, Japan, Homestead
Air Force Base, Florida, Lake Air Force Base, Arizona, and at the Pentagon here in Washington, D.C. He later served as the Staff Judge Advocate for 12th Air Force and U.S. Southern Command Air Forces, Bergstrom Air Force Base, Texas; as the Staff Judge Advocate of U.S. Strategic Air Command, Offutt Air Force Base, Nebraska; Staff Judge Advocate U.S. Air Forces in Europe, Ramstein Air Base, Germany; Commander Air Force Legal Service Agency, Bolling Air Force Base, Washington, D.C.; Staff Judge Advocate Air Combat Command, Langley Air Force Base, Virginia; and finally his current position as The Judge Advocate General of the United States Air Force, where he serves in the Pentagon.

General Moorman was born and raised in Chicago, and his father and mother, James and Mary Moorman, still reside in its suburbs. General Moorman is a Bachelor of Science in history and economics at the University of Illinois, and then went on to attend the University of Illinois College of Law. He is a graduate of Squadron Officer School, a Distinguished Graduate of Air Command and Staff College, Alabama, and a graduate of the National War College, Fort McNair, Washington, D.C. General Moorman is admitted to practice before the U.S. Court of Appeals for the Armed Forces, the United States District Court for the Seventh Circuit and the Illinois State courts. His military decorations include the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters, and the Armed Forces Expeditionary Medal for his service in Panama during Operation JUST CAUSE. General Moorman was also recognized as the Outstanding Younger Judge Advocate of the Air Force in 1979, winning the Albert M. Kuhfeld Award, and as the Outstanding Senior Attorney of the Air Force in 1992, winning the Stuart R. Reichart Award.

Since 1999 General Moorman has served as The Judge Advocate General of the Air Force. In that capacity, he led and inspired an organization of over 3,000 military and civilian lawyers, paralegals, and support personnel. General Moorman’s dynamic leadership, sound personal and professional integrity and unwavering devotion to duty were instrumental in the successful resolution of numerous difficult issues facing the JAG Department and the Air Force. At the same time, he was a key and trusted advisor to two Air Force Chiefs of Staff who relied on his sound, timely and cogent advice in resolving a host of complex legal and policy issues they encountered as the military leaders of the Department of the Air Force.

A visionary leader, Bill Moorman’s tenure as The Judge Advocate General was marked by innovation and an unwavering focus on serving the needs of his Air Force client, wherever and whenever the mission required. From the outset of his assignment as the Judge Advocate General, he set about to leverage technology, particularly the use of electronic media and communications, to multiply the effect reliable legal counsel can have during an armed conflict.

Today, Moorman’s efforts have focused the twin mission of expanding the reach of his Department on a common vision for its evolution in the coming years. He drew upon the collective expertise of his most knowledgeable senior leaders to create several cornerstone programs to ensure the future use of judge advocate doctrine.

"General Moorman’s leadership was his sustained initiative to maintain the high levels of skill, readiness and competency of the legal professionals who comprise the Department. His efforts were instrumental in enactment of legislation authorizing continuation pay for judge advocates, a measure that is reversing a personnel recruiting and retention problem by ameliorating spiraling student loan financial burdens that previously had prevented many of our best and brightest law school graduates from electing to serve in the nation’s armed forces in service to the country."

Perhaps General Moorman’s greatest legacy will be his commitment to ensuring the Air Force Judge Advocate General’s Department operates in a fashion that seamlessly merges its diverse, traditional fields of practice into the Expeditionary Aerospace Force model. He orchestrated numerous programs to ensure judge advocates are skilled in advising commanders on the application of air and space power across the spectrum of military conflict and also oversaw the creation of a comprehensive guide covering the application of air and space power across the full range of combat and noncombat operations.

In the midst of the tragedy of September 11, his first thoughts turned to care for the injured at the Pentagon. He used his personal van as an ambulance and drove a wounded civilian employee to Arlington Hospital. He then returned to duty and led the remarkable effort to consider the unique legal issues involved in our homeland defense and the global war on terrorism. His efforts during and after the Pentagon attack underscored the force multiplying effect reliable legal counsel will bring to armed conflict in the 21st century.

I ask that you join me, our colleagues and General Moorman’s many friends and family in saluting this distinguished officer’s many years of selfless service to the United States of America. I know our Nation, his wife Bobbie, and his family are extremely proud of his accomplishments. It is fitting that the United States Senate honors him today.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2986. An act to authorize the establishment of Radio Free Afghanistan.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:25 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 97. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 980: A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes. (Rept. No. 107-137).

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. JOHNSON (for himself, Mr. HAGEL, Mr. REID, and Mr. ENZI):

S. 1484. A bill to provide for the improvement of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1486. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mrs. CARNahan:

S. 1497: A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmlessly provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1498. A bill to establish demonstration projects under the medicare program under title XVIII of the Social Security Act to provide and expand the number of health care providers delivering high-quality, cost-effective health care to Medicare beneficiaries; to the Committee on Finance.

By Mr. PReIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):
S. 498. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of annual screening pap smear and screening pelvic exams.

At the request of Mr. Kennedy, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 498, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 464. A bill to establish a demonstration project under the Medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. Feingold (for himself, Ms. Collins, Mr. Kohl, and Mr. Dayton):
S. 493. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. Feingold (for himself, Ms. Collins, Mr. Kohl, and Mr. Dayton):
S. 490. A bill to amend title XVIII of the Social Security Act to require that the wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individuals employed at skilled nursing facilities; to the Committee on Finance.

By Mr. Kohl (for himself, Mr. Hatch, Mr. Schumer, and Ms. Cantwell):
S. 496. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. Durbin (for himself, Mr. DeWine, Mr. Frist, Mr. Kennedy, Mr. Torricelli, Ms. Collins, Mr. Brownback, Mr. Wellstone, Mr. Biden, Mr. Inouye, Mr. Kohl, Ms. Landrieu, Mr. Specter, Mr. Johnson, Mr. Dorgan, Mr. Cleland, Mr. Graham, Mr. Dodd, Mr. Enzi, Mr. Levin, Mr. Kerry, and Mr. Reid):

ADDITIONAL COSPONSORS

S. 258. At the request of Mrs. Lincoln, the name of the Senator from California (Ms. Boxer) and the name of the Senator from Washington (Ms. Cantwell) were added as cosponsors of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of annual screening pap smear and screening pelvic exams.

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income individuals' taxpayers' discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 499. At the request of Mr. McCONNELL, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

At the request of Mrs. Feinstein, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 1409, supra.

S. 1644. At the request of Mr. Kerry, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the hostile acts perpetrated against the United States on September 11, 2001, and for other purposes.

At the request of Mr. Campbell, the names of the Senator from Montana (Mr. Bums) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

At the request of Mr. Kennedy, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1766. At the request of Mr. BURIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

At the request of Mr. Brownback, the name of the Senator from Illinois (Mr. Fitzgerald) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 197. At the request of Mr. Smith of New Hampshire, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. Jeffords, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1917, supra.

S. Res. 205. At the request of Mr. Campbell, the name of the Senator from New York
(Mrs. CLINTON) was added as a cosponsor of S. Res. 205, 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.

S. RES. 206
At the request of Mr. Breaux, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. Res. 206, a resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002.

S. CON. RES. 84
At the request of Mr. Schumer, the name of the Senator from Missouri (Mrs. Carnahan) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 2298
At the request of Mr. Brownback, his name was added as a cosponsor of amendment No. 2298 intended to be proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. Johnson (for himself, Mr. Hagel, Mr. Reed, and Mr. Enzi):
S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. Johnson. Mr. President, I rise to introduce S. 1945, the Safe and Fair Deposit Insurance Act of 2002, together with my good friends and colleagues, Senator Hagel, Senator Reed and Senator Enzi. This important legislation would help to ensure that deposit insurance, which is the bedrock of our banking system, maintains its strength even when faced with economic weakness.

S. 1945 is the culmination of many years of my involvement in the issue of deposit insurance reform. I would like to recognize the banking community in South Dakota who have played a critical role in the process, from explaining how elements of the current system endanger local banks throughout that great State, to helping to craft solutions that make sense to the average American depositor.

The current deposit insurance system is dangerously pro-cyclical, and in a softening economy, banks are at real risk of having to absorb severe insurance premiums when they can least afford them. In the last month alone, four banks have failed, putting pressure on the insurance funds.

In addition, deposit insurance coverage was last adjusted in 1980, and its real value has eroded over the decades. S. 1945 proposes an increase in coverage, and ensures that in the future, coverage keeps pace with inflation through periodic indexing. We also increase the level of coverage for our municipalities, to reduce the risk that a large failure will wipe out our town's financial base, as happened just last week in Ohio, and also to free up much needed capital to lend to cash-starved communities.

Our bill pays special attention to the needs of our retirees. We propose that retirement savings be covered up to $250,000, to allow our retirees to keep their money safe without being forced to search for a bank outside of their trusted communities.

So many of our retirees have spent their lives saving to make sure they can remain independent in their later years, especially given some uncertainty about the long-term health of Social Security. Many have put those efforts to work in a variety of investments through tax-deferred accounts and have watched those balances mount.

Over the last few months, however, we have been reminded that while equity markets offer unparalleled opportunities for economic growth, those opportunities come with volatility. And while many younger investors have enough time to ride out ups and downs, those of us who are closer to retirement age have to make sure we have enough savings in secure investments to provide for a comfortable retirement.

Our bill also merges the two deposit insurance funds, and gives the FDIC additional flexibility to manage the fund balance through regular insurance premiums. Since 1996, 93 percent of all insured depositories have paid nothing for their insurance coverage, which simply doesn't make sense. Under the bill, FDIC will be permitted to resume premium assessments; however, they would also be required to keep the fund ratio within a range, with a goal of minimizing sharp swings in those assessments. FDIC is also charged with the task of building the fund up in good times, so in bad times, banks will avoid the economic pressure of steep charges that could precipitate a downward spiral.

Finally, we provide a one-time assessment credit so that institutions that have paid their fair share into the insurance funds don't end up subsidizing new entrants and fast growers. The credit will also defer premium payments for up to several years in some cases.

Before I close, I would like to comment on the remarkable bipartisan process that has allowed this bill to take shape. Partisan politics has no place in discussions of deposit insurance reform, which is so critical to America's economic foundation. Senators Hagel, Reed, Enzi and I have worked together on S. 1945, and I am proud of the results of this teamwork.

This is just one more example proving that the best laws are those that are built on solid principles by bipartisan teams.

Finally, I thank FDIC Chairman Don Powell for his leadership on this issue. He has recognized the importance of reform. This bill has been a pleasure working with him and his talented team at the FDIC.

By Mr. Lott (for Mr. Campbell, for himself, Mr. Domenci, Mr. Bingaman, and Mr. Allard):
S. 1946. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. Campbell. Mr. President, today I am introducing legislation to designate the Old Spanish Trail for addition to the National Trails System. In 1995, I worked to commission a study of the Old Spanish Trail to assess its historic significance and determine whether it should be included in the National Trails System. That recently published study discussed the Trail in great detail, recognizing it as a benchmark of the Old West.

I would like to commend the Department of the Interior and National Park Service's scholarship in producing the "National Historic Trail Feasibility Study and Environmental Assessment" on the Old Spanish Trail.

The Old Spanish Trail has been called the "longest, crookedest, most arduous pack mule route in the history of America." Linking two quaint pueblo outposts, Villa Real de Sante Fe de San Francisco, now known as Santa Fe, and El Pueblo de Nuestra Senora La Reina de Los Angeles, present day Los Angeles, this 1,200 mile route was a critical crossroads in trade and culture 150 years ago.

American Indians lived for thousands of years throughout the American Southwest, carving out a network of trade and travel routes. The Utes, Paiutes, Comanches, and Navajo peoples used what was known as the Old Spanish Trail.

The Old Spanish Trail played a crucial role as a crossroads for the diverse cultures in the West. Indian Tribes, Spaniards, Mexicans, Anglo settlers, including the Mormons, and other immigrants used the route extensively.

For more than a century, commodities along the Trail were as diverse as those who used it. The Old Spanish Trail supported the fur, mule, horse, sheep, and textile trades. Demand for sheep grew dramatically in California after the Great Gold Rush. In 1849, a gold-seeker named Roberts bought 500 sheep in New Mexico for $250, and sold them in California for $8,000.

Beyond traditional commerce, Old Spanish Trail traders also traded in American Indian slaves. Tribes would sell entire tribes to the Spanish, and later to the Mexicans. The Indian slave trade continued as late as the 1860s.
The trail’s rich history marks important events in our nation’s westward expansion. For example, in 1848, Lt. George B. Brewerton recorded his journey over the Spanish Trail and the northern branch. The young lieutenant accompanied a party of thirty men including Kit Carson. Kit Carson was carrying mail from Los Angeles to the East Coast. The party left Los Angeles on May 4 and reached Santa Fe via Taos on June 14, forty-one days later. Carson proceeded east, reaching Washington, DC in mid-August, bringing news of the discovery of gold in California. Carson’s news effectively fired the starting gun for the great gold rush.

The study includes numerous accounts of other expeditions, experiences, and events marking our Nation’s history. Thanks to a variety of public and private partnerships, we are learning more about the history of the Trail and the region everyday.

In Colorado, the Bureau of Land Management has worked on documenting and interpreting the route with local communities, such as Mesa County and the City of Grand Junction. Interested private groups have sprung up to recognize the significance of the Trail and work to preserve it for generations to come. One such group, the Old Spanish Trail Association, founded in Colorado, studies the trail to raise the public’s awareness of our country’s diverse cultural heritage in the precipitation. The association has already located wagon ruts and other vestiges of the trail’s heyday.

The time has come to acknowledge the national historical importance of the Old Spanish Trail.

This bill designates the Old Spanish Trail for addition to the National Trails System to promote the recognition, protection, and interpretation of our history in the West. By introducing this legislation today, we pay tribute to the cultures of the West that have enriched our nation and to an important period in American history. I urge my colleagues to support swift passage of this legislation.

I ask that the text of the bill be printed in the RECORD.

The bill is as follows:

S. 496
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Old Spanish Trail Recognition Act of 2002”.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) as paragraph (22); and

(2) by adding at the end the following:

“(23) OLD SPANISH NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Old Spanish National Historic Trail, an approximately 3,500 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the map contained in the report prepared under subsection (b) entitled “Old Spanish Trail National Historic Trail Feasibility Study”, dated July 2001.

“(B) MAP.—The map generally depicting the trail shall be on file and available for public inspection in the office of the Director of the National Park Service.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this paragraph as the ‘Secretary’).

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

“(E) CONSULTATION.—The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

“(F) ADDITIONAL ROUTES.—The Secretary may designate additional routes to the trail if—

“(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study and the Secretary recommends that it be designated as a national historic trail; and

“(ii) the Secretary determines that the additional routes are used for trade and commerce between 1829 and 1848.

“Mr. DOMENICI. Mr. President, last year I introduced a bill that would have designated the Old Spanish Trail as a National Historic Trail. When I introduced that bill, we were waiting for the Administration to complete its work on a final study. Additionally, Senator CAMPBELL wrote a personal note to me asking that I work with him on a new bill that incorporates the new study. Today, we introduce that bill. As with my original bill this legislation will amend the National Trails System Act and designate the Old Spanish Trail, which originates in Santa Fe, New Mexico and continues to Los Angeles, California as a National Historic Trail.

“Today, more than 150 years after the first settlers embarked on their western journeys via the Old Spanish Trail, we honor its historic significance and introduce legislation that will help preserve and maintain service due to the recession, an agency that is out of control. At a time when States are struggling to maintain service due to the recession, this agency has threatened to devastate Missouri’s health care safety net. Since I last spoke about this issue on the Senate floor, CMS Administrator Tom Scully escalated the dispute to an unprecedented level. Not only unprecedented, but dangerous.

On November 29, he sent a harshly toned letter to Governor Holden that called Missouri’s tax on hospitals illegal and threatened to withhold $1.6 billion from the State.

I am here today to call attention to an agency that is out of control. At a time when States are struggling to maintain service due to the recession, this agency has threatened to devastate Missouri’s health care safety net. Since I last spoke about this issue on the Senate floor, CMS Administrator Tom Scully escalated the dispute to an unprecedented level. Not only unprecedented, but dangerous.

By Mrs. CARNAHAN:
S. 1946. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

By Mr. DOMENICI:
S. 496. A bill to amend title X of the Social Security Act to establish the Old Spanish National Historic Trail as a National Historic Trail; which originates in Santa Fe, New Mexico and continues to Los Angeles, California as a National Historic Trail.
After our delegation appealed to top Administration officials, finally negotiations began on a long-term solution to the Medicaid funding issue. But just this weekend, reports emerged that CMS expects to pressure Missouri into accepting changes to the program due to its non-compliance with Federal regulations. Missouri could lose millions of dollars in Federal funding.

The Missouri Medicaid program is the largest single recipient of Federal funds in the state. Over ten years, Missouri has been using Federally generated funds to improve health care to the uninsured. The State is considered a national leader in health care reform. Governor Holden has stated that one of his top Federal priorities is to clarify that Missouri’s provider tax is fully consistent with Federal law. That is what my bill does.

Before I explain my legislative proposal, I want to describe the events that have brought us to this point in time. The Missouri provider tax is the result of a long battle with the Federal government to determine whether Missouri indirectly holds hospitals harmless. This leads one to ask what is the meaning of a bureaucratic crusade to overturn Missouri’s provider tax, a crusade that is not based on law.

Governor Holden has stated that one of his top Federal priorities is to clarify that Missouri’s provider tax is fully consistent with Federal law. That is what my bill does.

First, it was the first formal declaration from CMS that the agency found the Missouri’s State provider tax impermissible. The letter opens the door for CMS to actually try to take back the money. Until this the draft audit was sent, CMS had only threatened action against the state. Now, this letter has made it abundantly clear that the CMS case is based on a flawed legal theory.

The Federal statute says that there is a “direct guarantee” of the taxpayer’s money with respect to the provider tax if the Secretary can determine that, on the face of the statute: “The State or other unit of government improving the tax providers—directly or indirectly—for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax.”

In the draft audit, Mr. Scully asserts that Missouri indirectly holds hospitals harmless. This leads one to ask the question, how is an “indirect guarantee” defined under the law? The answer exists, but unfortunately Mr. Scully’s letter does not include it. You can find the answer to the audit questions.

Mothers of children covered in Medicaid have been operating under the auspices of HCPA. During this time, 100 percent of the revenues generated by the tax have been dedicated to Medicaid programs. Missouri has spent $1.6 billion on Medicaid from provider taxes.

The Missouri Medicaid program is the largest single recipient of Federal funds in the state. Over ten years, Missouri has been using Federally generated funds to improve health care to the uninsured. Of the $1.6 billion from provider taxes, a significant portion was dedicated to the Missouri Children’s Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, uninsured working parents could secure this previous health status for their children. The Missouri Medicaid program has made a difference in the lives of the 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. In 1999, Missouri had the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be completely undermined because of a bureaucratic crusade to overturn Missouri’s provider tax, a crusade that is not based on law. Let me explain. The letter CMS Administrator Scully sent to Missouri on November 29 was significant for several reasons.

First, it was the first formal declara tion from CMS that the agency found Missouri’s State provider tax impermissible. Second, the letter included a draft audit that outlined the agency’s case and claimed that it would seek to take back $1.6 billion from the State. Third, the letter opens the door for CMS to actually try to take back the money.

Finally, the draft audit was sent, CMS had only threatened action against the state. Now, this letter has made it abundantly clear that the CMS case is based on a flawed legal theory.

The Federal statute says that there is a “direct guarantee” of the taxpayers’ money if the Secretary can determine that, on the face of the statute: “The State or other unit of government improving the tax providers—directly or indirectly—for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax.”

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care for the District's Medicare beneficiaries. According to the Journal of the American Medical Association, the District is ranked 34th out of 52, in the bottom third, when it comes to quality.

This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost states.

As a consequence, Maine's hospitals, physicians and other providers have experienced a serious Medicare shortfall, which has led to shortages, not only to physicians, but also to other payers in the form of higher charges. This Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the nation. Small businesses, for example, are paying increases of 30 percent, jeopardizing their ability to provide coverage for their employees.

Moreover, the fact that Medicare underpays our hospitals and nursing facilities has significantly handicapped Maine's hospitals as they compete for nurses and other health care professionals in an increasingly tight labor market.

As a recent study by Dr. John Wennberg of the Dartmouth Medical School points out, more Medicare spending does not necessarily buy better quality health care. According to the Dartmouth study, Medicare beneficiaries in high-cost states don't live any longer or enjoy better quality of life than Medicare beneficiaries in low-cost states simply provide more care. They rely on inpatient and specialist care more than outpatient and primary care, and they tend to treat the chronically ill and those near death much more aggressively, with adverse effects on their quality of life. According to the Dartmouth study, this pattern of practice is driven not by medical evidence, but instead by commercial practice patterns and the availability of hospital beds.

The legislative package we are introducing today will reform the current Medicare reimbursement system by reducing regional inequities in Medicare spending and providing incentives to hospitals and physicians to encourage the delivery of high-quality, cost-effective care.

The first bill, the Physician Wage Fairness Act of 2001, will promote fairness and encourage payments to physicians and other health professionals by eliminating the outdated geographic physician work adjustor in the physician fee schedule that has resulted in a significant differential in payment levels to urban and rural health care providers.

We are concerned that the current formula does not accurately measure the cost of providing services. As a consequence, Medicare pays rural providers far less than it should for equal work. We also don't think that it makes sense to pay physicians more for their work in areas like New York City, which tend to have an oversupply of physicians, and less for the same services in areas that are more likely to experience shortages. Eliminating the geographic physician work adjustor will bring an estimated $1 million a year in Medicare payments to physicians and providers in Southern Maine and $3 million more to providers in the rest of Maine.

The second bill, the Medicare Value and Quality Demonstration Act of 2002, will authorize a series of demonstration programs to encourage high-quality, low-cost health care to Medicare beneficiaries. These programs would reward hospitals and physicians who deliver high quality care at a lower cost. It would also require that the states develop programs to create a plan to increase the number of providers who deliver high-quality, cost-effective care to Medicare beneficiaries.

A third bill, the Graduate Medical Education Demonstration Act of 2002, will allow the Secretary of Health and Human Services to use existing Graduate Medical Education funds to create a program to encourage hospitals in underserved areas to host clinical rotations to encourage more medical students to practice in these areas when they graduate.

And finally, the Skilled Nursing Facility Wage Information Improvement Act will promote fairness in Medicare payments to nursing homes by collecting and using accurate nursing home wage data rather than, as is the current practice, using the inaccurate hospital wage data that discriminates against States like Maine.

As Congress works to modernize Medicare, we also restore basic fairness to the program and find ways to reward, rather than penalize, providers of high-quality, cost-effective care. This is what our legislation will do, and I encourage all of our colleagues to join us as cosponsors.

By Mr. Frist (for himself, Mr. Dodd, Mr. Hutchinson, Mr. Jeffords, and Mr. Enzi):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. Frist. Mr. President, on this Valentine's Day, National Donor Day, I rise to speak on the critical issue of organ donation. It is with great pleasure that I join with my colleagues Senators Dodd, Hutchinson, Jeffords, and Enzi to introduce the Organ Donation and Recovery Improvement Act.

This comprehensive legislation includes a number of new steps intended to improve organ donation and recovery efforts nationwide and increase the number of organs available for transplant each year. This legislation is further complemented by a resolution that I, and a number of my colleagues are introducing today to commemorate today as National Donor Day, and call attention to the important issue of organ donation.

This year, more than twenty-two thousand Americans will receive an organ transplant. This is due to the rapid and tremendous advancements in medical knowledge and in the science of organ transplantation. As a heart and lung transplant surgeon before coming to the Senate, I have had the opportunity to watch the field develop tremendously over the past three decades. This year, for the first time, of conducting some of the first transplants using hearts and lungs, and know the tremendous progress that has been made since that time. And I know the hundreds of my own patients who have benefitted or improved their lives due to advances in transplantation.

Advances in our knowledge and the science have allowed us to transplant individuals who were once not considered candidates. Improvements have meant a staggering increase in the number of patients waiting for a transplant, while the number of donated organs has failed to keep pace. In fact, there are almost 80,000 patients waiting for a transplant today, a four-fold increase from just over a decade ago. Many of them may die before they can receive a transplant.

More needs to be done. We must look for other ways to improve organ donation, to identify eligible organs, and work with families to help them better understand the value of donation.

Secretary Thompson already has made great progress in this area. In particular, I applaud his call to recognize donor families through a medal of honor, something I have long supported through my own legislation, the Gift of Life Congressional Medal Act. I also welcome the Secretary's commitment to more closely scrutinize the role that organ donor registries play in the donation process.

The legislation I am introducing today builds on these efforts through a broad range of initiatives intended to improve organ donation and recovery, enhance our knowledge base in these fields, and encourage novel approaches to this growing problem.

The Organ Donation and Recovery Improvement Act is designed to improve the overall process of organ donation and recovery, enhance our knowledge base in these fields, and encourage novel approaches to this growing problem.

Let me briefly highlight a few key provisions of the legislation. First, the bill establishes a grant program for demonstration projects intended to improve donation and recovery rates and
ensures that the projects’ results will be evaluated quickly and disseminated broadly. The bill also provides for the placement and evaluation of organ donation coordinators in hospitals, a model that has worked with success in other countries.

In addition, the legislation expands the authority of the Agency for Healthcare Research and Quality to conduct important research, including research on the recovery, preservation, and transportation of organs and tissues.

After the death of a loved one, the family knows that organ transplantation has been improved and refined over and over again since its inception. Yet all too often organ donation efforts are conducted under the same conditions and understandings as they were twenty years ago. This must change, and the legislation Senator DODD and I are introducing today will help establish a strong evidence-based approach to enhance organ donation and recovery and improve our understanding of this process.

The bill also includes several important provisions affecting living organ donation. First, it aims to reduce potential financial disincentives toward the use of living donors by allowing for the reimbursement of travel and other expenses incurred by living donors and their families.

Importantly, the bill also takes steps toward evaluating the long-term health effects for living donors and encouraging them to act as living organ donors. There remain important questions surrounding how this registry should be structured, and I look forward to working with my colleagues and the experts in the field to finalize the details before any legislation on this topic.

Finally, I would like to address the issue of prospective organ donor registries. I am supportive of donor registries and feel they have an important role to play in improving organ donation rates. Moreover, I am pleased by the actions taken by some states to establish and enhance such registries. However, I am concerned that too great a focus has been placed on registries at a time when a number of questions regarding living donation remain unanswered and their effectiveness has not been fully evaluated. Therefore, the bill establishes an advisory committee to study this question and to report to Congress on the usefulness and success of organ donor registries, as well as the potential roles for the federal government to play in encouraging and improving such programs.

The Frist-Dodd Organ Donation and Recovery Improvement Act is supported by a wide range of patient and organ transplantation organizations. I am pleased that the bill is supported by the American Society of Transplantation, National Kidney Foundation, American Liver Foundation, North American Transplant Coordinators Organization, Patient Access to Transplantation Coalition, TN Donor Services, New Mexico Donor Services, and Golden State Donor Services. I thank them for their hard work and dedication to this cause.

Organ donation is one of the most important issues before us today. Each year, thousands of donors and their families make the important decision to give consent and give the gift of life. We must respect their sacrifice, and, in so honoring, work to increase donation rates and allow more families to receive this gift of life each year. Hundreds of my own patients are alive today because of this gift. Let us work together to allow more patients and families to experience this miracle.

I thank Senator DODD, HUTCHINSON, JEFFORDS and ENZI for joining me in this effort, and look forward to working with them and my other colleagues to pass this important legislation this year.

Mr. DODD. Mr. President, most of us know February 14 as Valentine’s Day, but for the past few years, it has shared that date with another vitally important event, better known, event: National Donor Day.

Thanks to the selflessness of thousands, February 14 has become our Nation’s largest one-day donation event. On a day that celebrates giving the gift of love, organ donation makes a commitment to increasing donation rates and saving even more lives.

Today, I am pleased to introduce legislation with Senator BILL FRIST to do just that. The Organ Donation and Recovery Improvement Act will bring attention to this critical public health issue by increasing resources and coordinating efforts to improve organ donation and recovery. I am proud to be working with my friend and colleague, Senator FRIST, who, with his professional experience as a heart and lung transplant surgeon has been critical in making this issue a priority.

At this very moment, more than 80,000 people are waiting for an organ transplant, and one person is added to this list every thirteen minutes. This has increased from 19,095 people on waiting lists a decade ago. Unfortunately, the discrepancy between the need and the number of available organs continues to increase. From 1999 to 2000 transplant waiting list grew by 10.2 percent, while the total increase in donation grew by 5.3 percent. Tragically, in 2000, approximately 5,500 wait-listed patients died waiting for an organ.

Undoubtedly, the task before us seems daunting. However, each person who makes the decision to donate can save as many as three lives. These are our mothers, fathers, brothers, sisters, friends. None of us wants to imagine the anguish of watching a family member or a friend wait for an organ transplant hoping that their name reaches the top of the list before their damaged organ fails or having to bear the emotional, physical, or financial costs of undergoing a transplant procedure. For those that do, and for all of those that will, we must improve and strengthen our systems of organ donation and recovery. We must also work to remove the barriers that a donor’s way as he or she seeks to help another person continue life. States need the resources to determine for themselves how best to increase donations and a vital part of increasing donations lies in education and public awareness initiatives.

We must work to improve the science of donation and recovery and address legal issues relating to donation, including consent. More than 20 states currently have registries that may prove indispensable in ensuring that we honor a donor’s wishes. We should study the benefits, and potential shortcomings, of these arrangements and work to create a national sense of urgency that matches the national need for donors.

I would like to recognize the invaluable support and guidance we received, in drafting this bill, from the American Society of Transplantation, the American Liver Foundation, Patient Access to Transplantation Coalition, North American Transplant Coordinators Organization, and the National Kidney Foundation. I would be remiss not to mention the Association of Organ Procurement Organizations and the OPOs nationwide that have worked so tirelessly to bridge the gap between the immense need and the inadequate supply. In my home state of Connecticut, we are well served by the tremendous work of the Northeast Organ Procurement Organization and the New England Donor Bank.

Finally, I look forward to working with my colleagues, including Senator KENNEDY, Senator GREGG and Senator DODD, whose courage on this issue has been unparalleled. I urge Congress to take swift action on bipartisan legislation aimed at increasing organ donation and saving lives.

Mr. JEFFORDS. Mr. President, today, Valentine’s Day, provides a wonderful opportunity for me to offer my support for the Organ Donation and Recovery Improvement Act. I commend my colleagues, Senator FRIST of Tennessee and Senator DODD of Connecticut, whose courage on this important issue is unparalleled. I urge Congress to take swift action on bipartisan legislation aimed at increasing organ donation and saving lives.

Mr. DODD. Mr. President, today, Valentine’s Day, provides a wonderful opportunity for me to offer my support for the Organ Donation and Recovery Improvement Act. I commend my colleagues, Senator FRIST of Tennessee and Senator DODD of Connecticut, whose courage on this issue is unparalleled. I urge Congress to take swift action on bipartisan legislation aimed at increasing organ donation and saving lives.

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President pro tempore, Mr. BREAUX: By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce this bill today with Senators CANTWELL and WYDEN to make sure that all energy transactions are transparent and subject to regulatory oversight.

Mr. President, I am pleased to introduce this bill today with Senators CANTWELL and WYDEN to make sure that all energy transactions are transparent and subject to regulatory oversight. With passage of this legislation, we can reinstate regulatory oversight to the marketplace and help ensure there is not a repeat of the energy crisis that had such a devastating impact on California and the West.

The Enron bankruptcy has uncovered many gaping holes in our regulatory structure, everything from accounting and disclosure to energy transactions. Congress must take a look at all of this. The bill we are introducing today is a first step. The exemptions and exclusions to the 2000 Commodity Futures Modernization Act essentially gave EnronOnline, and the entire energy sector, the ability to operate a bilateral electronic trading forum absent any regulatory oversight or price transparency. Let me give you an example of what that lack of transparency meant to California: On December 12, 2000, the price of natural gas on the spot market was $59 in southern California while it was $30 in San Francisco. We know it costs less than $1 to transport gas from New Mexico to California because this was the cost when these transportation routes were transparent and regulated. So there was $48 unaccounted for that undoubtedly found its way into someone’s pocket.

This problem lasted from November, 2000 to April, 2001, and all this time no one knew where all this money was going. The Senate Energy Committee looked at this issue last year but was unable to piece together all that happened. In the wake of Enron’s bankruptcy, however, we are beginning to learn a lot more. By controlling a significant number of energy transactions affecting California, some traders estimated that they controlled up to 50-70 percent of the natural gas transactions into southern California, and by trading in secret, Enron had the unique ability to manipulate prices and gouge customers. And the consumers, particularly those in California, ultimately bore the brunt of the costs. In fact, through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $36.7 billion in 2001.

A market does not function properly without transparency. Additionally, regulators need the authority and the tools to step in and do their jobs when markets have gone awry. This bill, then, is intended to close the regulatory loophole that allowed EnronOnline to operate unregulated trading markets in secret. The Commodity Futures Modernization Act provided a regulatory exemption for bilateral transactions between sophisticated parties in nonagricultural and nonfinancial commodities. This exclusion includes energy products and electronic trading forums. Because many of the EnronOnline transactions did not involve physical delivery, there was also no oversight by the Federal Energy Regulatory Commission in determining which agency, FERC or the CFTC should have the proper authority. We are faced with two challenges: 1. FERC does not have the necessary expertise in derivative transactions; and 2. CFTC does not have the necessary expertise to protect consumers from out-of-control energy prices.

This bill tries to utilize the unique talents of each agency.

In summary, our legislation: 1. Repeals exemptions and exclusions provided for by the Commodity Futures Modernization Act of 2000; 2. Ensures that energy dealers in derivatives markets (such as EnronOnline) cannot escape federal regulation; 3. Makes sure that all multilateral markets and dealer markets in energy commodities are subject to registration, transparency, disclosure and reporting obligations; 4. Gives FERC regulatory oversight authority over electricity and gas markets not subject to CFTC oversight. Although CFTC would have antimanipulation authority over these transactions; 5. Expands CFTC jurisdiction to include derivatives transactions, which are defined to include transactions based on the cost of electricity or natural gas and include futures, options, forwards and swaps unless such transactions are under the jurisdiction of the CFTC or the state; and 6. Ensures that entities running on-line trading forums must maintain sufficient capital to carry out its operations and maintain open books and records for investigation and enforcement purposes.

This last point is also very important. Enron saw itself as a “virtual” company. As it sold off many of its physical assets over the past few years, investors lost confidence in Enron’s ability to back up its trades since Enron did not have enough assets to back up its trades. This was a contributing factor in Enron’s final spiral into bankruptcy.

Energy trading has gotten extremely arcane and complex over the last three decades. Very few people fully understand how swaps and other derivatives actually work. Without adequate transparency, regulatory oversight, and a regulatory agency willing to do its job, the likelihood is that consumers will pay the price. This is what happened in the California Energy Crisis, but it has happened in Enron. It would be unconscionable not to do everything we can to prevent the same thing from happening again.

By Mrs. FEINSTEIN (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):
California is now in a pitched legal battle with the Department of Interior over whether the State has the ability to deny these leases. I strongly support the State in this effort and have joined Representative Capps in filing an amicus brief in the case.

Every State should have the right to deny oil and gas development off their shores, as offshore activities inevitably impact the people and resources that are onshore. Last year, I reintroduced legislation, the Coastal States Protection Act, to place a moratorium on new drilling leases in Federal waters that are adjacent to State waters that have a drilling moratorium. That bill, however, addresses only the issue of future leases.

With regard to the existing leases off of California’s coast, I am not completely confident that the courts will solve the problem. We must therefore act now to eliminate the threat, the threat to California’s natural resources and the threat to our economy through losses in the tourism and fishing industries.

It is for this reason that I am proud to introduce today with my colleague Senator LANDRIEU, the California Coastal Protection and Louisiana Energy Enhancement Act.

Our bill would end the seemingly endless battle over the California leases and would permanently protect those areas from oil, gas, and mineral development.

Here’s how it would work. Within 30 days of enactment, the Secretary of Interior would provide the oil companies holding the 40 California leases with a swap of equivalent value in the Gulf of Mexico. If all of the companies holding the California leases agree to this offer and agree to drop all pending litigation regarding those leases, then the California leases will be canceled, and the lessees will receive a credit equal to the amount paid for the leases plus the amount already spent to develop them. These credits would be used only in the close offshore Federal waters that are already open to drilling and open to further leasing. They could be used for bidding on new leases in that area or to pay royalty payments for existing drilling activities in that area.

The 40 tracts off of California’s coast would then be converted to an ecological preserve, thus permanently protecting the areas from future mineral leasing and development. The tracts would be managed for the protection of traditional fishing activities as well as conservation, scientific, and recreational benefits.

I am very proud of this legislation, and this very promising proposal to end the threat of additional drilling off California’s coast. We have been very careful to make sure that these credits are designed in a way that will not promote new drilling in environmentally sensitive areas. Instead, these credits can only be used in non-controversial areas that have already been set aside for future development.

We have also been very careful to ensure that the Federal Government, and in turn, the Federal taxpayer are protected from any future claims by these companies regarding these leases.

And, I am very pleased to say that we have found a way to ensure that the 40 California tracts will never again be threatened by offshore development.

In short, we get rid of unwanted drilling in California and permanently protect these sensitive areas. The oil companies are freed from a protracted legal battle and allowed to take their business elsewhere. And, the Federal Government is protected from expensive litigation that the companies are currently pursuing.

I believe that we have hit upon the proverbial win-win situation. And I look forward to having this bill become a reality soon.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geophysical physician work adjustment, mandated carve-out provisions used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the Medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the areas away under the prospective payment system for skilled nursing facility services be based on the wages of individual’s employed at skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleague from Maine to introduce legislation to restore fairness to the Medicare program. This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality care in all areas.

Just about a month ago, I met with representatives of Wisconsin’s hospitals, doctors, and seniors, who spoke passionately about how Medicare inequities have real and serious impact on the lives of Wisconsin seniors, and on health care providers in my State. Wisconsin seniors and providers came to me with these concerns, and this legislation is a direct result of their advocacy. I thank them for their efforts. I also want to thank my colleague from Maine, who has joined me on a number of health care initiatives that address the mutual concerns of our constituents. I am grateful for her efforts on health care issues that concern both of our States, such as home health care, access to emergency services, and this legislation on Medicare fairness.

The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin and Maine. But unfortunately, that’s not the case. To give an idea of how inequitable this distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund. But if one twin retired to another part of the country and the other retired in Wisconsin, they would have vastly different health care options under the Medicare system.

The high Medicare payments in some areas allow Medicare beneficiaries a wide array of options, they can choose between an HMO or traditional fee-for-service plan, and health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Wisconsin, however, would not have the same access to care, there is no option to choose an HMO, and there are fewer health care agencies that can afford to provide care under the traditional fee-for-service plan. And no two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare? They do, because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and many other States around the country. Too many Americans in Wisconsin and other States like it pay just as much in taxes as everyone else, but the Medicare funds they get in return don’t come close to matching the money they pay in to the program.

Wisconsin has a lot of company in this predicament. More than 35 States are below the national average in terms of per beneficiary Medicare spending. In some States, such as Wyoming and Idaho, Medicare spends almost $2,000 less per beneficiary than the national average.

While there are different reasons for this wide range in Medicare payments, their result is often the same, higher private sector insurance costs and a loss of access to care. In Milwaukee WI, there are reports that lower Medicare reimbursement rates often causes costs to shift to the private sector in rural parts of Wisconsin, these low reimbursement rates jeopardize access to health care services.

In the case of my home State of Wisconsin, low payment rates are in large part a result of health care providers’ historically high-quality, cost-effective health care. In the early 1980s, Wisconsin’s lower-than-average cost were used
to justify lower payment rates. Since that time, Medicare’s payment policies have only widened the gap between low- and high-cost States.

This package of legislation will take us a step in the right direction by reducing in Medicare payment to hospitals, physicians and skilled nursing facilities that the majority of States across the country now face.

At the same time, our proposal would establish programs to encourage high-quality, cost-effective Medicare practices. Our proposal would reward providers who deliver higher quality at lower cost. It would also require that the pilot States create a plan to increase the amount of providers providing high quality, cost-effective care to Medicare beneficiaries.

This legislation would also help to address the unique workforce needs of urban and very rural areas by encouraging clinical rotations in those areas. These would help focus a workforce on the specific challenges facing these areas, so that they can deliver care that serves the unique needs that they have.

Congress must modernize Medicare. But let’s also restore basic fairness to the Medicare program.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn’t penalize high-quality providers in Wisconsin who provide care for the lowest rates that all Medicare should stop penalizing seniors who depend on the program for their health care. They have worked hard and paid into the program all their lives, and in return they deserve full access to the wide range of services, CMS, is now compiling nursing home wage data. This would seem to be common sense; yet the current formula for determining Medicare nursing home payments is based on hospital wage data that is inaccurate and rewards providers in States like Wisconsin. The Centers for Medicare and Medicaid Services, CMS, is now compiling nursing home wage data but as of yet has not finalized a plan to utilize it. This bill would set October 1, 2002 as the date for which CMS must incorporate the nursing home data.

Second, the Medicare Value and Quality Demonstration Act would begin to reverse the backward incentive structure in today’s Medicare system. Medicare currently penalizes low-cost, high-quality States and health care providers by delivering inadequate reimbursement for their services. It just makes no sense to penalize providers who are working hard to be cost-effective and provide high-quality care at the same time. This second bill would create 4 demonstration projects to provide bonus incentive payments to high-quality, low-cost hospitals and doctors in the demonstration States.

Third, the Physician Wage Fairness Act would correct a flaw in the payment system for physicians. The current physician payment formula includes a geographic adjustor that is outdated. Many studies now point to the fact that the labor market for health professionals is actually a national market, and therefore, a geographic adjustor simply does not match today’s reality. This bill would eliminate the geographic adjustor and bring the physician payment formula up to date. Wisconsin’s physicians stand to gain $35 million more in Medicare reimbursement with passage of this legislation.

Finally, the Graduate Medical Education Demonstration Act would help address the issue of shortages of health care providers by delivering inadequate reimbursement for their services. The Graduate Medical Education Demonstration Act, the Physician Wage Fairness Act, the Graduate Medical Education Demonstration Act, and the Skilled Nursing Facility Wage Information Improvement Act. I am proud to cosponsor this package of legislation that will finally address the grossly underfunded Medicare reimbursement system, which penalizes health care providers in States like Wisconsin for being efficient as they provide high-quality care, and penalizes seniors in Wisconsin by delivering benefits less than seniors in other States receive. I want to commend Senator Feingold and Senator Collins for their hard work and commitment to fixing this problem, and I am proud to join them as an original cosponsor in this effort.

This issue is a basic issue of fairness. The current Medicare reimbursement system is extremely unfair for Wisconsin. Because Wisconsin has been successful in holding down health care costs, current Medicare payment rates are very low in comparison to higher cost States, like Florida and California. In other words, the current system effectively punishes Wisconsin Medicare beneficiaries for being more efficient, and rewards Medicare in Wisconsin at an unfair disadvantage compared to beneficiaries in other States.

This system has to change. My constituents in Wisconsin pay the same health care taxes as people in other States receive. And there is no logical reason why Medicare tax dollars paid by Wisconsinites should instead be used to pay higher rates to providers and greater benefits to beneficiaries in other States.

And this system isn’t just bad for seniors on Medicare. The current system also has major consequences for businesses and non-Medicare patients in Wisconsin. When Medicare reimbursement to hospitals or nursing homes or doctors is inadequate, somebody has to make up the difference in order for these providers to stay afloat. This means that Wisconsin employers who provide health insurance for their employees, and patients who pay all or part of their medical bills, must pay higher prices and premiums to make up the shortfall. This is unfair to all of Wisconsin’s citizens and exacerbates the problem of rising health care costs.

We should all be outraged by a system that treats seniors in some States like second-class citizens. Congress must stop sanctioning the current system, which penalizes Medicare beneficiaries based on where they live, penalizes efficient providers, and rewards providers that do not do their part to hold the line on costs. This backward system simply makes no sense.

The package of bills introduced today will finally begin to turn this system around and ensure that health care providers in Wisconsin and similarly affected States are adequately reimbursed and rewarded for providing high quality, cost-effective care. It will eliminate outdated and inaccurate data that is used to determine Medicare’s flawed payment rates. And most importantly, it will help level the playing field for seniors in Wisconsin by helping to ensure that they have access to the same benefits as seniors in other States.

First, the Skilled Nursing Facility Wage Information Improvement Act will create a reimbursement system for nursing homes that is based on accurate nursing home data. This would seem to be common sense; yet the current formula for determining Medicare nursing home payments is based on hospital wage data that is inaccurate and rewards providers in many States like Wisconsin. The Centers for Medicare and Medicaid Services, CMS, is now compiling nursing home wage data but as of yet has not finalized a plan to utilize it. This bill would set October 1, 2002 as the date for which CMS must incorporate the nursing home data.

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Finally, the Graduate Medical Education Demonstration Act would help address the issue of shortages of health care providers by delivering inadequate reimbursement for their services.
States, with a particular emphasis on improving reimbursement rates for rural areas. And I look forward to continuing to work with Senator FEINGOLD and Senator COLLINS on additional legislation that will deal with the complicated problems of hospital reimbursement and Medicare + Choice.

But these bills are an important first step toward fixing a system that is not just unfair to my State; it is inaccurate, outdated, and creates perverse incentives for inefficient providers.

Many of us in the Congress are working to update Medicare and modernize its structure to fit today’s health care system. It is critical that we add a prescription drug benefit for seniors so they don’t have to choose between taking their medicine and eating their next meal. It makes sense to add more preventive benefits to keep seniors healthy at the start rather than only treating illnesses when they become more serious. I strongly support these efforts that will move forward this year. But if we don’t also fix the inequities in Medicare’s payment system, these new benefits could also turn out to be inequitable for Wisconsin’s seniors. This is an issue that must be addressed if Congress is serious about passing real Medicare reform.

Again, I want to commend Senators FEINGOLD and COLLINS for their hard work on this package. I look forward to working with them as Medicare reform moves forward.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956—A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Safe Explosives Act. This legislation will help prevent the catastrophic loss of life and accidental misuse of explosive materials.

The events of September 11 have tragically demonstrated how good terrorists are at seeking out loopholes in our Nation’s defenses. Law enforcement, now more than ever, must be several steps ahead of these criminals.

Most Americans would be stunned to learn that in some States it is easier to get enough explosives to take down a house than it is to buy a gun, get a drivers’ license, or even obtain a fishing license. Currently, it is far too easy for would-be terrorists and criminals to obtain explosive materials. Although permits are required for interstate purchase of explosives, there are no current uniform national limitations on the purchase of explosives within a single state by a resident of that State. As a result, a patchwork quilt of State regulations covers the intrastate purchase of explosive materials. In some States, anyone can walk into a hardware store and walk out with a bag of dynamite or a box of dynamite. No background check is conducted, and no effort is made to check whether the purchaser knows how to properly use this deadly material. In at least 12 States, there are no restrictions on the intrastate purchase of explosives.

Since September 11, the threat of a terrorist attack involving explosives is more immediate than ever. Richard Reid, the so-called “shoe bomber,” recently demonstrated when he tried to take down a Boeing 767 en route from Paris to Miami, terrorists are actively trying to use the legitimate use of the explosives.

I must be more vigilant in overseeing the purchase and possession of explosives if we ever hope to prevent future potential disasters.

The Safe Explosives Act would close the deadly loophole in our current laws by requiring by people who want to acquire and possess explosive materials to obtain a permit. This measure would significantly reduce the availability of explosives to terrorists, felons, and others prohibited by current federal law from possessing dangerous explosives.

Let me elaborate on what the proposal does. As I said, under current law anyone who can interstate ship, transport, or cause to be transported, purchase, or possession of explosives must have a Federal permit. This legislation creates the same requirement for intrastate purchases. It calls for two types of permits for these intrastate purchasers: user permits and limited user permits. The user permit lasts for 3 years and allows unlimited explosives purchases. The limited user permit also expires after 3 years, but only allows six purchases per year. We created this system so that low-volume users would not be burdened by regulations. The limited permit, like the user permit, imposes common sense rules such as a background check, monitoring of explosives purchases, secure storage, and report of sale or theft of explosives. However, the Safe Explosives Act does not subject the limited user to the record keeping requirements currently required for full permit holders.

In addition to creating the permit system, our measure makes some commonsense addition to the classes of people who are barred from buying or possessing explosives. Current Federal explosives law prohibits certain people from purchasing or possessing explosives. The list of people barred is roughly parallel to those prohibited by Federal firearms law. For example, convicted felons are not allowed to buy guns or explosives. However, while current law bars nonimmigrant aliens from buying guns, they are not prohibited from buying explosives. This makes no sense. The Safe Explosives Act would stop nonimmigrant aliens from purchasing or possessing explosives. Since we now know that several of the September 11 terrorists were nonimmigrant aliens, and that sleeper terrorist cells made up of nonimmigrant aliens have been operating within U.S. borders for many years, this provision is especially important.

In addition, the Safe Explosives Act improves the public’s safety by requiring permit holders to adhere to proper storage and safety regulations. These provisions will help ensure the safety of explosives handlers and prevent accidental or criminal detonation of explosives. Sadly, each year, many people are seriously injured or killed by misuse or criminal use of explosives. For example, in 1997, there were 4,777 explosive incidents, killing 27 and injuring 161 people, and resulting in more than $7.3 million in property damage. Our proposal will help reduce these numbers.

This measure strikes a reasonable balance between stopping dangerous people from getting explosives and helping legitimate users obtain and possess explosives. Most large commercial users already have explosives permits because they engage in interstate explosives transport. These users would not be significantly affected by our legislation. The low-volume users will be able to quickly and cheaply get a limited user permit. And intrastate purchasers who are running businesses that require explosives should easily be able to get an unlimited user permit. Also, the measure will not affect those who use black or smokeless powder for recreation, as the legislation does not change current regulations on those particular materials.

Our goal is simple. We must take all possible steps to keep deadly explosives out of the hands of dangerous individuals seeking to threaten our livelihood and security. The Safe Explosives Act is critical legislation, supported by the administration. It is designed solely to the interest of public safety. It will significantly enhance our efforts to limit the proliferation of explosives to would-be terrorists and criminals. It will close a loophole that could potentially cause mass destruction of property and life. I hope my colleagues will support our efforts to pass this vital law. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1956

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

SECTION 1. SHORT TITLE

This Act may be referred to as the “Safe Explosives Act”.

SEC. 2. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) Definitions.—Section 841(j) of title 18, United States Code, is amended to read as follows:

"‘j) Permittee’ means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.

(b) Permits for Purchase of Explosives.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking “and” at the end;

(2) by striking subsection (a)(3) and inserting the following:

"(3) other than a licensee or permittee knowingly

“A to transport, ship, cause to be transported, or receive any explosive materials; or
“(B) to distribute explosive materials to anyone other than a licensee or permittee; or
“(4) who is a holder of a limited permit; or
“(A) in the case of an applicant whose premises are located within the State of residence of the limited permit holder, on more than 6 separate occasions, pursuant to regulations implemented by the Secretary;”;
“(3) by striking subsection (b) and inserting the following:
“(b) shall be unlawful for any licensee or permittee knowingly to distribute any explosive material to any person other than—
“(1) a licensee;
“(2) a holder of a user permit; or
“(3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferee are located;”;
“(4) in the first sentence of subsection (f), by inserting “, other than a holder of a limited permit,” after “permittee”;
“(e) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—
“(1) by inserting “or limited permit” after “user permit” in the first sentence;
“(2) by inserting before the period at the end of the first sentence the following: “, including the names of and appropriate identifying information about all employees who will handle explosive materials, as well as fingerprints and a photograph of the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association),”;
“(3) by striking the third sentence and inserting— “Each license or user permit shall be valid for no longer than 3 years from the date of issuance and each limited permit shall be valid for no longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.”;
“(d) CRITERIA FOR APPROVING LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—
“(1) in paragraph (4), by striking “and” at the end;
“(2) in paragraph (5), by striking the period at the end; and
“(3) by adding at the end the following:
“(6) none of the employees of the applicant who will possess explosive materials in the course of their employment with the applicant is a person whose possession of explosives would be unlawful under section 842(b) of this chapter; and
“(7) in the case of a limited permit, the applicant’s board of directors, or, if there is no board of directors, the applicant’s management, has written assurance that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited permit is valid.”;
“(e) INSPECTION AUTHORITY.—Section 843(f) of title 18, United States Code, is amended—
“(1) by inserting “permitee” after “licensee”;
“(A) by striking “permitees” and inserting “holders of user permits”; and
“(B) by inserting “licensees and permittees” before the period at the end;
“(2) in the second sentence, by striking “permittee” the first time it appears and inserting “holder of a user permit”.
“(f) REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS.—Section 844(a) of title 18, United States Code, is amended by inserting “user” before “permitee”.
“(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—
“(1) in paragraph (5), by striking “or” at the end;
“(2) in paragraph (6), by striking the period at the end and inserting “or who has been committed to a mental institution;”;
“(3) by adding at the end the following:
“(7) is an alien, other than an alien who is lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);
“(8) has been discharged from the armed forces under dishonorable conditions; or
“(9) having been a citizen of the United States, has renounced the citizenship of that person.

(b) POSSESSION OF EXPLOSIVE MATERIALS.— Section 842(1) of title 18, United States Code, is amended—
“(1) in paragraph (3), by striking “or” at the end; and
“(2) by inserting after paragraph (4) the following:
“(B) who is an alien, other than an alien who is lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);
“(C) who has been discharged from the armed forces under dishonorable conditions; or
“(D) who, having been a citizen of the United States, has renounced the citizenship of that person.”;
“(c) DEFINITION.—Section 842 of title 18, United States Code, is amended by adding at the end the following:
“(q) PROVISIONS RELATING TO LEGAL ALIENS.—
“(1) DEFINITION.—In this subsection, the term ‘alien’ has the same meaning as in section 101(a)(33) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(33));
“(2) EXCEPTIONS.—Subsections (d)(7) and (1)(5) do not apply to any alien who—
“(A) is in lawful immigrant status, is a refugee, or is a United States permanent resident, and is committed to a mental institution; or
“(B) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted to the United States) who is present in the United States under military orders for training or other authorized purpose, and the shipping, transporting, possessing, or receiving of explosive materials relates to that authority or operation;
“(C) is a United States permanent resident, whose premises have been requisitioned by the Secretary, or the shipping, transporting, possessing, or receiving of explosive materials is in furtherance of the military purpose.
“(3) WAIVER.—
“(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States, and whose nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5) if—
“(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and
“(ii) the Attorney General approves the petition.
“(B) PETITION.—Each petition submitted in accordance with subparagraph (A) shall—
“(i) demonstrate that the petition has resulted in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and
“(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application, consent of the Attorney General, otherwise be prohibited from such an acquisition under subsection (l).
“(C) APPROVAL OF PETITION.—The Attorney General determines that waiving the requirements of subsection (i)(5) with respect to the petition—
“(i) would be in the interests of justice; and
“(ii) would not jeopardize the public safety.

SEC. 4. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND AMMONIUM NITRATE.

Section 843 of title 18, United States Code, is amended by adding at the end the following:
“(h) FURNISHING OF SAMPLES.—
“(1) IN GENERAL.—Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when requested by the Secretary, furnish—
“(A) samples of such explosive materials or ammonium nitrate;
“(B) information on chemical composition of those products; and
“(C) any other information that the Secretary determines is relevant to the identification and classification of the explosive materials or to identification of the ammonium nitrate.
“(2) REIMBURSEMENT.—The Secretary may, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection as well as the reasonable costs of shipment.”.

SEC. 5. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word “shall” the following: “or any institution or organization receiving Federal financial assistance.”.

SEC. 6. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:
“(b) RELIEF FROM DISABILITIES.—
“(1) GENERAL.—A person who is prohibited from possessing, shipping, transporting, receiving purchasing, importing, manufacturing, or dealing in explosive materials may make application to the Secretary for relief from the disabilities imposed by Federal law with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of explosive materials, and the Secretary may grant that relief, if it is established to the satisfaction of the Secretary that—
“(A) the circumstances regarding the disability, and the record and reputation of the applicant are such that the applicant will not be likely to act in a manner dangerous to public safety; and
“(B) the granting of the relief will not be contrary to the public interest,
“(2) Petition for Judicial Review.—Any person whose application for relief from disabilities under this section is denied by the Secretary may file a petition with the United States district court for the district in which that person resides for a judicial review of the denial.

“(3) Additional Evidence.—The court may, in its discretion, admit additional evidence where failure to do so would result in a miscarriage of justice.

“(4) Further Operations.—A licensee or permittee who conducts operations under this chapter and makes application for relief from the disabilities under this chapter, shall not be barred by that disability from further operations under the license or permit of that person pending final action on an application for relief filed pursuant to this section.

“(5) Notice.—Whenever the Secretary grants relief to any person pursuant to this section, the Secretary shall promptly publish in the Federal Register, notice of that action, together with reasons for that action.”

SEC. 7. THEFT REPORTING REQUIREMENT.

Section 842 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

“(1) THEFT REPORTING REQUIREMENT.—

“(1) IN GENERAL.—A holder of a limited user permit who does not report a theft in accordance with this section, the Secretary shall promptly publish in the Federal Register, notice of such theft, together with reasons for that theft.

“(2)Penalty.—A holder of a limited user permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

SEC. 8. APPLICATION.

Nothing in this Act shall be construed to affect the exception in section 845(a)(4) (relating to small arms ammunition and components of small arms ammunition) or section 845(a)(5) (relating to commercially manufactured black powder in quantities not to exceed 10 pounds intended to be used solely for sporting, recreational, or cultural purposes in antique firearms) of title 18, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING FEBRUARY 14, 2002, AS “NATIONAL DONOR DAY”

Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORICELLI, Ms. COLLINS, Mr. BREAUD, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas more than 80,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 13 minutes;

Whereas despite progress in the last 16 years, more than 16 people die each day because of a shortage of donor organs;

Whereas almost everyone is a potential donor of organs, tissue, bone marrow, or blood;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fifth consecutive year, a coalition of non-profit organizations is joining forces for National Donor Day;

Whereas the first 3 National Donor Days raised a total of nearly 30,000 units of blood, 308,000 bone marrows, and 13,000 organ donations;

Whereas the national organ donor rate America’s largest 1-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, and leaders and the Department of Health and Human Services have designated February 14, 2002, as National Donor Day; Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2878. Mr. DURBIN (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Organ Transplantation and Development of Federal Policies to Secure Donors’ Rights and Improvement of Organ and Tissue Donation and Transplantation Services, and to amend title 42, United States Code, to provide grants to States and territories to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2891. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2892. Mr. McCONNELL submitted an amendment to the amendment intended to be proposed by him to the bill S. 565, supra.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2894. Mr. HOLLINGS (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2895. Mr. DURBIN (for himself, Mr. Nelson of Florida, and Mr. FURST) submitted an amendment to the amendment intended to be proposed by him to the bill S. 565, supra.

SA 2896. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2898. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2899. Mr. TORICELLI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2900. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2904. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2906. Ms. CLINTON proposed an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2908. Mr. McCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, supra.
SA 2909. Mr. McCONNELL (for Mr. goeS) proposed an amendment to the bill S. 565, supra.
SA 2910. Mr. McCONNELL (for Mr. McCaIN (for himself and Mr. Harkin)) proposed an amendment to the bill S. 565, supra.
SA 2911. Mr. STEVENS (for himself and Mr. BURTON) proposed an amendment to the bill S. 565, supra.
SA 2912. Mr. DODD (for Mr. Harkin) proposed an amendment to the bill S. 565, supra.
SA 2913. Mr. DODD (for Mr. MccAIN and himself) proposed an amendment to the bill S. 565, supra.
SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, supra.
SA 2915. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, supra.
SA 2916. Mr. DODD (for Mr. HARKIN (for himself and Mr. Nelson of Nebraska, and Mr. Nickles)) submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 2878. Mr. DURBIN (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 9, strike through page 3, line 7, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, direct recording electronic voting system, or punch card voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot if any error is detected before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter is unable to change the ballot or correct any error); and

(iii) if the voter selects more than 1 candidate for a single office—

(I) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for a single office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system may meet the requirements of subparagraph (A) by—

SA 2879. Mr. REID (for himself, Mr. Specter, and Mr. Feingold) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

**TITLE V—CIVIC PARTICIPATION**

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutional act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be conditioned on a prisoner’s or parolee’s status as a State or Federal prisoner or parolee. The right to vote is a fundamental constitutional right not subject to the conditions of parole or probation.

(2) The President shall on and after January 1, 1997, issue a proclamation to the effect that the right to vote shall be restored to all citizens who have completed their sentences, regardless of the nature or seriousness of the offense, and the President may subsequently issue such proclamations as are necessary to effectuate the provisions of this title. The President shall also make the application of this title to Federal prisoners in accordance with this title.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections. The President shall take immediate and all necessary steps to resolve those discrepancies.

(4) An amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table; as follows:

(1) is serving a felony sentence in a correctional institution or on parole, or

(2) is on parole or probation for a felony offense.

**SECTION 502. DEFINITIONS.**

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ‘‘correctional institution or facility’’ means any penal institution, prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ‘‘election’’ means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of a delegate to a nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ‘‘Federal office’’ means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ‘‘parole’’ means parole (including mandatory parole, or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ‘‘probation’’ means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual’s freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

(6) RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

**SECTION 503. RIGHTS OF CITIZENS.**

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; and

(2) is on parole or probation for a felony offense.

**SECTION 504. ENFORCEMENT.**

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may bring a civil action in any court of the United States, or of any State or territory, in which such person resides or in which such violation occurred. The right to bring a civil action in a court of the United States is in addition to any other remedies to which such person may be entitled. A person aggrieved by a violation of this title may bring a civil action in any court of the United States, or of any State or territory, in which such person resides or in which such violation occurred. The right to bring a civil action in a court of the United States is in addition to any other remedies to which such person may be entitled.

(2) ACTION.—Except as provided in paragraph (1), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court
to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within the date of creation for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) or bring civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 565. RELATION TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in an election in which the State office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—

(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place;

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007;

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the area served by such chief election official with jurisdiction over the areas involved, and that are available to such individuals during normal business hours; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this Act, the State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 14 through 16, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-1 et seq.); or

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973oo-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 8 and 9, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to limit a State to comply with such a provision after such date.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1(a) to read as follows:

(a) SHORT TITLE.—This Act may be cited as the ‘‘Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002’’.

SA 2884. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 103(b)(2)(B) to read as follows:

(B) who is—

(i) an absent uniformed services voter or an overseas voter, as defined in section 107 of the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-6); or

(ii) a handicapped or elderly voter, as defined in section 6 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-6); or

(iii) an individual described in subparagraph (c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)(2)).
SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of the Immigration and Naturalization Service shall provide, upon request from a State or locality maintaining a complete and current list in accordance with paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State or locality. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The records under clause (i) shall be provided in such place and such manner as the applicable agency head determines appropriate to protect and prevent the misuse of information.

(B) Duplicative information.—If a State or locality is provided with access to applicable records under clause (i), any other State or locality may access such records through the State or locality that had access to the records under such clause.

(5) Applicable records.—For purposes of this subsection, the term ‘applicable records’ means—

(I) in the case of the Social Security Administration, information needed to verify—

(ii) the social security number of an individual;

(II) whether such individual is shown on the records of the Commissioner of Social Security as being alive or deceased;

(iii) in the case of the Immigration and Naturalization Service, information needed to verify whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iv) in the case of the Attorney General, information regarding felony convictions of individuals.

(C) EXC. — Subparagraph (A) shall not apply to any request for a record of an individual if the applicable agency head determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 106. CLARIFICATION OF ABILITY OF ELECTORAL REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF ADDRESS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF ADDRESS.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting a semicolon, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 107. MINIMUM STANDARDS FOR WHAT CONSTITUTES A VOTE.

(a) IN GENERAL.—The Chief State election official of each State shall certify to the Election Administration Commission that the State has established uniform standards that define what will constitute a vote on each type of voting equipment used in the State to conduct Federal elections for which the requirements apply. For purposes of this section, the phrase ‘voting equipment’ includes voting machines, votingTouch

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a) shall be left to the discretion of the State.

(c) ENFORCEMENT.—

(1) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under subsection (a) the Election Administration Commission, or if the Commission has determined that a State’s certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(2) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under paragraph (1), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to require a violation of this section.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this section, the term ‘Chief State election official’ means, with respect to a State, the individual designated by that State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973g–8) to be responsible for coordination of the State’s responsibilities under such Act.

(e) Grants.—

(1) IN GENERAL.—The Uniform and Non-discriminatory Election Technology and Administration Requirements Grant Program established by section 201(a) is authorized to make grants, in the manner described in subtitle A of title II, to States and localities to cover the costs of activities necessary to meet the requirements of this section.

(2) STATE PLANS.—A State plan under section 202 shall describe a plan to cover the costs of activities necessary to meet the requirements of this section.

(3) AUTHORIZED ACTIVITIES.—A State or locality may use grant payments received under subtitle A of title II to meet the requirements of this section.

(4) RETROACTIVE PAYMENT.—The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for activities necessary to meet the requirements of this section that were incurred during the period referred to in section 206(b).

(f) EFFECTIVE DATE.—The requirements of this section shall take effect upon the expiration of the 2-year period which begins on the date of enactment of this Act, except that if the Chief State election official of a State certifies to the Election Administration Commission that the State has established uniform standards that define what will constitute a vote on each type of voting equipment used in the State to conduct Federal elections for which the requirements apply, the requirements of this section shall apply with respect to the State beginning on the date of such election.
(a) STUDIES.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the “Commission”) shall conduct periodic studies that systematize the laws and procedures used by States that govern—

(A) recounts of ballots cast in elections for Federal office; and

(B) contests of determinations regarding whether votes are counted in such elections.

(2) ISSUES.—As part of the study conducted under paragraph (1), the Commission shall—

(A) identify the best practices used by States with respect to the recounts and contests described in paragraph (1); and

(B) study whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—The Commission shall submit to the President and Congress a report on each study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(c) RECOMMENDATIONS TO THE STATES.—

(1) REPORTS TO STATES.—If the Commission determines is appropriate.

(A) The Commission shall identify the best practices used by States with respect to the recounts and contests described in subsection (a)(1); and

(B) study whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—The Commission shall submit to the President and Congress a report on each study conducted under subsection (a)(1) to—

(A) identifies the best practices used by States with respect to such recounts and contests described in subsection (a)(1); and

(B) recommends ways in which the laws or procedures of that State with respect to such recounts and contests could be improved based on such practices.

(2) FOLLOW-UP REPORTS TO STATES.—Not later than 1 year after the Commission submits a report under paragraph (1), the Commission shall, after consulting with State and local election officials of the State to which the report was submitted, issue a follow-up report to the chief executive of that State describing the progress of the State in implementing the recommendations of the Commission, or (if applicable), the reasons that the State is not implementing such recommendations.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FIORINA) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration requirements for Federal elections, to improve election technology and administration requirements for Federal elections, and for other purposes; as follows:

SEC. 1. SHORT TITLE.—This section may be cited as the “Federal Employee Voter Assistance Act of 2002.”

SEC. 2. LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) IN GENERAL.—For purposes of this section, the term—

(1) “employee” means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

(2) “political appointee” means any individual who—

(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

(B) is employed in a position on the executive schedule under sections 331 through 5312 of title 5, United States Code;

(C) is a noncareer appointee in the senior executive service as defined under section 3331(a)(7); or

(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

(3) “poll worker service”—

(A) means—

(i) administrative and clerical, nonpolicy service relating to a Federal election performed at a polling place on the date of that election; and

(ii) training before or on that date to perform service described under clause (i); and

(B) shall not include taking an active part in political management or political campaigns as defined under section 3352(b)(4).

(b) NO WAGE WITHHOLDING.—Paragraph (b) of section 3352(a) of such Code is amended by adding at the end the following new subparagraph:

(3) For services for an employee performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

Section 138A. Residents of the District of Columbia.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration requirements for Federal elections under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 402. AUTHORIZED FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) IN GENERAL.—For purposes of this section, the term—

(1) “employee” means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

(2) “political appointee” means any individual who—

(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

(B) is employed in a position on the executive schedule under sections 331 through 5312 of title 5, United States Code;

(C) is a noncareer appointee in the senior executive service as defined under section 3331(a)(7); or

(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

(3) “poll worker service”—

(A) means—

(i) administrative and clerical, nonpolicy service relating to a Federal election performed at a polling place on the date of that election; and

(ii) training before or on that date to perform service described under clause (i); and

(B) shall not include taking an active part in political management or political campaigns as defined under section 3352(b)(4).

(b) NO WAGE WITHHOLDING.—Paragraph (b) of section 3352(a) of such Code is amended by adding at the end the following new subparagraph:

(3) For services for an employee performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

Section 138A. Residents of the District of Columbia.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

(2) Leave under this section—

(3) may be in the employee's self interest to accept the employee's leave under this section to perform poll worker service.
“(C) may be used only in the calendar year in which that leave is granted.

“(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

“(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.”.

(b) REGULATIONS.—

(1) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) Initial Report.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall provide a detailed report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) Technical and Conforming Amendments.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting at the end thereof the item relating to section 6328 the following:

“6329. Leave for poll worker service.”.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

SEC. 6. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 665(c)(2)) is amended by adding at the end the following new subparagraph:

“(1)(i) It is the policy of the United States that agencies of the Federal Government shall use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish such information to the agency having administrative responsibility for the law, and to establish a social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

(ii) For purposes of clause (i), an agency of the Federal Government charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of this Act, be null, void, and of no effect.”.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology, voting, and election administration, to study and make recommendations regarding election technology, voting, and election administration, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to override any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 22, after line 25, insert the following:

SEC. 7. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locally shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to study and make recommendations regarding election technology, voting, and election administration, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8. ELECTION DAY HOLIDAY STUDY.

(a) In General.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the merits of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President.

(b) Factors Considered.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of non-voters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former President Carter and Ford is “Congress should enact legislation to hold Federal elections on a national holiday”. Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal government, would allow election day to be a national holiday without adding the cost and administrative burden of a national holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily. It could increase the pool of available poll workers and make public buildings more available for use as polling places.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Some have argued against weekend voting because people of many faiths would have a religious objection to such civic participation on the Sabbath.
section 6. Violations—and penalties; proceedings and remedies
(a) violations of this Act shall be
penalties and remedies for violations of this Act shall be—
(1) the provisions of section
(2) the amount of any monetary
(3) the Secretary shall, if it appears to the
the amount of any monetary
the Secretary shall, if it appears to the
(a) any individual who may be
person for whom a temporary extended
unemployment compensation account
(b) the provisions of the Social Security
(c) the amount of any monetary
(d) the Secretary shall, if it appears to the
the amount of any monetary
the Secretary shall, if it appears to the
account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 4. IDENTIFICATION OF CONDUCTED BY STATE AGENCY, MAY WAIVE SUCH (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, if knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation of such non-disclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act 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) REIMBURSEMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State agency shall be reimbursed by such State in the Unemployment Trust Fund (as so established).

SEC. 5. FRAUD AND OVERPAYMENTS.

(a) I N GENERAL.—If an individual knows—

(1) shall be ineligible for any further benefits under this Act 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) REIMBURSEMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State agency shall be reimbursed by such State in the Unemployment Trust Fund (as so established).

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date on which such deduction is made, if such deduction was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) I N GENERAL.—If an individual knows—

(1) that an agreement is entered into; and

(2) ending before January 6, 2003.

SEC. 7. DISPOSITIONS.


SEC. 8. APPLICATION.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning on which such agreement is entered into; and

(2) ending before January 6, 2003.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 2. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than ballotting materials mailed under section 3306 of title 26, United States Code) for such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program; and

(B) the feasibility of nationally implementing the pilot program; and

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is one year after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committee on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program. Such report shall include recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RESEARCH ON ELDERLY AND DISABLED.—The report submitted under paragraph (A) shall—

(1) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(2) include methods of targeting such individuals.

SEC. 2A. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 3. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than ballotting materials mailed under section 3306 of title 26, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program; and

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.
(a) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and Oversight of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(b) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (a) shall—

(1) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(2) identify methods of targeting such individuals.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) CONTINGENCY FUNDS.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2899. Mr. TORRICErelli submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology and voting, and administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking "(b) The charges" and inserting "the following:

(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the periods referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same program; and

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting "or, to a national committee of a political party making expenditures under section 315(d) of the Federal Election Act of 1971 on behalf of such candidate in connection with such campaign," after "such office".

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended by—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to broadcast by a television broadcast station, or by a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to paragraph (1) is not broadcast during the time scheduled for such program, the Office of Justice Programs, to the extent that such circumstances are beyond the control of such candidate or political committee, may direct a provider of cable or satellite television service to broadcast such program on the television broadcast station, or to a national provider of cable television service, or to a national provider of satellite television service.

"(d) DEFINITION OF BROADCASTING STATION.—For purposes of this section, a broadcasting station shall mean—

(1) a television broadcast station,

(2) a provider of cable or satellite television service, or

(3) a provider of a television broadcast station.

(e) DEFINITION OF ELECTION—Section 315 of such Act (47 U.S.C. 315) is amended by—

(1) in subsection (a), by inserting "IN GENERAL—" before "If any";

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting "TELEVISION—", ""DEFINITIONS."— Before "For purposes"; and

(3) in subsection (f), as so redesignated, by inserting "REGULATIONS."—Before the "Commission.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking "(b) The charges" and inserting "the following:

(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the periods referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same program; and

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting "or, to a national committee of a political party making expenditures under section 315(d) of the Federal Election Act of 1971 on behalf of such candidate in connection with such campaign," after "such office".

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended by—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to broadcast by a television broadcast station, or by a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to paragraph (1) is not broadcast during the time scheduled for such program, the Office of Justice Programs, to the extent that such circumstances are beyond the control of such candidate or political committee, may direct a provider of cable or satellite television service to broadcast such program on the television broadcast station, or to a national provider of cable television service, or to a national provider of satellite television service.

"(d) DEFINITION OF BROADCASTING STATION.—For purposes of this section, a broadcasting station shall mean—

(1) a television broadcast station,

(2) a provider of cable or satellite television service, or

(3) a provider of a television broadcast station.

(e) DEFINITION OF ELECTION—Section 315 of such Act (47 U.S.C. 315) is amended by—

(1) in subsection (a), by inserting "IN GENERAL—" before "If any";

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting "TELEVISION—", ""DEFINITIONS."— Before "For purposes"; and

(3) in subsection (f), as so redesignated, by inserting "REGULATIONS."—Before the "Commission.

SA 2902. Mr. LANDRIEU submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of
the Department of Justice shall pro-
vide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for Federal elections, and for other purposes; which was or-
dered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest 1⁄5 of all States or localities in terms of the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(3) in the case of a State or locality that is in the lowest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(3) in the case of a State or locality that is in the lowest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(3) in the case of a State or locality that is in the lowest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent;

(5) in the case of a State or locality that is in the lowest 1⁄5 of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

SA 2904. Mr. NELSON of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 5. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS. (a) STATUS REPORTS. (1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the conclusion of the investigation referred to as the 'investigation' under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall conduct in November 2000 (in this section referred to as the 'investigation'), the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

(b) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecu-
tions for voting rights violations resulting from the investigation and the range of po-
tential punishments for such violations.

(b) REPORT.—Not later than the date that is 60 days after the date of the conclu-
sion of the investigation, the Attorney Gen-
eral shall submit to Congress a final report on the investigation that contains a sum-
mary of each preventive action and each pu-
native action taken by the Attorney General as part of the investigation and a justifica-
tion for each action taken.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election
technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

At the end of the question, that the Department of Justice shall:

(A) PERMANENT AND UNALTERABLE PAPER RECORD.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director shall establish and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of these provisions, the residual ballot error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding the rate standards established under the voting systems standards and criteria for the approval of automated voting system standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission as described in section 101(c)(2) of the National Voter Registration Act of 2002 (52 U.S.C. 19710 et seq.).

At the end of section 296(b), add the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 293 for payments made on or after January 1, 2001, pursuant to that contract."

Mr. ROBERTS submitted an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this paragraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is:

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973c-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

SA 2900. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 14, between lines 2 and 3, insert the following:

On page 20, strike lines 13 through 15, and insert the following:

The error rate of the voting system shall produce a record with an audit capacity for such system:

(A) MANUAL AUDIT CAPACITY—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) CORRECTION OF ERRORS—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

At the end of the section, that the Department of Justice shall provide the voter with a manual audit capacity for such system.

SA 2908. Mr. McCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of section 296(b), add the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 293 for payments made on or after January 1, 2001, pursuant to that contract."

Mr. McCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 10, line 22, strike "Commission" and insert "Commission, in consultation with the Architectural and Transportation Barriers Compliance Board."

On page 64, line 19, strike "316(a)(2);" and insert "316(a)(2); except that—

the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 221 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.".

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him
to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 3. FULL EQUALITY FOR AMERICANS ABROAD.

(a) INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.—The Secretary of Commerce shall ensure that, in each decennial census of population taken after the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required by that title, for apportionment, redistricting, and the purposes associated with the inclusion in future deccennial censuses of American citizens living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. Such report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end add the following:

SEC. 4. VOTING ACCESSIBILITY

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election cycle and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(b) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(c) Curbside voting does not allow the voter the same protections of privacy as in-person voting.

(b) SENSOR OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be available to all citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.

(a) IN GENERAL.—An individual meets the requirements of this paragraph if the individual:

(i) in the case of an individual who votes in person:

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual’s identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) a signature or personal mark that matches the signature or personal mark on the individual’s record with a State or local election official.

(b) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTIFICATION VERIFICATION BY SIGNATURE OR PERSONAL MARK.

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

SA 2915. Ms. COLLINS (for herself Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, and Mr. NICKLES) submitted an amendment

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intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 12 through 16, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an approved application under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year in which the application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—On page 26, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 216 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 9:30 a.m., in open and closed session to receive testimony on the results of the nuclear posture review in review of the Defense authorization request for fiscal year 2003.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 14, 2002, at 10 a.m., to conduct a hearing on “Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: Corporate Accountability Standards and Necessary Reforms to Improve Financial Reporting.”

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 2:30 p.m., to conduct a hearing. 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;

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 preservation of Vancouver Barracks;

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; and

S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 10 a.m., to hear testimony on the administration’s request to increase the Federal debt limit.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 2:30 p.m., to hold a hearing on HIV/AIDS in Africa.

Agenda

Witnesses

Panel 1: Dr. Eugene McCray, Director, Global AIDS Program, National Center for HIV, STD, and TB Prevention, Center for Disease Control and Prevention, Atlanta, GA, and Dr. E. Anne Peterson, Assistant Administrator, Bureau of Global Health, U.S. Agency for International Development, Washington, DC.

Panel 2: Dr. Jeffrey Sachs, Director, Center for International Development, Harvard University, Cambridge, MA; Dr. Jim Yong Kim, Director, Program in Infectious Disease and Social Change, Harvard Medical School, Boston, MA; and Mr. Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “The Needs of the Working Poor: Helping Families To Make Ends Meet,” during the session of the Senate on Thursday, February 14, 2002, at 10 a.m.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 2002, for a hearing on administration’s proposed budget for veterans’ programs for fiscal year 2003.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Thursday, February 14, 2002, at 2:30 p.m., in Dirksen 226.

Witness list

Panel I: The Honorable Judd Gregg.

Panel II: Richard Stana, Director, Justice Issues, General Accounting Office.

Panel III: Susan Fisher, Executive Director, Doris Tate Crime Victim’s Bureau, Carlsbad, CA; Doug Comer, Director of Legal Affairs and Technology Policy, Intel Corporation, Washington, DC; John Avila, Executive Counsel, Walt Disney Company, Burbank, CA;
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and Frank Torres, Legislative Counsel, Consumers Union, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Ben Clausen, a member of my staff, be granted the privilege of the floor during today’s proceedings on the Equal Protection of Voting Rights Act.

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

ORDER FOR PRINTING OF H.R. 2646

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2646, the farm bill, be printed as passed by the Senate on Wednesday, February 13.

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

SUSPENDING CERTAIN PROVISIONS PURSUANT TO SECTION 258(a)(2) OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Mr. REID. Mr. President, I ask unanimous consent that with respect to S.J. Res. 31 be modified to provide that all time be yielded back; that the joint resolution be read the third time, and the Senate then vote on passage, without intervening action or debate.

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

Mr. DOMENICI. Mr. President, once again, as was that case last November, the Senate today must consider a measure that comes to us as a result of the recession. S.J. Res. 31 is an automatic resolution, required to be introduced by the majority leader and considered by the Budget Committee and the Senate under expedited procedures.

The resolution is automatic when the Congressional Budget Office notifies the Congress of an economic slowdown.

On January 30, the Department of Commerce’s advance report on real economic growth, showed the economy in the fourth quarter grew at an annual rate of 2 tenths of a percent. In the third quarter the economy shrank at an annual rate of 1.3 percent.

This report triggered the CBO notification of low-growth, and subsequently triggered the introduction of the resolution before us today.

The provision in the Balanced Budget and Emergency Deficit Control Act of 1985—sometimes referred to as the Gramm-Rudman-Hollings Act—that necessitated the reporting of this resolution, was simply that we did not want to be initiating major spending cuts in a time of recession.

I might add that the same section of that law that suspends spending cuts in the time of recessions also covers events of war.

S.J. Res. 31 was reported unfavorably from the Budget Committee yesterday.

The committee is required to report the resolution without amendment or be discharged without comment.

Again, I concurred with the chairman that the committee should express its disfavor with the Resolution, to send a signal to the full Senate to disapprove it. I ask the consent of the chair, Mr. Budget Committee, and me on disapproving the resolution.

If this resolution were somehow to make it to the President for his signature—what I doubt, it would effectively eliminate all fiscal discipline, all the enforcement tools we have here in the Congress all the way through September 2003.

I do not think we need to take such drastic action.

Having taken this position on a bipartisan basis, however, does not mean that we should not act to address both the economic slow down and the war on terrorism. We should and we must.

Having said that, the business sector was the focus of the economic weakness in the fourth quarter—as it has been throughout the recession.

Businesses reduced inventories at a very rapid pace and decreased investment in new plant and equipment. These factors were such a drag on economic growth that had it not been for a large increase in government purchases, GDP would have been negative in the fourth quarter.

However, the outlook for economic growth this year is becoming increasingly positive. This morning the Labor Department reported that initial claims for unemployment insurance dropped last week to the lowest level since August. Claims are down 26 percent since the peak in October. Businesses may not be adding workers and the unemployment rate may continue to rise a bit from here, but the pace of layoffs has slowed.

The inventory cycle, productivity, monetary policy and fiscal policy all suggest better growth this year. Having decreased inventories by more than $70 billion in 2001, business have more room to make purchases in the months ahead.

Remarkably, it seems no one told productivity that we had a recession. Productivity growth averaged more than 2 percent during the recession and it usually increases rapidly during recoveries.

With short-term interest rates at 1.75 percent, monetary policy is loose. Lower energy prices should contribute to growth this year. And, although I wish we could agree on additional policies to stimulate growth, the tax cut we enacted last year will boost the economy this year.

The tools of fiscal discipline must be contained so we can convey to the American public and the markets that we are keeping an eye not only on the current challenges we face, but also those longer term challenges.

We must maintain the provisions of the Budget Act that provide us with that future discipline, and we must deal with both tax and spending legislation today while waiving the Budget Act on a case by case basis as needed.

I appreciate the chairman’s willingness to approach this issue on a bipartisan basis and I join with him in recommending that the full Senate now reject this resolution when it votes later today.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be considered for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (S.J. Res. 31) was rejected.

NATIONAL DONOR DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 210 submitted earlier today by Senators DURBIN, DEWINE, FRIST, KENNEDY, and others.

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

The legislative clerk read as follows:

A resolution (S. Res. 210) designating February 14, 2002, as “National Donor Day.”

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD with no intervening action or debate.

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

The resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

UNANIMOUS CONSENT AGREEMENT—S. 517

Mr. REID. Mr. President, I ask consent that the majority leader, after consultation with the Republican leader, may at any time turn to consideration of Calendar No. 65, S. 517, a bill to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships.

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

ORDERS FOR FRIDAY, FEBRUARY 15, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 10 a.m., February 15; that following the prayer and the pledge, the
Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the election reform bill.

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

Mr. REID. Mr. President, there will be no rollcall votes tomorrow. The next rollcall votes will occur on Tuesday, February 26, at 10 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Friday, February 15, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14, 2002:

EXECUTIVE OFFICE OF THE PRESIDENT
NANCY DORN, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE JUDICIARY
DAVID L. BUNNING, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.
JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.
RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.
Extensions of Remarks

Dr. David Satcher, the People’s Surgeon General

Hon. Edwin P. Towns

Of New York

In the House of Representatives

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, during this month long recognition of Black History Month it is a privilege for me to honor the second African-American to serve as this country’s U.S. Surgeon General, Dr. David Satcher. Tomorrow, Dr. Satcher will conclude his term. I rise in recognition of the leadership, compassion, dedication and vision that he has exhibited during his tenure as the 16th Surgeon General of the United States.

A native Alabaman and graduate of Morehouse College, Dr. Satcher received both his M.D. and Ph.D. from Case Western Reserve University in 1970. After years of study, Dr. Satcher put his expertise into practice first as a faculty member at the UCLA School of Medicine and Public Health and later as Chairman of the Department of Family Medicine at the King-Drew Medical Center in Los Angeles, where he also directed the King-Drew Sickle Cell Research Center for 6 years. Returning to his alma mater in 1977, Dr. Satcher then went on to serve as professor and Chairman of the Department of Community Medicine and Family Practice at Morehouse School of Medicine before being elected President of Meharry Medical College in Nashville, Tennessee, a post he held from 1982 to 1993.

A learned, well-educated professional and a father of four, Dr. Satcher entered public service in 1993 as the Director of the Centers for Disease Control and Prevention and Administrator of the Agency for Toxic Substances and Disease Registry. Posts he held until 1994 when he assumed his current position as Surgeon General. During the period of February 1998 to January 2001, Dr. Satcher served simultaneously in the positions of Surgeon General and Assistant Secretary for Health.

As Surgeon General, Dr. Satcher advocated for and worked towards the promotion of healthy lifestyles, the improvement of the mental health system, and the elimination of disparities in health. Mr. Speaker, The National Center for Health Statistics reports that 60 percent of Americans more than 20 years of age are overweight or clinically obese and that weight-related conditions are the second leading cause of death in the United States, resulting in about 300,000 preventable deaths each year. What is so sad is that most of these deaths can and should be prevented. Realizing this, Dr. Satcher used his office to focus national attention on nutrition; he educated Americans about the value of maintaining a balanced diet with more vegetables and less sugar, and he stressed the necessity of regular exercise. Recognizing the fact that obesity can substantially increase a person’s risk of illnesses such as breast, colon, ovarian, and prostate cancers, as well as type 2 diabetes and heart disease, I would like to personally thank the Surgeon General on behalf of all Americans who have undoubtedly benefited from the preventative efforts he initiated and oversaw during his tenure.

Believing in the importance of mental as well as physical health, Dr. Satcher also worked to improve our nation’s health system to one of caring and support—not blame and stigmatization—and towards the developing of sound strategies for suicide and violence prevention. When Congress called for the development of a national strategy for suicide prevention, Dr. Satcher wholeheartedly embraced the challenge and responded with the dynamic leadership that has become his trademark. The National Strategy for Suicide Prevention was published in May 2001 and I am proud to say that we now have a unified, governing text to guide our national effort to prevent the loss of the nearly 30,000 lives claimed annually by suicide.

In addition to his efforts to promote healthier American lifestyles and to better the condition of the mental health system, Dr. Satcher also acted in an effort to eliminate socio-economic based disparities that remain prevalent in the U.S. healthcare system. He was not afraid to address controversial issues, like needle exchange, when he felt that a change in public policy would save lives. Using the best available science, and operating under the belief that the entire nation benefits from the protection of the health of the most vulnerable, Dr. Satcher and his team focused on six key issues, infant mortality, child and adult immunizations, HIV/AIDS, cardiovascular disease, cancer screening and management, and diabetes, all of which have an especially large impact on minority populations.

Dr. Satcher’s goal while in office was to be remembered as the Surgeon General who listened to the people and who always responded to their needs and concerns. Looking back on the last 4 years from the vantage point of this last day of Dr. Satcher’s term, it is abundantly clear that he more than accomplished that goal, and that indeed he far exceeded it. Dr. Satcher not only lent an ear to those with a voice, but spoke up for those whose voice could not be heard. In all that he did as the 16th Surgeon General of the United States, Dr. Satcher always acted as a true and honest servant of the people. And for this, for his dedicated service to American healthcare, his country commends him.

Recognizing Catholic Schools Week

Hon. Gene Green

Of Texas

In the House of Representatives

Wednesday, February 13, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor and recognize the annual celebration of Catholic Schools’ Week. Each year, over 3,500 Catholic schools across our nation celebrate Catholic Schools’ Week to recognize the educational and social contributions of America’s Catholic schools. This year’s 28th Catholic Schools’ Week theme, “Catholic Schools Where Faith and Knowledge Meet,” exemplifies a major benefit of receiving a Catholic School education.

Catholic schools foster their students with a strong sense of faith, spirit, and Christian service. These are important values which we must promote, especially in light of the events of September 11th. Catholic schools teach a diverse student body from all faiths and races. In fact, 25.6 percent of Catholic school students are minorities. In some inner-city schools, a majority of students are non-Catholic.

It is important that we continue our strong support for Catholic Schools. Catholic education is internationally recognized for its academic excellence and emphasis on the development of the heart, mind and soul. We must promote the growth and continued success of Catholic schools by ensuring they have Internet access, abundant libraries and safe learning environments.

I have worked closely with the Catholic schools in my district, such as helping provide Internet services to the St. Charles Borromeo Catholic School in Houston, visiting Catholic school facilities, and reading to students.

Mr. Speaker, I am proud of the contributions made by our nation’s Catholic Schools. I would like to especially recognize the dedicated teachers, principals, school administrators and parents in my Texas Congressional district for their hard work and devotion.

Paying tribute to Mahlon ‘Butch’ White

Hon. Scott McNnnis

Of Colorado

In the House of Representatives

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Pueblo, Colorado. Over the years, Mahlon “Butch” White has distinguished himself as a business executive, a community leader, and a vital participant in the funding of civic organizations and activities throughout the region. Butch’s accomplishments are impressive and it is my honor to recognize several of those accomplishments today. Butch is a generous soul whose good deeds and generous acts certainly deserve the recognition of this body of Congress, and this nation.

Butch was the former owner and operator of Minnequa Bank in Pueblo, a successful business operation he has run since his late twenties. He has carried on a long line of tradition in the banking industry, dating back to his great-grandfather, Mahlon, of whom he owes his namesake. As such, the White family has served the Pueblo community throughout the last century with professionalism and high standards and continues to serve as a model.
family for Pueblo as well as the State of Colorado. Throughout his life, Butch and his wife Maylan, have ensured that the White family remain true to its roots and give back to a community that has provided his business the resources to prosper throughout the bank’s long history. The family charity, known as the Mahlon Thatcher White Foundation, has provided funds to charitable and community organizations in Pueblo for decades. The organization is a proud supporter of the YMCA, Pueblo Library District, the Sangre de Cristo Arts center, and the Pueblo Zoo, and a handful of other organizations in the area. Through these donations, the City of Pueblo has enjoyed a prosperous history and high culture rating that has elevated the area as a top destination in Southern Colorado.

Mr. Speaker, Butch White’s list of achievements have not been overlooked during his career and his efforts have been repeatedly awarded over the years. It is now my honor to congratulate Butch on his most recent and well-deserved award from his own community, the Citizen of the Year Award, provided by the Greater Pueblo Chamber of Commerce. Upon receipt of his award, Butch remained true to his philanthropic standards while a member of the chamber announced a further $50 million will be additionally donated to the community from the foundation. Butch has been a model citizen in the community and I extend my thanks to his charitable efforts. Keep up the good work Butch, and good luck to you and your wife Maylan in your future endeavors.

HONORING THE CITY OF SUN VALLEY, IDAHO, ON ITS CONTRIBUTIONS TO THE OLYMPICS

SPEECH OF HON. MICHAEL K. SIMPSON OF IDAHO IN THE HOUSE OF REPRESENTATIVES Wednesday, February 13, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a place I’m proud to represent. It’s a place with rolling hills and snow-capped mountains, dazzling celebrities and home to a world class ski resort: Sun Valley, Idaho. On Friday the 19th Winter Olympics will begin in Utah. For three weeks, we’ll see skating, skiing, curling, bobsledding and high jumping. For many of the athletes the trip to Salt Lake City will only be a few hours in the car, because they’ve been training in Idaho for weeks.

I’d like to honor Sun Valley Co. for hosting these tremendous athletes and for their contribution to the Winter Olympics. Sun Valley has opened its doors to these athletes and given them the opportunity to not only adjust to the altitude of the West and Mountain Time Zone, but to America. More than 200 athletes have trained in Sun Valley from countries as far away as the Ukraine and Sweden to as close as Canada. I’m also proud of the Wood River Valley’s three Olympians that will take part in the winter Olympics: Sondra Van Ert, Muffy Davis and Tessa Benoit. That you Sun Valley for hosting the Olympians and for your continuing support of the Winter Games. Your contribution is noticed and appreciated.

NATIONAL TRIO DAY

HON. RUBEN HINOJOSA OF TEXAS IN THE HOUSE OF REPRESENTATIVES Wednesday, February 13, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today in support of a wonderful program that has helped and encouraged young people in my District and all over this country to complete their education. I am speaking of the Trio Program.

In the 56th Congressional District, we are plagued with high drop out rates among our youth. In fact, the recent figures published by the U.S. Census Bureau show that 78% of Texans do not have a college degree. This is a tremendous waste of human capital and talent, and we must continue to find innovative ways to tap into this underdeveloped potential.

One program that is making inroads into this problem is the Trio program. Trio is made up of several programs including Upward Bound, Upward Bound Math Science, Talent Search, and Student Support Services. These programs promote educational excellence at-risk students through mentoring, counseling, and support. The goal is to make sure that these students stay in school so they can complete their education and become part of the American dream.

I especially want to bring to your attention the work that is being done by the Trio programs run by the University of Texas Pan American, Texas A&M Kingsville, South Texas Community College, and Coastal Bend Community College. These dedicated schools in my District are committed to seeing that every student has the opportunity to receive a higher education.

February 23, 2002 has been designated National Trio Day. I urge my colleagues to take this opportunity to visit their local Trio programs and encourage these students and the teachers and counselors who are dedicated to their success.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM OF MINNESOTA IN THE HOUSE OF REPRESENTATIVES Wednesday, February 13, 2002

Ms. MCCOLLUM. Mr. Speaker, on February 5, 2002, I was attending the funeral of my good friend Darlene Luther in Minnesota and missed roll call votes 6 and 7. Had I been present, I would have voted in support of H.R. 577 (roll call vote 6) and in support of S. 970 (roll call vote 7).

PAYING TRIBUTE TO MEL COLEMAN

HON. SCOTT MCMINNIS OF COLORADO IN THE HOUSE OF REPRESENTATIVES Wednesday, February 13, 2002

Mr. McMINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Mr. Mel Coleman, a man whose dedication to his profession, his customers, and his loved ones, is both extraordinary and inspirational. Mel was not only an incredible rancher and businessman, but, more importantly, a man of unquestioned integrity and of unparalleled moral fiber. He will be sorely missed by each and every person whose life he touched. As his family mourns his loss, I believe it is apropos to remember Mel and pay tribute to him for his contributions to his city, his state and his country.

Mel Coleman, the great-grandson of pioneers who settled in the San Luis Valley of Colorado in 1870, created a cattle ranching empire by employing a novel and often overlooked practice—listening to his customers. By responding to complaints that there was no good source for hormone- and stimulant-free beef in the marketplace, Mel turned an unprofitable ranching business into Coleman Natural Products, a $70 million-per-year empire, which controls 50 percent of the natural beef market and sells to 2,500 retail outlets throughout the United States and Japan. His beef is now preferred by an ever-growing population of people who prefer its taste, which results from the cattle never being given any hormones, antibiotics or growth promotants, and which graze on ground that is never fertilized.

Mel’s vision and dedication to his cause is truly remarkable. He was bold enough to venture into an untested market and talented enough to become extraordinarily successful in this endeavor. In 1981, he was the first to receive permission from the United States Department of Agriculture to label his beef “hormone and stimulant free,” which subsequently led to an influx of competition into the marketplace that continues to be dominated by Coleman Natural Products. Mel is survived by his wife, Polly, who was always at her husband’s side in both business and life, his two sons, Mel Jr. and Greg, and his daughter Dianne.

Mr. Speaker, we are all terribly saddened by the loss of Mel Coleman, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, success and love that Mel left with all of us. Mel Coleman’s life is the very embodiment of all that makes our country great, and I am deeply honored to be able to bring his life to the attention of this body of Congress.

TRIBUTE TO HELEN C. HITZ

HON. JOHN S. TANNER OF TENNESSEE IN THE HOUSE OF REPRESENTATIVES Wednesday, February 13, 2002

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to Mrs. Helen C. Hitz, a former employee here on Capitol Hill. Mrs. Hitz recently passed away, on January 15, 2002, at the age of 80.

In 1960, Mrs. Hitz moved to the Washington, D.C. area and began her employment on Capitol Hill in February of 1961 as a secretary and receptionist to the Honorable Frank Moss of Utah. In September of 1961, Mrs. Hitz accepted the position as Secretary to the General Counsel at the House Republicans Committee on Small Business. In April of 1965, she transferred to the House Committee on Banking and Currency where she was a staff director and supervised several Committee caseworkers. She was also the confidential and personal Secretary to Dr. Paul Nelson, Administrative Assistant to the committee chairman. In July of 1965, Mrs. Hitz accepted the position of Personal Secretary to
RECOGNIZING THE HISPANIC ENGINEER NATIONAL ACHIEVEMENT AWARDS CORPORATION

HON. RUBÉN HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today to recognize the work that the Hispanic Engineer National Achievement Awards Corporation (HENAAC) is doing to enlighten the Hispanic community and nation about the achievements of Hispanics in science and technology in order to motivate Hispanic students to pursue careers in science and technology.

American students lag behind their counterparts in other developed countries like Japan in the areas of science and math. If America is to hold its technological advantage in an ever complex world, we must close this gap and improve our children’s achievements in math and science.

In October, HENAAC will hold its annual conference to honor outstanding Hispanics in nine categories of recognition. In addition to the conference, HENAAC, in conjunction with the University of Texas-Pan American in my Congressional district, will also sponsor four special events as part of the International Science and Technology EXPO Day at UT Pan American will bring students, parents, educators and the community together to learn about the importance of science and technology and give students information on career opportunities in engineering, science and math. Thousands of pre-college students will be able to participate in the hands-on interactive workshops, presentations and exhibits. Hispanic Science and Technology Educator Day will recognize teachers throughout South Texas and give them opportunities to improve their skills.

In addition to International Science and Technology Week, HENAAC also sponsors student scholarships and a Hall of Fame traveling exhibit.

On February 19, 2002, the University of Texas-Pan American will have a kick-off to encourage students, parents and teachers to participate in the upcoming events. I want to commend HENAAC and the University of Texas-Pan American for their commitment to educating the next generation of Hispanic scientists, mathematicians and engineers.

HONORING BOB SECRIEST OF BOISE, IDAHO, ON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE

HON. MICHAEL K. SIMPSON
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to honor Bob Secriest, a man who has served Idaho veterans for more than 30 years, on his retirement from the Department of Veterans Affairs Regional Office.

As a Vietnam veteran himself, Bob has shown compassion and dedication to veterans of all ages and in all areas of Idaho. Bob grew up in the farming community of St. Anthony, Idaho where he learned the value of hard work, a firm handshake and an honest heart. He stayed close to home, attending Ricks College and graduating in 1964. He served his country in a two-year mission to the Great Lakes area. When he returned, he joined the Idaho National Guard. While in the Guard, he was called to Vietnam. He was a truck driver, delivering truckloads of gasoline and diesel fuel throughout Vietnam’s Central Highlands. His highly explosive convoys negotiated mined roadways, blown up bridges, and sporadic enemy assaults. He returned in August 1969, married his sweetheart Judy in 1970, and graduated from Idaho State University in 1971 with a degree in business.

After graduating, the family moved to Boise, and Bob began his career at the VA Regional Office. He started out as Claims Adjudicator working stacks of paper to help those who’d been disabled in the line of duty. For many, Bob put a human face to veterans’ issues. His outreach on veterans’ issues is legendary. If you had a question about veterans’ benefits, Bob knew the answer.

In 1974, he was promoted to be the Education Liaison Representative working with Idaho schools under the GI Bill education program. According to his colleagues, Bob was able to streamline the schools’ procedures and improve services to veterans enrolled in school. He utilized his claims processing background to work weekends helping adjudicators to write education awards and clearing up processing delays.

Because of his dedication and community involvement, he was named the Chief of the Regional Office’s Veterans Services Division in 1990. In this position, he was in charge of state outreach to all veterans and beneficiaries around the state.

Bob always felt compassion for veterans. He never lost sight of who he was working for—not the government—but the veterans who had served this country. He made sure the VA Regional Office wasn’t an ivory tower looking down on the veterans they served. In the face of budget cuts, he was determined to make the Regional Office “veteran friendly.” He began a program of partnerships with the Veterans Service Organizations, the VFW, DAV, American Legion, the Wake Island Survivors, the Idaho Department of Veterans Services, and many others.

After the Regional Office was consolidated in the late 1990s, Bob was appointed as the Regional Office Public Information Officer. In that position, he served as a congressional liaison, always ensuring that my staff and I was informed about veterans issues.

Bob, for 33 years you’ve been a shining star in the veterans’ community, showing those around you that veterans come before bureaucracy and that good ideas don’t need to be buried under the burden of government. I commend you. I commend you on behalf of the thousands of veterans you’ve served, and I thank you.

PAYING TRIBUTE TO JERRY SORENSON

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect to the passing of a friend, Gerald “Jerry” Edwin Sorensen, who recently passed away at the age of 55.

Jerry would always be forever known as a true sports fan, a man who lived and thrived for sporting events. He is remembered as a superb athlete during his high school years, participating on and playing for the Roaring Fork High School football and baseball teams located in Carbondale, Colorado. His passion for sports continued throughout his life branch- ing into hunting, fishing, 4-wheeling, bowling and watching his favorite football team, the Denver Broncos. Although known for his athleticism and hard work, Jerry’s true love was working and interacting with people, particularly his two sons and grandsons. He will be remembered as a devoted husband, father, and friend. He affected the lives of so many of Glenwood’s residents with his kindness and his generosity and he will be greatly missed.

Mr. Speaker, it is with profound sadness that we note the passing of Gerald “Jerry” Edwin. He was known for his kind heart and the gentle demeanor he displayed throughout his life and his good deeds and dedication to his fellow man certainly deserve the recognition of this body of Congress. I, along with a grateful community and loving family will miss Jerry dearly.

CELEBRATING THE LIFE OF LLOYD KIVA NEW

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to a recently lost New Mexican who was a devoted Native American educator, artist, and entrepreneur. Lloyd Kiva New had intuition and visionary skills that made him a successful business man; however, more importantly, his humble heart and ambition drove him to aide young Native American students to strive for excellence at the Institute of American Indian Arts.

The Native American community has lost a prolific humanitarian, who devoted much of his
time to encourage young students to climb to a higher level of education. Investing much of his time and energy, aside from his reputation as a renowned artist and entrepreneur, he developed a school intended to teach the values of individuality and excellence among the Native American nation.

Not only in Santa Fe but also throughout the nation’s Native American communities, New was well respected and admired. Fellow colleagues, family members, and friends will mourn the death of a great public servant. May we remember and keep in our hearts the generosity and friendship of Lloyd Kiva New and those whom he left behind.

Those who will continue his legacy are his wife Aysen New, his son Jeff New, and his daughter Nancy Sandruff.

Mr. Speaker, Lloyd Kiva New will be deeply missed, but not forgotten.

PERSONAL EXPLANATION

HON. RON LEWIS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LEWIS of Kentucky. Mr. Speaker, on Tuesday, February 12, 2002, I was in my congressional district attending an official event. Had I been present in the House Chamber, I would have voted yea on H.R. 2998, to authorize the establishment of Radio Free Afghanistan, and H.R. 3699, to revise certain grants for Lloyd Kiva New and those whom he left behind.

The Cyber Security Research and Development Act is aimed at the important need of individual and families. Had I been present I would have voted yea.

The Cyber Security Research and Development Act is the beginning of a long-term investment in establishing a strong national information assurance program. It has my strong support and I urge my colleagues to do so as well.

PAYING TRIBUTE TO JULIA HAAG

HON. SCOTT MCINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a young student from my district whose hard work and dedication has been rewarded with the great opportunity to pursue a higher education. Julia Haag of Florence, Colorado, was recently awarded the Boettcher Scholarship, and as she celebrates her achievement I would like to commend her for her determination and self-sacrifice in achieving this honor. She is certainly a well deserving recipient of this scholarship and I am pleased to represent her and her family in Colorado.

Julia is a senior at Florence High School located in Southern Colorado. After a long, and no doubt difficult process, Julia was selected as a recipient of the Boettcher Scholarship. This scholarship will provide her with free tuition to the Colorado College of her choice, allowing her the opportunity to pursue a higher education degree with the opportunity to study abroad. This is a great program provided within Colorado to allow students to pursue higher education opportunities throughout the state.

Julia has been graced with this opportunity for her hard work, attention to her studies, and exceptional aptitude test scores. She scored in the top percentile for the ACT, and will graduate in her senior class. A necessary requirement Julia has so aptly demonstrated is her leadership abilities among student and youth organizations and active participation in community service projects throughout the region. Upon graduation, Julia plans to attend law school or focus on broadcast journalism. Whatever her decision, I am certain she will successfully excel in her endeavors with the same aptitude she has demonstrated throughout her young life.

Mr. Speaker, the diligence and commitment demonstrated by Julia Haag certainly deserves the recognition of this body of Congress, and this nation. Julia’s achievement serves as a symbol to aspiring college bound students throughout Colorado, and indeed the entire nation. Her reward is proof that hard work and attention to your studies can lead to assistance in achieving your goals. The Boettcher Scholarship is a model program for the states throughout this nation and ensures that our future generations are guaranteed the opportunity to improve their lives through the resources of education. Congratulations Julia, and good luck in your future endeavors!

PERSONAL EXPLANATION

HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 15, H.R. 2998, to authorize the establishment of Radio Free Afghanistan, and H.R. 3699, to revise certain grants for Lloyd Kiva New and those whom he left behind.

I was also unavoidably detained for Roll Call No. 16, H.R. 3699, to revise certain grants for the establishment of Radio Free Afghanistan. Had I been present I would have voted yea. I would have voted yea on H.R. 2998, to authorize the establishment of Radio Free Afghanistan, and H.R. 3699, to revise certain grants for Lloyd Kiva New and those whom he left behind.

The Cyber Security Research and Development Act is the beginning of a long-term investment in establishing a strong national information assurance program. It has my strong support and I urge my colleagues to do so as well.

This Wednesday, February 13, 2002

the states throughout this nation and ensures that our future generations are guaranteed the opportunity to improve their lives through the resources of education. Congratulations Julia, and good luck in your future endeavors!
HON. CHRISTOPHER COX
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. COX. Mr. Speaker, it is an honor to rise today to commend Bill Mills who is retiring on April 1st after completing a successful term as the general manager of the Orange County Water District.

An innovative leader, for the past fourteen years Bill Mills has spearheaded both conservation and reclamation water projects to aid one of the largest counties in the nation. Recognizing the long-term need to reduce Orange County’s dependence on imported supplies, Bill has been at the forefront to promote new technologies that would improve the quality of both surface and groundwater supplies. Under his leadership, the Orange County Water District has pioneered some of the most exciting changes in water management as well as maintaining one of the highest financial ratings for a water agency in the state of California.

What was once considered to be only practical in theory, the ability to purify wastewater for reuse, became a reality during Bill’s tenure. An accomplished civil engineer, Bill advanced a project referred to as “Water Factory 21,” a model water filtration system. This new technology has enabled Orange County residents and businesses alike to recycle a useless product into one of the most important resources needed to maintain irrigation needs during drought. And of course, today, this “new” technology is now the norm for many cities and counties throughout the nation and world. Because of Bill’s leadership on this project, Orange County is now taking the next step to transfer this critical technology to help solidify other water needs.

Bill’s keen ability to recognize early on the potential of new technologies such as Water Factory 21 have earned him praise and recognition from his colleagues throughout the world and numerous awards, including “Water Leader of the Year.” The recognition of the Orange County Water District as a leading public agency is a tribute to his legacy. I know that many of my colleagues here in this House personally gained from Bill’s expertise when he traveled several times to Washington, D.C. to testify on water and water quality issues. Always thinking ahead, Bill developed a 20-year master plan to guide the County’s future groundwater planning—including targeting a major flood control project for an area that was once considered the biggest flood threat west of the Mississippi. Due in large part to the expertise he shared with the U.S. Army Corps of Engineers, Orange County is no longer designated as a flood threat area.

Today, I join my fellow California colleagues to thank Bill for all of his hard work and dedication. Orange County is a better place to live because of his foresight, in behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Bill Mills, and best wishes for a well-deserved retirement.

HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, the American School Counselor Association has declared the first full week of February as “National School Counseling Week.” Congress recently recognized the importance of school counseling through the reauthorization and appropriation of the Elementary and Secondary School Counseling Improvement Act of the Elementary and Secondary Education Act.

School counselors have long advocated that the American education system must leave no child behind. Even though students face myriad challenges every day, including peer pressure, depression, and school violence, school counselors help develop the total child by guiding their students toward academic, personal, social and career development.

Mr. Speaker, as a product of a school building trained in both education and mental health. For this reason, school counselors were instrumental in helping students, teachers and parents deal with the trauma of the aftermath of Sept. 11. Nurturing the role and responsibilities of school counselors are often misunderstood and as a result, under budgetary constraints, the school counselor position is often among the first to be eliminated.

The school counselor shortage is prevalent today, as evidenced by the fact that the current national average ratio of school counselors to students is 1 to 561. The American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association and other organizations recommend a ratio of 1 to 250.

I urge my colleagues to support National School Counseling Week during the first full week of February and I urge communities across the country to participate with appropriate ceremonies and activities. The American School Counselor Association recommends that parents and students should develop a collaborative relationship with their school counselors. School boards and administrators should continue to support students’ academic, personal, social and career development through school counseling.

Mr. Speaker, our students’ futures are important to us all and school counselors work every day to ensure that our students are well-rounded socially and academically. Let us take a moment to thank our school counselors for their ongoing work with our students and communities during times of national crisis or students’ personal crises by supporting National School Counseling Week.

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. WALSH. Mr. Speaker, Colonel Robert L. Homer retired on 26 September 2001 from his position as the Logistics Group Commander for the 174th Fighter Wing, New York Air National Guard in Syracuse. He was appointed to this position on 2 Nov 95.

Col. Homer was born on 28 September 1945 in Ithaca, NY. He graduated from Scheeleham High School in 1963 and earned his Bachelor of Arts Degree from St. Lawrence University, NY in 1967. He went on to graduate from Syracuse University with a Masters in Business Administration Degree in 1971. His military education includes Squadron Officer School, Air Command & Staff College and Air War College.

Col. Homer enlisted in the NYANG in Aug 1968, was commissioned in March 1969 and graduated from Pilot Training in 1970 as Distinguished Graduate. He began working Full-Time at the 174th in 1975 as a Flight Instructor and held various positions within Operations to include Ground Training Officer, Stan/Eval Officer, Scheduling Officer, Air Operations Officer and Deputy Commander for Operations. In 1991, when the 174th was activated during Operation Desert Storm, he was assigned as a Mission Director on the Joint Stars Aircraft. Following that, he went on to head the NYS Counter Drug Program for Headquarters, NYANG in Albany, NY. His last assignment prior to his current position was that of establishing the Minimum Essential Airfield (MEA), at Griffiss AFB in conjunction with the Base Realignment and Closure Act of 1995.

Col. Homer is a command pilot, having been combat qualified in the A–37, A–10 and F–16; with more than 4,000 flying hours.

His awards and decorations include The Bronze Star Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award with Valor Device and 4 devices, Combat Readiness Medal with 5 devices, National Defense Service Medal with 1 device, Southwest Asia Service Medal with 2 devices, Air Force Longevity Service Award Ribbon with 5 devices, Armed Forces Reserve Medal with 1 device, Small Arms Expert Marksmanship Ribbon with 1 device, Air Force Training Ribbon, and Kuwait Liberation Medal.

His military and civic affiliations include the National Guard Association of New York, Military Association of New York, and the Air Force Association.

Col. Homer resides in Scott, NY with his wife, the former Lynn Bari.
that I pay tribute to her today for the tremendous accomplishment of being honored by the United States Justice Department for her significant contributions to her community and to her state.

As Director of theYWCA, Diane has long been active in the Pueblo community and has dedicated a significant amount of her time and efforts to improving community relations and upholding civil rights. Recently, her tireless efforts and extraordinarily selfless endeavors culminated in the creation of the Pueblo Human Relations Commission, a 15-member panel which will discuss divisive community issues, and a long-time dream of Diane’s. Along with Sandy Gutierrez, Diane was responsible for the Commission’s creation, which will undoubtedly serve as a catalyst for more open discussions on race related issues and other controversial issues facing the Pueblo community. Like all true pioneers, Diane had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence in the face of such opposition.

Mr. Speaker, it is my pleasure to inform you that Diane Porter is a woman of unparalleled dedication and commitment to her community and to the people whose lives she has touched while serving it. 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 and enriched the lives of so many people. It is my privilege to extend to Diane my sincere congratulations on the creation of the Pueblo Human Relations Commission and for the tremendous accomplishment of being honored by the United States Justice Department for her efforts. I wish her the best of luck in all of her future endeavors.

RECOGNITION OF THE REPUBLIC OF KAZAKHSTAN

HON. PHIL ENGLISH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ENGLISH. Mr. Speaker, I would like to take a moment to recognize the Republic of Kazakhstan for its efforts in assisting the United States in our war against terrorism. Kazakhstan was among the first of our allies to offer its condolences and help after the destruction of September 11th. Indeed, following the terrorist attacks, Kazakh President Nazarbayev took the unprecedented step of visiting the United States Embassy in the Kazakh capital of Astana to sign the Embassy’s book of condolences.

On September 15, 2001, President Nazarbayev issued a strong statement of support for our war against Osama Bin Laden and Al Qaeda. In his statement, President Nazarbayev declared that his country would support our own government “in the fight against terrorism with all means available.” More importantly, our friends in Astana backed their firm statements with action—contributing a blanket overflight clearance for U.S. aircraft over the vast Republic of Kazakhstan. Moreover, the Kazakh government has since offered its own airfields and supply bases to the United States military for use in action against Al Qaeda.

In addition to this strong strategic help, our Kazakh friends have shipped nearly 3,000 tons of wheat and other grains to the impoverished people of Afghanistan. This sort of vital assistance has helped our own nation in a fight not only against Afghan and Al Qaeda terrorist oppressors, but to resuscitate a long-suffering people. A young nation itself, Kazakhstan has also sought to integrate itself into the global alliance against terrorism by offering further food sales to the United Nations World Food Programme in order to facilitate the feeding of the Afghan people.

President Nazarbayev and his countrymen have also shown political courage and leadership in embracing global standards of conduct in international affairs. The Government in Astana has ratified seven international terrorism conventions, while the Governor of the Kazakh Central Bank has pledged to track down and freeze any terrorist financing within the Kazakh Republic. Mr. Speaker, this sort of cooperation and assistance exemplifies the sort of measures the United States has sought and needs in our fight against the evil behind international terrorism. The Republic of Kazakhstan has demonstrated a valiant commitment to protecting freedom by siding with the United States of America. It is my hope that other nations, young and old, will follow the tremendous example of the Kazakh people.

PERSONAL EXPLANATION

HON. BILL LUTHER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LUTHER. Mr. Speaker, because I was attending to family matters in my home state of Minnesota, I missed Roll Call votes 483–512 of the 1st Session of the 107th Congress and Roll Call votes 2–14 of the 2nd Session of the 107th Congress. I would like to record my vote on Roll Call vote #483, on motion to suspend the rules and pass H. Con. Res. 281, honoring the 2nd Battle of Tumacacori National Historical Park Boundary Designation Act. Aye on Roll Call vote #485, on motion to suspend the rules and pass H.R. 10, the Comprehensive Retirement and Pension Reform Act. Aye on Roll Call vote #486, approving the Journal.

Nay on Roll Call vote #487, the rule providing for consideration of H.R. 3282, the Mike Mansfield Federal Building and U.S. Courthouse Designation Act. Aye on Roll Call vote #489, final passage of H.R. 3285, the Help America Vote Act. Aye on Roll Call vote #490, on motion to suspend the rules and pass H. Con. Res 282, expressing the Sense of Congress that the Social Security promise should be kept.

Aye on Roll Call vote #491, on motion to suspend the rules and pass, as amended, H.R. 3209, the Anti-Hoax Terrorism Act. Aye on Roll Call vote #492, on passage of H.R. 1022, the Community Recognition Act of 2001. Aye on Roll Call vote #493, on motion to suspend the rules and pass, H.R. 3448, the Public Health Security and Bioterrorism Response Act. Aye on Roll Call vote #494, on motion to Instruct Conference on H.R. 3338, the Department of Defense Appropriations Conference Report for Fiscal Year 2002. Aye on Roll Call vote #495, on motion to suspend the rules and pass H.R. 3379, the Raymond M. Downey Post Office Building. Aye on Roll Call vote #496, on motion to suspend the rules and pass, H.R. 3504, the True American Heroes Act. Aye on Roll Call vote #501, on motion to suspend the rules and pass S. 1762, the Economic Security and Worker Assistance Act. Nay on Roll Call vote #504, on agreeing to the Senate amendment to H.R. 2657, the District of Columbia Family Court Act.

Aye on Roll Call vote #505, on suspending the rules and agreeing to the Senate amendment to H.R. 2199, the District of Columbia Police Coordination Amendment Act. Aye on Roll Call vote #506, on agreeing to the Conference Report to H.R. 3061, the Labor-HHS-Education Appropriations Act for Fiscal Year 2002. Aye on Roll Call vote #507, on agreeing to the Conference Report to H.R. 2506, the Foreign Operations Appropriations Act for Fiscal Year 2002.

Nay on Roll Call vote #508, on agreeing to the Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. Nay on Roll Call vote #509, on agreeing to the H. Res. 320, providing for consideration of H.R. 3529; to provide tax incentives for economic recovery and assistance to displaced workers. Aye on Roll Call vote #510, on agreeing to the Conference Report to H.R. 2657, the Economic Security and Worker Assistance Act. Aye on Roll Call vote #511, on motion to suspend the rules and pass H.R. 700, to reauthorize the Department of Weap-
Jeff and Ruthie, his grandparents, his sister and much of their nation and the entire world proud. Wisconsin speed skaters has made their state, and last night. Another Wisconsite, Kip Carpenter, cheering Casey on in his Gold Medal victory up to be just like Eric Heiden, who was there. . . .

Casey FitzRandolph, of Verona, Wisconsin, has made us all proud to be Americans. This year’s Olympic Games have a special meaning to Americans who have come together and enriched, are eternally grateful for the participation of such an extraordinary woman to the community of Pueblo and the State of Colorado. Sandy Gutierrez has been instrumental in improving civil rights and has dedicated a significant portion of her time, effort and love to others, and it is with a great deal of satisfaction and pride that I pay tribute to her for the tremendous accomplishment of being honored by the United States Justice Department for her significant civil rights contributions.

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of Casey FitzRandolph, Olympic Gold Medal winner at the Salt Lake City games. This year’s Olympic Games have a special meaning to Americans who have come together with unity and pride in these troubling times. I rise today to pay tribute to a constituent whose incredible accomplishment made us all proud to be Americans.

Casey FitzRandolph, of Verona, Wisconsin, won the Gold Medal yesterday in the 500-meter Men’s Speed skating competition. He is the first American to win the Gold in this competition since Eric Heiden, also from the second district of Wisconsin, swept the Olympics in Lake Placid in 1980.

When he was five years old, Casey FitzRandolph proclaimed that he would grow up to be just like Eric Heiden, who was there cheering Casey on in his Gold Medal victory last night. A native Wisconsinite, Kirk Carpenter, took home the Bronze Medal as well, skating in the final pair with Casey in a very special Olympic moment.

In the spirit of Eric Heiden, Dan Jannsen and Bonnie Blair, this new generation of Wisconsin speed skaters has made their state, their nation and the entire world proud.

In recognition of the sacrifice of his parents, Jeff and Ruthe, his grandparents, his sister Jessi, and his fiancée Jennifer Bocher, I want to wholeheartedly congratulate Casey FitzRandolph for his accomplishment.

PAYING TRIBUTE TO SANDY GUTIERREZ

HON. SCOTT MCMINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Mr. McMINNIS. Mr. Speaker, it is my distinct pleasure to pay tribute today to a woman whose incredible heart and extraordinary efforts have made an indelible impact on the community of Pueblo and the State of Colorado. Sandy Gutierrez is both inspirational and courageous, and a true testament to the inherent greatness that resides in all of humanity.

Throughout her life, she has consistently given her time, effort and love to others, and it is with a great deal of satisfaction and pride that I pay tribute to her for the tremendous accomplishment of being honored by the United States Justice Department for her significant civil rights contributions.

As Director of the Latino Chamber of Commerce, Sandy has long been a champion of civil rights and has dedicated a significant portion of her time, effort and love to others. Sandy Gutierrez has been instrumental in improving civil rights and has dedicated a significant portion of her time, effort and love to others. Sandy had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence in the face of such opposition.

Mr. Speaker, I am honored to stand before you today in order to bring the accomplishments of such an extraordinary woman to the attention of this body of Congress. Sandy Gutierrez has been instrumental in improving her community and her state, and I, along with the people whose lives she has so profoundly affected and enriched, are eternally grateful for everything she has done. I wish to offer her my sincere congratulations today on the creation of the Pueblo Human Relations Commission, a 15-member panel which will discuss divisive community issues, including those created by the dreams of Sandy’s. Along with Diane Porter, Sandy was responsible for the Commission’s creation, which will undoubtedly serve as a catalyst for more open discussions on race related issues and other controversial issues facing the Pueblo community. Like all true pioneers, Sandy had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence.

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TRIBUTE TO CASEY FITZRANDOLPH

HON. TAMMY BALDWIN
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Ms. BALDWIN. Mr. Speaker, I rise today in recognition of Casey FitzRandolph, Olympic Gold Medal winner at the Salt Lake City games. This year’s Olympic Games have a special meaning to Americans who have come together with unity and pride in these troubling times. I rise today to pay tribute to a constituent whose incredible accomplishment made us all proud to be Americans.

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In recognition of the sacrifice of his parents, Jeff and Ruthe, his grandparents, his sister Jessi, and his fiancée Jennifer Bocher, I want to wholeheartedly congratulate Casey FitzRandolph for his accomplishment.

TRIBUTE TO SUGAR GUTIERREZ

HON. SCOTT MCMINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Mr. McMINNIS. Mr. Speaker, it is my distinct pleasure to pay tribute today to a woman whose incredible heart and extraordinary efforts have made an indelible impact on the community of Pueblo and the State of Colorado. Sandy Gutierrez is both inspirational and courageous, and a true testament to the inherent greatness that resides in all of humanity.

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TRIBUTE TO THE STATE SENATOR

MARK HILLMAN

HON. BOB SCHAFFER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express congratulations to an outstanding member of the Colorado State Legislature, Senator Mark Hillman of Bur-lington, Colorado. The National Republican Legislator Association recently named Senator Hillman Legislator of the Year for the year 2001. Senator Hillman continues to be of tremendous service to the state of Colorado and I am pleased to recognize his achievements today.

In the recent edition of The Wray Gazette Senator Hillman was quoted as saying, “I’m truly honored to be chosen for this year’s award among the hundreds of qualified candidates nationwide.” Mark’s humility makes him a fine public servant and the state of Colorado is proud of his achievements in the Colorado General Assembly. This award follows the Senator’s recognition in August as Legislator of the Year by the American Legislative Exchange Council.

Mark enjoys his position immensely and his dedication to his post as state senator is evident in his success in the state legislature. He holds the highest degree of personal fairness and integrity while also carrying his strong convictions on to the floor of the state legislature.

I am privileged to be a colleague of the distinguished Senator Hillman. The state of Colorado is fortunate to have a man of such integrity and character to serve it. On behalf of the citizens of Colorado, and especially those of the Fourth Congressional District, I congratulate Senator Hillman on his recent achievements.

Furthermore, I call on the House to join me in congratulating State Senator Mark Hillman for this high honor.

TESTIMONY OF BETTY R. MOSS

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Mr. DELAHUNT. Mr. Speaker, as we debate the merits of reforming our nation’s pension system, I would like to share with my House colleagues the experience of Ms. Betty R. Moss, a recent retiree of the Polaroid Corporation. Her compelling testimony prepared for delivery before the Senate Committee on Health, Education, Labor and Pensions, paints a vivid and disturbing portrait of the vulnerability of workers and retirees under our current pension and bankruptcy laws. I ask my colleagues to consider her poignant words, and join with me in enacting new protections to ensure retirement security for all workers and retirees.

TESTIMONY OF BETTY R. MOSS BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS, DATED FEB. 1, 2002

Good morning. My name is Betty Moss, and I am a former Polaroid employee. I am accompanied today by Karl Farmer, chair of the Official Committee of Retirees for Polaroid Corporation. I am accompanied today by Karl Farmer, chair of the Official Committee of Retirees for Polaroid Corporation. I am accompanied today by Karl Farmer, chair of the Official Committee of Retirees for Polaroid Corporation. I am accompanied today by Karl Farmer, chair of the Official Committee of Retirees for Polaroid Corporation.

Betty R. Moss is a 56 year old and I live in Smyrna, Georgia with my husband, Lawrence. We have been married for 32 years and have one son, Tom.

I started working for Polaroid more than 35 years ago as a file clerk, soon after finishing high school. My job was eliminated last July, and I retired from Polaroid, finishing my career as the Senior Operations Manager of Polaroid’s Atlanta Business Center.
As senior manager I was responsible for more than 100 employees as well as all administrative and operational decisions associated with Polaroid's business operations in Atlanta. My responsibility was the legal requirement that we be allowed to diversify holdings the year after we reached age 55. We had absolute faith the ESOP would be there to supplement any retirement plan vesting one year prior. We never envisioned that we would be creditors of a bankrupt Polaroid. The ESOP was promoted as a guaranteed retirement savings, where “forced contribution” saved money for retirement. Thousands of employees relied on the ESOP stock to fund their retirement savings.

Unfortunately, by forcing us to invest heavily in Polaroid stock for our retirement, the ESOP left us with almost no savings. Prior to 1997, a retirement savings plan was diversified and consistently showed an annual positive return. Up until 1988, I had made regular contributions to the 401k plan offered at Polaroid. After the ESOP was forced upon us, I could no longer afford to contribute much to the 401k. At that time, I was only making about $35,000, and 8 percent of that was being invested into Polaroid stock through the ESOP.

Average working people like me cannot raise their families, pay mortgages, educate their children and contribute toward retirement. So, we had to rely on the ESOP as a major part of our retirement savings plan. By 1997, my ESOP holdings were worth less than $20 when the Polaroid share price was about $50. Although it wasn’t as great as “95 in 95”, I still felt pretty good.

Unfortunately, because of the forced ESOP contributions and because I had to buy Polaroid stock, my retirement savings were now heavily weighted Polaroid—which wasn’t worth much by the time I retired. What looked pretty good in 1997 at $50 a share, is today worth about 8 cents a share, as a result of the decisions of the current management team.

When I retired in July 2001, I took all of my ESOP shares and converted them into stock certificates. But all of those who were forced to invest so heavily in Polaroid stock cannot even say today that they own the stock. We later learned that State Street Bank and Trust—the trustee of the fund, started liquidating Polaroid’s ESOP shares in mid-November 2001, and completely liquidated the fund by mid-December 2001. After the liquidation, Gary DiCamillo, Polaroid’s current CEO, sent out a letter on December 10, 2001 to all employees notifying them that “it was in the best interest of participants in the ESOP fund to liquidate all shares.”

I would like to emphasize that these ESOP participants—the “employee owners”—had absolutely no opportunity to approve this sale—it was done completely without their knowledge. Neal D. Goldman, the current chairman of the Council has indicated that the ESOP shares would be worth $95 a share in 1995. At $95 a share, my retirement savings plan would have been worth about $230,000. Now it is worth less than $300.

Under the mandatory ESOP, all employees were forced to participate by converting 8 percent of their ESOP 401k contributions to Polaroid stock. We were told the ESOP was necessary to help fund the $300 million Polaroid had borrowed to fund the ESOP. None of us had a choice. No one could choose not to invest. Regardless of whether our personal circumstances allowed us to “give up” 8 percent of our pay. When the first ESOP was paid off in 1997, Polaroid started the ESOP II program, which continued the employees’ forced investment in Polaroid stock.

The 8 percent contribution purchased Polaroid common stock, which I could not sell over that 13-year period, no matter how well or how poorly the stock performed. The only exception was the legal requirement that we be allowed to diversify holdings the year after we reached age 55. We had absolute faith the ESOP would be there to supplement the retirement savings plan vesting one year prior. We never envisioned that we would be creditors of a bankrupt Polaroid. The ESOP was promoted as a guaranteed retirement savings, where “forced contribution” saved money for retirement. Thousands of employees relied on the ESOP stock to fund their retirement savings.

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INCREASING FUNDING FOR STATE APPROVING AGENCIES

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans’ Affairs, today I am introducing on behalf of Mr. Evans, Mr. Sanders, Mr. Stehman, Mr. Filner, Mr. Baker, Mr. Pickering, Mr. Shows, Mr. King, Mr. Sanders, Mr. Baldacci, Ms. Carson, Mr. Reynolds, and Mr. Moore, a bill to increase funding, for State Approving Agencies (SAAs).

Some of my colleagues are familiar with the work of SAAs, but for those who are not, these vital institutions review and evaluate for approval in each state, programs of education that are offered by educational institutions under the Montgomery GI Bill and three other VA veterans’ educational assistance programs. SAAs usually operate through state departments of education or postsecondary education commissions. SAAs also approve employer sponsored on-job training and apprenticeship programs, some through state departments of labor.

The need to increase funding for SAAs primarily reflects the new SAA duties in occupationally relating to veterans and to protect the integrity of VA benefits. The need for increased SAA funding to $14 million, but only after the MGIB benefits are, our veterans, are needed. The annual funding from $14 million to $18 million, as well as helped to initiate the Lansing area as on the East Coast.

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In recent years, Congress has increased SAA responsibilities, most recently through enactment of Public Law 107–103, the Veterans Education and Benefits Expansion Act of 2001. This landmark legislation will increase the basic MGIB benefit by 19 percent in January 2002 to $800 per month from $672. It will also increase 30 percent in October 2003 and 39 percent in October 2004 when the benefit again increases to $900 and $985, respectively. But as important as these enacted increases for the MGIB benefits are, our veterans will not be able to take full advantage of the improved educational opportunities unless the SAAs are given the resources necessary to certify high-quality educational programs. From fiscal years 1995 to 2000, SAA funding was “capped”—without an annual increase—in a total of $13 million. In Public Law 106–419, enacted on November 1, 2000, Congress increased SAA funding to $14 million, but only for fiscal years 2001 and 2002. If Congress does not act, in fiscal year 2003 the SAA budget reverts back to the $13 million level. In effect, our inaction would return SAAs to the FY 1995 funding level, and they would be unable to guarantee our nation’s veterans that their hard-earned MGIB benefits will be safeguarded against scam-artists and flimsy programs that seek to exploit veterans.

Indeed, since World War II Congress has relied on SAAs to ensure the quality of the education and training offered to our Nation’s veterans. As I pointed out in the introduction of a legislation programs popularly known as the “GI Bill.” My proposal simply increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years, in order to provide SAAs with the resources necessary to fulfill their responsibilities.

I strongly urge my colleagues to support this legislation.

TRIBUTE TO OVERLAND TRAIL MIDDLE SCHOOL

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate the students and staff of Overland Trail Middle School of Brighton, Colorado for their work in a recent charity clothing drive. Over the course of one week, the students and parents combined to donate 850 pounds of clothing to needy residents of the town of Brighton.

This is yet another example of the schools dedication to improving the world in which we live. In the fall of 2001, the students contributed to the Twin Towers fund which was set up to support the families of uniformed service personnel lost in the September 11 tragedy. The Fort Lupton Press writes, “... it’s nice to see area students contributing their time and money to such worthy causes around the Brighton area as well as on the East Coast.” It is an honor for the state of Colorado to have such a generous group of students, teachers, and parents. Philanthropic work is a great legacy of the United States and I am proud to see that it is being carried by citizens of all ages. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to the students, staff and parents of Overland Trail Middle School.

PAYING TRIBUTE TO THE 2002 BEA CHRISTY AWARD NOMINEES

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the 2002 Bea Christy Award Nominees, who will be honored Friday, February 15, 2002 in Lansing, Michigan for their contributions to improve their communities and neighborhoods.

Bea Christy was a dedicated member of the Eastside Neighborhood Organization for more than ten years until her death. She also worked with other organizations to make the neighborhood a better place to live. It is in this spirit that individuals are nominated for an annual award exemplifying the qualities of Bea Christy. The following six criteria must be considered when making a nomination for the Bea Christy Award: variety of activities for your neighborhood organization; unsung nature of contributions; overall good neighbor; reliability; willingness to take on tasks; and, other service to the community.

Friday night, eleven deserving individuals will be recognized as 2002 Bea Christy Award Nominees. I salute the following nominees for their outstanding service to their communities and neighborhoods: Connie Sevrey, Association for the Bingham Community; Mia Tioli, River Point Neighborhood Association; Hannah Gardi, Neighbors United in Action; Mary Rawson, Northtown Neighborhood Association; Ernestine Merritt, Northwest Neighborhood Alliance; Alex Kruzel, Walnut Neighborhood Organization; Rick Kibbee, Eastside Neighborhood Association; Larry Kern, Old Foremost Neighborhood Association; Ruth Hallman, Genesee Neighborhood Association; Thomas Foster, Eastern Neighbors; Kathie Dunbar, Sagamore Hill Neighborhood Organization.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to the 2002 Bea Christy Award Nominees.

IN SUPPORT OF H.R. 1343, THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to declare my strong support for H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, and to urge its swift passage in the House of Representatives.

In the last five years, approximately 50,000 hate crimes were reported to authorities, with the brutal murders of Matthew Shepard and James Byrd graphically demonstrating to the nation the horrors of violence motivated by hate and bigotry. In 2000 alone, law enforcement agencies in 48 states and the District of Columbia reported 8,063 bias-motivated criminal incidents.

Unfortunately, five states have no laws against hate crimes, and the statutes in another eighteen states fall short of full protection. Even in a state such as Rhode Island, where we have strong laws against hate crimes, the local law enforcement agencies recorded 50 cases of bias-motivated offenses in 2000. Because the current federal hate crimes law only covers crimes motivated by racial, religious or ethnic prejudice, Congress must enact legislation to establish a strong national standard for prosecuting all hate crimes.

To ensure that no American is targeted for violence based on prejudice, I am an original cosponsor of the Local Law Enforcement Hate Crimes Prevention Act, which would provide federal assistance to state and local authorities in prosecuting hate crimes. Additionally, the legislation would expand the federal definition of hate crimes to include violent acts motivated by prejudice against the victim’s sexual orientation, gender or disability.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHAFFER. Mr. Speaker, as Chairman of the Committee on Veterans’ Affairs, today I am introducing on behalf of Mr. Evans, Mr. Sanders, Mr. Stehman, Mr. Filner, Mr. Baker, Mr. Pickering, Mr. Shows, Mr. King, Mr. Sanders, Mr. Baldacci, Ms. Carson, Mr. Reynolds, and Mr. Moore, a bill to increase funding, for State Approving Agencies (SAAs).

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Indeed, since World War II Congress has relied on SAAs to ensure the quality of the education and training offered to our Nation’s veterans. As I pointed out in the introduction of a legislation programs popularly known as the “GI Bill.” My proposal simply increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years, in order to provide SAAs with the resources necessary to fulfill their responsibilities.

I strongly urge my colleagues to support this legislation.
Mr. BURTON of Indiana. Mr. Speaker, I wish to express my gratitude to the bill’s author, Congressman JOHN CONYERS, as well as to Congresswoman LYNN WOOLSEY, for their leadership on this important issue. I am confident that we will be able to work in a bipartisan fashion to pass H.R. 1343 and bring an end to hate-based crimes in the United States.

Mr. SCHAFER. Mr. Speaker, it is an honor to rise today to congratulate Hazel Gardner of Eckley, Colorado. Mrs. Gardner was recently recognized for her fifty years of volunteer work for 4-H at a banquet held in honor of local 4-H leaders.

Mrs. Gardner is a life-long resident of the eastern plains of Colorado and has been active with 4-H since she was nine years of age. In addition to raising her three children she has volunteered with 4-H groups and with state-level governing boards. Fifty years later, she continues to work with children in the program to which she has devoted much of her life.

4-H is a nationally recognized program that boasts the honor of having a chapter in every county in the nation. Over 6.8 million youth participated in 4-H in 2000 with the addition of 610,000 adult volunteers. The 4-H Mission is “building a world in which youth and adults learn, grow, and work together as catalysts for positive change.”

It is an honor for the state of Colorado to have such an esteemed woman who has dedicated so much of her life to improving the lives of community children. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mrs. Hazel Gardner.

THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM IMPROVEMENT ACT OF 2002

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, I am proud to be introducing legislation today to help families that are trying to cope with children who have suffered vaccine-related injuries.

Vaccine injuries may be very rare, but when they do occur, they’re devastating. Fifteen years ago, we created the National Vaccine Injury Compensation Program. It was supposed to be generous. It was supposed to be non-adversarial. It was supposed to compensate families without tying them up in court for years.

In many cases, this program hasn’t worked the way we intended. Last fall, we held two hearings. We heard testimony from parents of injured children. We heard testimony from husbands of injured wives. They told us about long delays. They told us about overly adversarial tactics. They told us about having to fight for years over injuries that are widely acknowledged to be related to vaccines. We’ve also heard from families who learned about the program too late to file claims. There is a bipartisan consensus that reforms are needed. Not just for the millions of people who have suffered vaccine injuries, but also for the millions of people who have faced adversarial tactics. Many families have worked their way through the system without facing the kinds of ordeals we’ve heard about. However, too many families have faced too many problems for us to sit by and do nothing.

I want to thank BENJAMIN GILMAN, the Ranking Member of the Government Reform Committee for working with me to put this bill together. I want to thank DAVE WELDON, one of our subcommittee chairmen, for working with us as well. I also want to thank our other original cosponsors, JEROLD NADLER, CONSTANCE MORELLA, BENJAMIN GILMAN, STEPHEN HORN, MARTIN FROST, JOHN DUNCAN, DENNIS KUCINICH, JO ANN DAVIS and TOM DAVIS.

This bill doesn’t do everything we’d like to do to fix this program. It’s not going to eliminate some of the problems families are encountering. However, I think it’s a good first step. I think it’s a realistic assessment of what we can accomplish this year. This bill does some very worthwhile things: It changes the calculation for future lost earnings for injured children to make it more generous.

It increases the level of compensation a family receives after a vaccine-related death from $250,000 to $300,000. It allows families of vaccine-injured children to be compensated for the costs of lifelong care, and maintaining a guardianship to administer the award. It allows for the payment of interim attorneys fees and costs while a petition is being adjudicated. It extends the statute of limitations for seeking compensation to six years instead of three. It provides a one-time, one-year period for families to file a petition if they were previously excluded from doing so because they missed the statute of limitations.

I want to briefly mention a couple of the stories we heard during our hearings so my colleagues will have a better understanding of the kinds of problems families are facing.

The first story involves Janet Zuhike and her daughter Rachel of Florida. Rachel received her pre-kindergarten vaccinations in 1990. Within 6 hours, she had a severe reaction. Within three weeks, she was in critical condition and had to be medicated to a hospital. Today, Rachel is a mentally retarded teenager. She suffers from periodic bouts of blindness and severe neurological breakdowns that left her confined to a wheelchair.

Rachel’s doctors diagnosed her condition as anencephaly. Medical experts agree that this is one of the most common injuries caused by vaccines. The connection is so well-established, it’s written into the table of vaccine injuries in the law. Despite this, the government attorneys fought for nine years to try to prove it was in fact caused by a strep infection. For nine years, Janet Zuhike has had to pay all of Rachel’s medical bills without any help. Last year, she finally won her case. But the process drags on. It could still be another year before the Zuhikes receive a penny.

Next, I want to talk about the case of Lori Barton and her son Dustin of Arizona. Dustin received a DTP shot in 1989. He began to have subtle seizures within hours. Eventually, he was diagnosed with residual seizure disorder and he became legally blind.

The Barton’s filed for compensation, but the government lawyer assigned to the case set out to prove that Dustin’s seizures didn’t start as soon after the shot as Lori claimed. At their first hearing in 1993, that lawyer used tactics so abusive that she was reprimanded by the special master overseeing the case. Lori Barton testified that she felt like she was being treated like a criminal. It took them four years to get to the next hearing, in August 1997. Three months later, Dustin suffered a massive seizure and died.

In 1999, eight years after the Bartons filed their petition, they were finally awarded compensation. But there was one final hitch. The government threatened to appeal the decision unless the Barton’s agreed not to have it published so it couldn’t serve as a precedent for other families. That’s wrong, and we shouldn’t accept it.

As I said before, every family that enters the program isn’t treated this way. Not every government lawyer is abusive. There are many people who work in this program who sincerely want to help these families. But these aren’t isolated incidents. We have real problems here, and Congress needs to address them. For many of these families, the deck is stacked against them, and that’s not right.

I want to thank my colleagues who’ve worked with me to put together this legislation—the National Vaccine Injury Compensation Improvement Act of 2002. It has strong bipartisan support. There are other problems that go beyond the scope of this bill, and we need to address those. But this is a good first step. I hope all of my colleagues will support it.

IN HONOR OF CHRISTOPHER ELDER, RECIPIENT OF A 2002 RHODES SCHOLARSHIP

HON. EARL F. HILLIARD
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to Christopher Elders, a 2002 Rhodes Scholar. On Tuesday, February 12, 2002, Mr. Elders was acknowledged for his outstanding achievement at a dinner reception hosted by U.S. Congressman John Lewis.

A political science major at Morehouse College, Christopher Elders is the only African-American among the 32 students in the United States named to the 2002 Class of Rhodes Scholars. Currently, he serves as the Deputy Executive Director of the Morehouse College Student Government Association (SGA). In this role, he heads the committee responsible for redrafting and modifying the college code of ethics. Prior to his stint as Deputy Executive Director, Mr. Elders served as an SGA Senator from 1998 until 2000.

While at Morehouse, Elders has done a remarkable job of balancing his academic achievements with his civic responsibilities. He has been tirelessly active as an mentor to several students enrolled in Atlanta inner-city public schools. In addition, he has served as a volunteer with AIDS Atlanta, a private agency
that promotes AIDS awareness and prevention.

A Kansas City, MO native, Christopher Elders graduated from Raytown South High School. This fall, he will matriculate at Oxford University in International Relations.

Today, I ask my colleagues to join me in honoring Christopher Elders for his selfless community service and tremendous academic achievements.

REGARDING THE TESTIMONY OF

KARL V. FARMER

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. DELAHUNT. Mr. Speaker, Mr. Karl Farmer, a retiree of the Polaroid Corporation, testified before the Senate Committee on Health, Education, Labor and Pensions last week. I would like to take this opportunity to see that Members of the House also benefit from his powerful testimony on the lack of worker and retiree protections under our current pension and bankruptcy laws. I ask my House colleagues to consider his experience, and join me in advocating new safeguards to ensure retirement security for all workers and retirees.

TESTIMONY OF KARL V. FARMER, BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Good morning. My name is Karl Farmer, and I am a Polaroid employee and chairman of the Official Committee of Retirees for Polaroid Corporation. I am also accompanied today by counsel for the Official Committee of Retirees, Scott Counis, of Greenberg Traurig, as well as Betty Moss, another former Polaroid employee. I am 56 years old. I have lived in Roxbury, Medford, Bedford and Lawrence, Mass., and I recently moved to New Hampshire.

I started working for Polaroid more than 30 years ago as an engineer and became a retiree after I left the company on September 29, 2001. At the time I started with the company, Polaroid was one of THE places to work. It was an especially good company for minorities, very progressive. Polaroid was doing affirmative action programs before it became fashionable or mandatory. It was a diversified retirement plan. To allow employees some control of their retirement funds was an opportunity to educate children and families about the psychological and emotional care necessary to restore children who suffer burn injuries to full physical and mental well being. It is vital that America encourages all abilities. It is vital that America encourages all abilities. It is vital that America encourages all abilities.

The day I was to receive my first severance payment, I called to verify that it was being deposited. I later learned that many people who were supposed to receive severance payments that day did not, and the next day Polaroid declared bankruptcy. Result, Polaroid is not paying my severance, or providing the medical, dental or life insurance coverage that it had agreed to. I have been left unemployed with no benefits. I had to break a lease and vacate my apartment. I had also taken out two loans on my 401(k) plan, and I will now be unable to pay those back. As a result, I'm also going to be hit with a huge tax penalty for making withdrawals on my 401(k).

As for my ESOP plan, I had $300 shares which, at their peak, were worth about $210,000. Without asking me, or apparently anyone else, management decided to liquidate these shares for about $300. We learned, after the fact, that State Street Bank & Trust, the trustee of the fund, sent out a letter on December 10, 2001 to all employees notifying them that it was in the best interest of participants in the ESOP fund to liquidate all shares.

Many of us do not understand how the trustee of a retirement savings plan acted “in our best interest” by selling the ESOP stock when it reached 9 cents a share. Not only that, the liquidation of those shares means the “employee owners” have almost no influence. We used to own almost 20% of the company. Now we cannot even vote on the Polaroid bankruptcy and related matters. We decided to try to influence the process, even if we were disenfranchised former owners of the company. It took a big effort to get people out for what's been promised. People are scattered and we do not have lists of everyone who has been affected. Still, we organized, I'm the chair of the Official Committee of Retirees of Polaroid, which was recently recognized by the bankruptcy court. This allows us legal representation with the bankruptcy proceedings.

The offices of both Senator Kennedy and Representative Delahunt have worked very diligently with us in our fight for justice. And recently, it was announced that, after the mandatory ESOP plan which required employees to contribute 8% of their pay to the ESOP plan. I had always understood that most ESOP plans did not require workers to contribute to them, but Polaroid required that we contribute to this one.

Because of the mandatory requirement that we contribute to the ESOP, I was no longer financially able to contribute to my 401(k). As a result, my retirement was then tied up almost exclusively with the ESOP and Polaroid matched my contributions. I have not figured out how much money I would now have if I had continued to contribute to my diversified 401(k) instead of the ESOP, but I am meeting with a financial advisor from Fiduciary next week, and I'm sure they'll be able to tell me the bad news.

I didn't really realize the danger of not being allowed to diversify my retirement account until August 2001 when I was told my job was being eliminated, and I was promised a severance package which included medical, dental and life insurance coverage at employee prices for six months, along with six months severance pay. This transition period actually took me to retirement – where I could count on my ESOP and pension plans.

The TRIBUTE TO SABRINA URAN

HON. BOB SCHAFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. SCHAFER. Mr. Speaker, it is an honor to rise today to congratulate Sabrina Uran of La Junta, Colorado. A student at Manzanola High School, Sabrina recently published a poem titled “God Said . . .” in the “Scroll Original Arts Magazine.” This piece was the first published for the young author.

Sabrina has always held an interest in the language arts and is very excited one of her pieces has achieved professional recognition. The poem is written in the first person, as a dialogue between the narrator and God. As the Rocky Ford Daily Gazette wrote, “Uran’s work is read with a definitive rhythm, which culminates into an impacting, finalesque piece.

It is an honor for the state of Colorado to have such a young talent recognized for her abilities. It is vital that America encourages all young people to strive for their goals, and Sabrina is a shining example of a young person achieving her aspirations. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Ms. Sabrina Uran.

BURN AWARENESS WEEK

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to bring attention to Burn Awareness Week. The tragic events of September 11th have created many enduring memories. The attacks on the World Trade Center and Pentagon not only reminded us of our vulnerabilities to acts of terror but have also demonstrated the horrific nature of burn injuries.

Burn injuries are among the most painful and traumatic injuries one can suffer. Historically, few patients survived serious burn injuries, however because of significant advances in treatment over recent years, this is no longer the case.

I am privileged to have one of the leading burn treatment and research facilities in the country in my Congressional District: The Shriners Hospital for Children Burn Unit. One of four in the country, the Shriners Hospital has pioneered numerous breakthroughs in burn treatment. Not long ago, patients with burns over 50 percent of their body would probably not survive. Today, individuals with burns over 90 percent have a much greater chance of survival.

The four national burn centers run by the Shriners Hospitals treat over 20 percent of all pediatric burn injuries in the United States—more than 156,000 children last year alone. These children were treated free of charge and the hospital does not accept insurance or reimbursement, but provides care at a cost that provides much more than just treatment. They focus on education and prevention to ensure that burn injuries do not occur, as well as on the psychological and emotional care necessary to restore children who suffer burn injuries to full physical and mental well being.

Burn Awareness Week provides an opportunity to educate children and families about certain risks of burn injury that can be avoided. For example, the Consumer Product Safety Commission relaxed the safety standards for children’s sleepwear in 1996. This resulted in a sharp increase in the number of children suffering sleep-wear related burn injuries. Shriners Hospitals have led the effort in Congress to restore stricter safety standards for
sleepwear and to educate parents regarding the dangers inherent in untreated sleepwear worn by many children.

Burn Awareness Week can help foster awareness among parents and protect young children from the horrors of burn injuries. It also focuses additional attention on the research and treatment of those burn injuries that do occur. Mr. Speaker, charitable organizations such as Shriners Hospitals deserve great credit for their outstanding work on behalf of our Nation’s children. I rise today to recognize and support the efforts of the Shriners Hospitals in Rochester and the importance of Burn Awareness Week.

HONORING MR. LONNIE EUGENE ROARK

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Ms. SOLIS. Mr. Speaker, I rise today to honor my uncle, Lonnie Eugene Roark, on his 80th birthday.

My uncle was born on February 11, 1922 in Missouri. He was raised in Oklahoma and lived most of his life in La Puente, California. My uncle is an excellent father to his three children and two grandchildren and serves as a role model for many others. When his daughter’s husband passed away, he assumed the role as father figure to his granddaughters. He would often take her lunch to school, school functions, and doctor visits. But most importantly, by taking on a paternal role, he filled that empty void in her life.

His acts of kindness and dedication have inspired many who know him. It is a true blessing to have been raised with a role model like him. It is a true blessing.

This study provides a glimpse into the urban picture of the enormous contributions undocumented immigrants provide to our economy and the deplorable conditions under which they are subjected to work. With close to 6 million undocumented immigrants working and living in the United States, the potential impact on the national economy and the potential to improve the lives of this population through a legalization program are immeasurable, but they all point in the right direction. I urge my colleagues to look through this study and see for themselves.

[From The Washington Post Feb. 10, 2002]

CHICAGO’S UNDOCUMENTED IMMIGRANTS

(For Robert E. Pierre)
The push for the legalization of undocumented immigrants was put on the back burner after September’s terrorist attacks. But a study released last week reopens the question of what they contribute to the U.S. economy.

The 220,000 undocumented immigrants in the Chicago area contribute nearly $5.5 billion to the local economy, creating more than 31,000 jobs, according to the study by the Center for Urban Economic Development at the University of Illinois at Chicago. These undocumented workers make up about 5 percent of the labor market, the survey indicated—and seven out of 10 pay income taxes through payroll deductions taken by their employers.

Still, the survey of 1,653 documented and undocumented immigrants living in Chicago and five surrounding counties also found that those without legal documentation generally are paid less than those who are legal in the United States. That’s true regardless of their education, skill level and English proficiency, particularly among immigrants from Latin America.

“You can have two workers with exactly the same characteristics, and one will earn 20 to 25 percent less because they don’t have legal status,” said Chirag Mehta, a UIC research associate.

The Illinois Coalition for Immigrant and Refugee Rights urged amnesty for such immigrants: “Suspend the importence of a new legalization program and the positive impact that undocumented immigrant labor has on the United States,” it said in a statement.

[From the University of Illinois at Chicago]

CHICAGO’S UNDOCUMENTED IMMIGRANTS: AN ANALYSIS OF WAGES, WORKING CONDITIONS, AND ECONOMIC CONTRIBUTIONS

Undocumented immigrants are strongly committed to working in the United States and they make significant contributions to the economy. Undocumented workers account for such findings 5 percent of the Chicagometro area labor market and represent a growing segment of the low-wage workforce. Undocumented immigrants earn low wages, work in unsafe conditions, and have low rates of health insurance. Juxtaposed against these harsh realities is the fact that the undocumented workers support thousands of other workers in the local economy, pays taxes, and demonstrates little reliance on government benefits.

The study reports the findings of a survey of 1,653 documented and undocumented immigrants living in the Chicago metro area. Using a standardized questionnaire, immigrants were asked a series of questions regarding their employment status, wages and working conditions, access to health care, utilization of government safety-net programs, and legal status. The key questions that guided this analysis include:

1. Labor force participation and unemployment

Undocumented immigrants seek work at extremely high rates (91%), and most do not experience unemployment at rates that are significantly different than the Chicago metro area average. However, undocumented Latin-American women experience unemployment rates that are 0.5 times as high as the average unemployment rate for the remainder of the undocumented workforce. Factors that significantly increase the likelihood of unemployment include:

- the combined effect of undocumented status, being female, and being of Latin-American origin;
- the lack of dependent care; and
- obtaining work through temporary staffing agencies.

2. Wages

Most undocumented immigrants are employed in low-wage service and laborer occupations. Approximately, 30% of undocumented immigrants work in restaurant-related, hand-packing and assembly, and janitorial and cleaning jobs. The average (median) hourly wage earned by undocumented workers is $7.00.

All else being equal, working without legal status, in combination with the effects of national origin and gender, induces significant wage penalties for Latin Americans:

- Undocumented Latin-American men and women experience statistically significant wage penalties—22% and 36%—respectively—after controlling for length of U.S. work experience, education, English proficiency, and occupation.

Eastern-European women experience wage penalties as a result of their national origin, gender, and the fact that they do not experience penalties associated with their legal status.

Eastern-European men, documented Latin-American men, and immigrants from Asia, the Middle East, and Western Europe do not experience wage penalties associated with their national origin, gender, or legal status. Factors including, English proficiency, unionization, and obtaining employment in higher-paying occupations help undocumented Latin Americans earn higher wages.

Educational attainment among undocumented Latin Americans is higher, and they have significant positive wage effects for undocumented Latin Americans. Importantly,
disaster
so many innocent lives lost
show to the shadows of cracking evil
the emptiness is immense
loyalty
through the anguishing troubles i will
stand proudly by the sides of my fellow americans
and help as i may
to pull this country together once more
pain
sheer, pulsing pain
courting through the veins of victims
both physically and mentally wounded
troubles
broken hearts weep sullenly
filled with the shattered endearment
of their lost companions
killed by the dark-dongs of murderous men, so like us, but gruesomely different
mourning
america's tallest towers
so proud and free
lost to deadly claws of our invasive attackers
emotion
waged fight for our proof of innocence
our dedication to our blessed land
forever great, throughout all of eternity
questions
why? who could be so terrible?
only a luring shadow, cold and black as night
holds our answers
though stubbornly refusing to share them
love
is all we can give
to help our nation through such troubles
to be the best we can
life ends here for many
and we cherish memories with them
but for us life will continue
though we carry this ugly burden of a memory
forever more
peace
is our solitary hope

mr. speaker, i commend ariel mason for so bravely and honestly writing this poem. as we begin to comprehend the extent to which the terrorist attacks of september 11th have affected us personally, we should look to expressions of emotion like ariel's to help work through our own pain and confusion, and to remind us that in the face of adversity we as a country will persevere through this national tragedy.

black history month
hon. peter j. visclosky
of indiana
in the house of representatives
wednesday, february 13, 2002

mr. visclosky. mr. speaker, it is with a great sense of honor that i rise to celebrate black history month. as we honor the great cultural and historic legacy that african-american americans have left to us and to future generations, i would like to recognize the oldest african-american church in gary, indiana—first baptist. on sunday, february 24, 2002, i will have the privilege and the honor to attend the worship service at first baptist to show my respect for the church and the cause that first baptist was founded.

it was during the industrial revolution when smokestacks dotted the skies along the southern coast of lake michigan that thousands of immigrants looking for a better life and a steady income migrated to northwest indiana. many who came to northwest indiana, particularly gary, were from the south. several of the immigrants who came to gary with them deeply embedded religious beliefs, including a yearning for their own church. this unavailing spiritual foundation led in 1908 to the creation of gary's first african-american church, first baptist.

in its earliest days, the first services were held in the residence of mr. and mrs. rankins, in gary. as baptisms were performed in chicago. the need to establish a single spiritual home for its growing family of parishioners inspired the decision to purchase a vacant lot on washington street in downtown gary.

in 1917, the church moved to 2101 washington street and began to expand its house of worship. the expansion project was completed in 1925. a year later first baptist church achieved a milestone; they became the first african-american church in gary to install a pipe organ. through most of this period of unprecedented foundation and growth, rev. hawkins led and guided this congregation. in june of 1944, after 31 years of service, rev. hawkins delivered his last sermon, for his health was deteriorating. he died four years later. his successor, reverend l.v. booth, took up oon july of the same year.

under rev. booth's devoted leadership, the number of parishioners continued to grow and the church began its second major expansion project: ten new lots were purchased along 21st avenue near harrison street in 1949. in 1952, during the growth phase, rev. booth resigned after eight years of service. however, december of the same year brought forth a dedicated new pastor, rev. penn. during his 21-year tenure with first baptist, he completed the second phase of the building expansion and held a groundbreaking ceremony on may 2, 1954 on 21st avenue, with rev. william jernigan, president of the national baptist sunday school, in attendance.

in september of 1955, the parishioners marched from the building at 2101 washinton street to their new home in gary. the church achieved a milestone; they became the first in gary to have a single spiritual and historic legacy of african-american americans.

in its new home, first baptist entered an era of renewed community involvement. under rev. penn's guidance, the number of worshipers grew from 1,200 members in 1955 to more than 1,900 in 1972.

in 1973, rev. penn resigned and gave his farewell sermon. since that time, first baptist has succeeded in its efforts to provide spiritual guidance for the gary community under the direction of a number of religious leaders, including: dr. colvin blanford; rev. william biven; the rev. allen smith; and its current pastor, rev. bernie henson. sr.

a congregation founded in 1908 to meet the spiritual needs of the african-american community survives today as the city's oldest african-american church. in june of this year, rev. hawkins led and guided this congregation. under rev. penn's leadership, the number of worshipers grew from 1,200 members in 1955 to more than 1,900 in 1972.

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a congregation founded in 1908 to meet the spiritual needs of the african-american community survives today as the city's oldest african-american church. in june of this year, first baptist will celebrate its 94th anniversary. this is a testament to the positive will, dedication and fortitude of its past and present parishioners.

mr. speaker, as we remember the great cultural and historic legacy of african-american americans, i am proud of what you and my other colleagues join me in commending the parishioners at first baptist and all other outstanding african-american leaders for their
efforts to build a better society for our country and the citizens of Northwest Indiana.

TRADE ADJUSTMENT ASSISTANCE

HON. ANNA G. ESHOO
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. ESHOO. Mr. Speaker, the financial rewards from international trade are enormous. I know this firsthand because my Congressional district is part of the largest exporting region in the country. Trade provides enormous benefits to our economy so it is appropriate for us to dedicate a small fraction of these rewards to workers who are displaced because of trade.

Forty years ago Trade Adjustment Assistance (TAA) was created for U.S. workers who lost their jobs because of foreign competition. The program has suffered from a number of significant problems including inadequate funding for training, lack of health care coverage, and the existence of a separate program under NAFTA which has created confusion and inconsistencies in the program. TAA also does not currently cover farmers, suppliers, and downstream producers who face similar problems from international competition.

Representative KENT BENSEN and I have introduced the Trade Adjustment Assistance Act, H.R. 3670 to remedy these and other problems with the program. The bill harmonizes NAFTA–TAA and TAA, broadens eligibility for downstream producers, suppliers, farmers, fishermen, truckers, and taconite producers, expands income support from 52 weeks to 78 weeks and increases funding for training and TAA for firms. For the first time a healthcare benefit for displaced workers is provided and the bill establishes an Office of Healthcare benefit for displaced workers is provided and the bill establishes an Office of Health Care for displaced workers.

The decline of liberal education in the Middle East, particularly in the Arab world’s cultural and intellectual center, Egypt, is a tragic fact. I am reminded of Dr. Fouad Ajami’s article a few years ago, where he pointed out, shockingly, that Egypt produces merely 375 new books per year, whereas Israel, with less than one-tenth population, produces 4,000. Indeed, the sad state of education is one of the primary reasons for the poverty and political instability of the region. Egypt is not unique; indeed, indirectly, for an environment that produces, and exports, violence and extremism.

Mr. Speaker, I urge my colleagues to read Roy Mottahedeh’s excellent and thought provoking article, and I ask that the text be placed in the record.

[From the Washington Post, Tuesday, February 12, 2002]

ARABS AND AMERICA: EDUCATION IS THE KEY

(By Roy Mottahedeh)

Anyone who has seen the card catalogue of Cairo University should understand how tragically far Egypt and many poorer Muslim nations are from achieving the goal that President Bush rightly said in his State of the Union speech, would like to see its parents “in all societies”—namely, “to have their children educated.” The boxes of catalogue cards scattered on the floor are emblematic of the way that poverty has caused higher education to unravel in the once proud universities in most parts of the Muslim world.

Americans can and should do something about it. There is a real longing—both on the American and the Muslim side—for dialogue; and education is the obvious prerequisite for dialogue. In my opinion, Shahrizat, the wife of the Sultan of Brunei, and Khadija of Iran who first called for a “dialogue of civilizations,” which the United Nations adopted as a theme for the last year, Americans have long been committed to education in the Muslim world. The venerable American Universities of Beirut and Cairo, as well as our outstanding Fulbright programs, have produced scholars who have had the personal depth of experience to interpret cultures to each other.

But the results have been on a small scale. Now is the time to have the vision to create a plan that will, through education, create the conditions for true and extensive dialogue, and also create the human capital that is essential for poorer Muslim societies such as Egypt’s to advance. It is a solid but minor contribution to the dialogue of cultures if an American historian teaches for a year in Egypt or an Egyptian mathematician comes to MIT for two years and completes degree. But it would be a major contribution to such dialogue if well-funded liberal arts institutions teaching in Arabic in Cairo offered BA’s to a significant number of college-age students. For good liberal arts education in the vernacular—Arabic, Tajik, Arabic or whatever—is far too rare in the poorer countries of the Muslim world.

No one wants to “Americanize” others through education, but all of us want to see more educated populations whose education does not isolate them into an elite associated with knowledge of an European language. The unfortunate association of many of the educated elite with their education only widens the gulf between them and their fellow countrymen and makes them seem unnecessarily “alien.”

The slavish adherence of such enlightened liberal arts education system would be forces for economic development not only because of the skills but also because this ability to speak authentically within their cultures as native voices, impossible to label “agents” of an outside culture. The Egyptian Nobel prize laureate Naguib Mahfouz was a graduate of Cairo University at a time when it was such an institution. And he was a man of the people, not raised speaking English, and therefore would probably never have won a place at an expensive English-speaking university.

The underprivileged education when the needs in these societies are so great? Because the enormous bulge of populations under 21 in these countries are hungry for education and understanding, they are the future interpreters of their cultures.

Why favor education in the vernacular? Because it will reach the underprivileged, will create the textbooks and language of discourse, and will allow a discourse that draws on the indigenous cultures of these countries, some of which, such as Egypt, can claim a tradition of 5,000 years of higher education in their languages.

Why a “liberal” education? Because the tradition that a “liberal” education teaches us to think critically and write intelligently about both the human and scientific spheres is a value that the Muslim and Western cultures have shared for more than a thousand years.

As President Bush also said in his speech: “Let skeptics look to Islam’s own rich history with its centuries of learning and tolerance and progress.”

Cairo was once the place where Maimonides, the Jewish philosopher, studied the ideas of Avicenna the Muslim philosopher and read Aristotle as translated into Arabic by, among others, Christian Arab philosophers. But its ancient madrasas and European-style institutions of learning have fallen on very hard times (not to mention the miserable neo-orthodox madrassas that have sprung up everywhere in the Muslim world). A new Fulbright plan that would rescue them or establish parallel institutions in Cairo, Karachi and kindred places would create a dialogue of civilization which would truly flourish.

TRIBUTE TO MRS. LOLA GIBBS, EDUCATOR, COMMUNITY LEADER, AND ROLE MODEL, ON HER 100TH BIRTHDAY

HON. MICHAEL N. CASTLE
OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to a leader in the African-American community and Delaware at large for her 100th birthday on March 30, 2002—Mrs. Lola Gibbs, a life-long teacher, leader and role model. Lola Gibbs is an outstanding, dedicated and caring Delawarean with an abundance of energy and a lifetime of high praise and accomplishments. Not only does she have the skills but also the ability to enable others to accomplish her high standards and of what she has done in the first 100 years of her life. On behalf of myself and the citizens of the First State, I would like to honor Mrs. Lola Gibbs, a life-long teacher, leader and role model. Lola Gibbs is an outstanding, dedicated and caring Delawarean with an abundance of energy and a lifetime of accomplishments.
TRIBUTE TO CALIFORNIA STATE SENATOR JOHN BURTON

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to my good friend and former colleague in the California State Senate, Senator John Burton. Senator Burton is being “roasted” this weekend at the California Democratic Party’s convention in Los Angeles, California.

Born December 15, 1932, Senator Burton attended San Francisco State College and USF Law School. Senator Burton was elected president pro tem in February of 1998. He was elected to the State Senate in 1996 and represents the 3rd Senatorial District of California which includes San Francisco, Marin County, and Southern Sonoma County. He has served in the State Assembly and the U.S. House of Representatives.

Under Burton’s leadership, Cal Grant college scholarships became guaranteed for students with financial need who maintain a 2.0 grade point average or higher. In the first state budget enacted after he became president pro tem, Burton restored cost of living adjustments and increased benefits for the elderly, blind and disabled and for mothers and children on welfare. Burton recently ensured that mental health services and juvenile crime prevention programs received historic levels of support.

As a recipient of the Sacramento Bee state senator of the year award, Senator Burton has earned the respect of the people who work for California to truly help the needy. He is a man with a kind heart, golden spirit and the kind of friend I am proud to have made while I was in the California legislature. I respect him deeply for his tenacity to fight for the rights of people who do not have a strong voice in government decision-making.

His daughter Kimiko is the Public Defender for the city and county of San Francisco. He is also the proud grandfather to 16-month old Juan Emilio Cruz.

TRANSITIONAL HOUSING

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. SCHAKOWSKY. Mr. Speaker, today I am introducing the Domestic Violence and Sexual Assault Housing Assistance Act of 2002. This bill has broad bipartisan support with over 100 cosponsors. It authorizes $50 million for transitional housing assistance for those escaping domestic violence in their homes and in their lives. At this time when we are devoting extensive resources to ending terror around the world, let us not forget to address the terror of domestic violence, sexual assault, and stalking that plagues women’s lives.

In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act and re-authorized the Violence Against Women’s Act (VAWA). As part of VAWA, Congress agreed to support $25 million for transitional housing assistance. Though this amount would have assisted too few, the money was never even appropriated to this program.

The rates of violence against women are astounding. According to the Department of Justice, 960,000 women annually report having been abused by their husband or boyfriend. The actual number is significantly higher due to difficulties in reporting. According to estimates by the McAuley Institute, $50 million in funding for transitional housing would provide assistance to at least 5,400 families. Though this is not enough, we must start somewhere.

Violence against women is an epidemic that affects not only women, but their children and families as well. Every year, thousands of women flee abusive situations with few financial resources and often nowhere to go. Lack of affordable housing and long waiting lists for assisted housing mean that many women and their children are forced to choose between abuse at home or life on the streets. Furthermore, shelters are frequently filled to capacity and must turn away battered women and their children. The connection between continued abuse and lack of transitional housing is overwhelming. A Ford Foundation study found that 50% of homeless women and children were fleeing abuse.

Furthermore, almost 50 percent of the women who receive Temporary Assistance to Needy Families funds cite domestic violence as a factor in the need for assistance. The problem of high need is compounded by the lack of adequate emergency shelter options. The overall number of emergency shelter beds for homeless families going unmet decreased by an average of 3 percent in 1997 while requests for shelter increased on the average by 3 percent. Emergency shelters struggle to meet the increased need for services with about 32 percent of the requests for shelter by homeless families going unmet. In 88 percent of cities reporting having to turn away homeless families from emergency shelters due to inadequate resources for services.

Transitional housing assistance will not only provide immediate safety to women and children, but will also help women gain control over their lives and get back on their feet. There are critical services available at transitional housing shelters such as counseling, job training, and child care that these women need to help them along the road to economic self-sufficiency.

It is now essential that we not only pass this legislation but also appropriate $50 million for transitional housing assistance and provide this critically needed safety net for women seeking to escape abuse. We must be supportive of individuals who are escaping violence and seeking to better their lives. I hope my colleagues will join me in supporting this legislation and work for its passage.

IN MEMORY OF DR. PHILIP ARNOLD NICHOLAS OF NASHVILLE, TENNESSEE

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. CLEMENT. Mr. Speaker, I rise today in memory of Dr. Philip Arnold Nicholas of Nashville, Tennessee, who departed this life on January 3, 2002, after an extensive career as a physician and an educator.

Beloved by all those who knew him, Dr. Nicholas was best known for his work at Meharry Medical College, where he established the gynecology department and as the founder of Planned Parenthood of Nashville.

He was born May 12, 1914 in Kingston, Jamaica, the son of Phillip Harrigan Nicholas, a civil engineer who worked on the Panama Canal, and Lillian Burke Nicholas, a caterer who ran her business from their home.

Nicholas was an enthusiastic student with the dream of becoming a physician at a very young age after assisting a friend with an injury in elementary school. He received a Jesuit education at St. George’s College in Kingston and later studied pharmacy at Spanish Town Hospital in St. Catherine Parish. He became a pharmacist for the Kingston Public Health Hospital, still fostering the dream of becoming a doctor.

He married Violet Richards in 1940; and in 1945, he came to the United States and entered Howard University, earning his Bachelor’s Degree in 1947. In 1950, he began study at Meharry. For eight summers during college, graduate school and medical school, he worked 19-hour days in
order to provide for his family and earn his education. His hard work and dedication paid off, when he graduated from Meharry as a member of the Alpha Omega Alpha Honor Society in 1954. His residency in Obstetrics was completed in 1957. Dr. Matthew Walker trained in the surgical department at Meharry. In 1957, he accepted a graduate program in OB–GYN at the University of Pennsylvania in Philadelphia, where as one of only two African Americans, his classmates chose him to serve as class president for the year long program.

As a respected physician, Dr. Nicholas returned to Meharry in 1958, and his tenure on Meharry’s faculty ranged from 1959 to 1984 during which time he served as vice chairman of the OB–GYN surgery department for more than 23 years and as Dean of Admissions at the School of Medicine from 1967 to 1982.

Meharry honored him many times, eventually establishing two scholarships in his name. In 1984, he received the Distinguished Alumnus Award for Medicine from the National Alumni Association and in 1999, the Alumnus of the Year Award. The Meharry singers recognized him in 1985 for “giving dedicated service to improving the academic, cultural and social life of students at the college.”

A birthing room was named for him at Hubbard Hospital in 1989, and ten years later the OB–GYN GYN surgery department for more than 35 years.

Throughout his career he represented Meharry on a number of committees and medical associations including the American Board of Obstetrics and Gynecology, the American Association of Medical Colleges, the R. F. Boyd Medical Society, and the committee for special education within the Metropolitan Board of Education.

As founding member of the Planned Parenthood Association of Nashville, he served as the first treasurer and later as a member of the Board of Directors. Additionally, he was the first vice-president of Children and Family Services in Nashville.

Outside of outstanding educational and healthcare activities, Dr. Nicholas contributed to the community as a founding member of St. Anselm’s Episcopal Church, serving on the Fisk-Meharry Community Advisory Council and as a member of the Alpha Phi Alpha Fraternity.

He counted among his most rewarding contributions to the education of many family members and friends. He would often say, “I did not invest in stocks and bonds, I invested in people. The dividends have been grand!”

Left behind: his precious memories are his devoted wife of sixty-one years, Violet May Nicholas; his loving daughters, Gertrude Nicholas Brooks of Morganfield, KY and Dr. Allison Nicholas Metz of San Francisco, CA; granddaughters, Dr. Marilyn Nicole Metz of Loma Linda, CA; grandchildren Ernest Adalbert Brooks III of San Francisco, Philip A. Nicholas Brooks of Nashville, Leon Benjamin Metz 111, Lionel Nicholas Metz and Laurence Christopher Metz, all of San Francisco; nieces, Noreen Blanche Nicholas, Audrey Nicholas Caldwell (Van), Dr. Jo-Dee S. Smith (Hofford), Monique E Banks (Samuel), Carinen Nicholas and Grace Lewis; nephews, Dr. Phillip Boume (Vicky), Cecil Nicholas and Dr. Earl Nicholas (Wozna); sister-in-law, Vertible Lewis; dear cousins, Mavis and Ferdie Madden; many grandnieces and nephews; several cousins; “sisters” Ruby Smith and Izetta Cooper; devoted friends, Dr. Alford and Dorothy Vassall, Drs. Myrtle and George Mason and family; Pearline Gilpin Fletcher, Joy Vassall and daughter Camille; and a host of dear friends, relatives and colleagues.

Today we honor Dr. Nicholas’ significant investment to Tennessee as a truly compassionate leader and friend. Mr. Speaker, I yield back the balance of my time.

IN HONOR OF THE BAYONNE MEDICAL CENTER

HON. ROBERT MENENDEZ
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the renaming of Bayonne Hospital to Bayonne Medical Center. The renaming will take place at a reception on Wednesday, February 13, 2002, in the Main Lobby of the Bayonne Medical Center.

Bayonne Medical Center’s new name is a reflection of the facility’s outstanding healthcare services that are provided to the community of Bayonne. What makes the Bayonne Medical Center so outstanding is its staffs commitment to the well-being of its patients, the citizens of Bayonne, as well as its wide array of cutting edge health care technology. The top-notch medical staff, nursing professionals, technicians, and volunteers offer patient-focused care, professional diagnostic and treatment options, and a wide range of clinical services.

For more than one hundred years, Bayonne Hospital has played an essential role in providing clinically advanced healthcare services for an ever growing and changing community.

Over the past century, the medical professionals at Bayonne Hospital have not only shown their skill in adapting to great life-saving advancements in medical technology and healthcare services, but they have also demonstrated their commitment to our community by adapting their services to meet the needs of all of our community, regardless of race, ethnicity, culture, or income. I have no doubt that Bayonne Medical Center will continue to meet the additional challenges and advancements of the coming century, just as Bayonne Hospital has done for the past 100 years.

Today, I ask my colleagues to join me in honoring Bayonne Medical Center for providing excellent care to the citizens of Bayonne, New Jersey. Thanks for a past, present, and future of quality health care for our community.

CONGRATULATING UNIVERSITY OF SOUTHERN CALIFORNIA MEXICAN AMERICAN ALUMNI ASSOCIATION

HON. HILDA L. SOLIS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to congratulate the University of Southern California Mexican American Alumni Association (USC MAAA). Since its inception, USC MAAA has committed itself to the development of funds to provide tuition assistance grants to Latino students enrolled at the University of Southern California.

USC MAAA was founded by Raul Vargas and seven other alums, who approached the president of the university and set the parameters for the organization during the 1973–74 school year. The university offered to match the MAAA’s undergraduate scholarship monies on a two to one basis, and the USC Graduate School offered to match the graduate student fellowships on a one to one basis.

USC MAAA has provided educational grants to over 5,200 USC Latino students amounting to over $9.9 million dollars. As such, USC MAAA has played a critical role in helping students attain degrees in various fields such as medicine, law, media, business, humanities, science, and social sciences.

The success of USC MAAA can be largely accredited to the leadership provided by its Executive Director, Raul Vargas. A USC alum himself, Raul Vargas recognizes the great financial obstacles that Latinos face in attaining their academic goals. Therefore, Raul Vargas has worked tirelessly to garner support for USC MAAA from prominent members of the community so that Latino students can make their educational and career dreams a reality.

This year, USC MAAA celebrates its 27th Annual Fundraising Dinner. I ask that my colleagues join me in congratulating the work of USC MAAA.

HONORING THE LIFE OF WILLIAM B. MOGE

HON. RICHARD E. NEAL
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great sadness that I rise before the House today. On January 18, 2002, Western Massachusetts lost one of its most cherished and influential citizens. Mr. William B. Moge of West Springfield passed away at the age of 93.

Bill Moge was one of a kind. A graduate of Springfield Technical High, he began a coaching career in the late 1950s which lasted until his retirement in 1984. His accomplishments in football, baseball and basketball earned him recognition by the Massachusetts High School Coaches Hall of Fame in all three sports. After his last football game, in 1983, the field at Sotz Park in Chicopee, Massachusetts was named after him. His alma mater, Providence College, inducted him into its Hall of Fame in 1984.

However, Bill Moge was far more than a coach. He was a guidance counselor at Chicopee High School. He was a motivator and a disciplinarian. As a result of his teaching, his players have excelled in all walks of life, from professional sports to politics. If you talked with his players today, they wouldn’t mention x’s and o’s or game strategies. They would tell you that Coach Moge instilled confidence in each and every one of them. He taught his players how to succeed in life, not just sports. His legacy will live on forever in the players who became coaches and who have passed on his lessons to their own players.
The importance of people like Bill Moge cannot be overstated. He left a positive and indelible mark on Chicopee High School, its students and its athletes. The Western Massachusetts community will sorely miss him.

Mr. Speaker, allow me to extend my sympathy to the family of Bill Moge, his six children, ten grandchildren and one great-grandchild.

HONORING THE SECOND CONGRESSIONAL DISTRICT LATINO ADVISORY COMMITTEE

HON. BOB Etheridge
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to inform my colleagues of an important constituency in the Second Congressional District of North Carolina: the growing Latino population.

Three years ago, I formed the Second Congressional District Latino Advisory Committee to reach out to North Carolina’s Latino community and provide responsive representation to the needs and concerns of this rapidly expanding community. North Carolina has undergone tremendous demographic changes over the past decade, and the Latino population is the fastest growing group in our state. During my service in the U.S. House, I have worked hard to serve the needs and represent the interests of all the people of the Second District. I established this committee to reach out to some of our newest residents, to open up lines of communication, and forge strong bonds among all groups of people.

Mr. Speaker, the Latino Advisory Committee, small upon its inception, has grown to over 70 members today. Among those who have joined the Committee are the Honorable Carolina Zaragoza-Flores, the Consulate General of the Mexican Consulate in Raleigh, North Carolina, and Ms. Maribell Diaz, the Executive Director of the Hispanic Task Force of Lee County, North Carolina. I am pleased that the members of the Hispanic Advisory Committee represent a cross-section of our state’s diverse Latino population.

I rely on their insight and knowledge to advise me on issues important to their community. For instance, during our last meeting held on August 23, 2001, members of the Second Congressional District Latino Advisory Committee raised a number of diverse concerns.

Mr. Speaker, prior to the terrorist attacks of September 11, immigration and amnesty proposals were hot topics in Washington, and the Bush Administration was contemplating major changes in U.S. immigration policy. Latino Advisory Committee members expressed concerns that any immigration and amnesty proposal should address a number of key points: family re-unification, earned access to legalization, border safety and protection, an enhanced temporary worker program, and fairness for immigrants and legal residents. However, as we all know, the terrorist attacks put immigration liberalization proposals on the backburner. It is my hope that the Congress will not back away from the need of America’s immigrant families, who still need our help.

Latino Advisory Committee members also raised concerns about extension of the Section 245(i) Visa Program. Mr. Speaker, the Section 245(i) Visa Program allows illegal immigrants to apply for permanent residency while remaining in the country. Our members expressed serious concerns that the expiration of the Section 245(i) Visa Program would unnecessarily rip immigrant families apart. I believe that Congress should respond to the call for fairness and justice in our immigration laws and extend the Section 245(i) Visa Program.

Immigration has played a critical role in America’s history, and immigrants have been essential to the development of our economy and our society. I was appointed to confer to the Fiscal Year 2002 Commerce-Justice-State Appropriations bill to omit a Senate provision that would have permanently extended this worthy program. It is my sincere hope that Congress will extend the Section 245(i) Visa Program soon.

Mr. Speaker, the next meeting of the Second Congressional District Latino Advisory Committee will be held on February 20. I look forward to another lively discussion with our members about ways in which I can better serve them in the U.S. House. I extend my sincere gratitude to each member of the Latino Advisory Committee for their participation in this group. The most important job I have as a Congressman is to be the voice of the people. In the Second District we have many different voices and more than one language, and contributions of our Latino Community help bring us all together as one unifying chorus. I encourage each of my colleagues to consider establishing similar committees in their own districts.

HONORING MS. ELIZABETH BROWN CALLETON

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to honor Ms. Elizabeth Brown Calleton for her forty years of contributions to women’s health care and family planning in the San Gabriel Valley community.

Ms. Elizabeth Brown Calleton graduated from Smith College in 1956 with a Bachelors degree in government. She continued her education and received a Masters degree in 1962 from Columbia University in Public Law and Government. A decade later, Ms. Calleton began her professional career as an Administrative Assistant in Planned Parenthood in Pasadena, California and in 1974 she became Associate Director. She has been the Executive Director since 1979.

In addition to her commitment to Planned Parenthood, Ms. Brown Calleton was past President of League of Women Voters of the Pasadena area chapter and has served on the board of Young and Healthy, Women At Work, and Planned Parenthood Affiliates of California.

Her contributions have been recognized by many including the Women of Achievement, Magna Carta Business and Professional Women, and the Pasadena-Foothill YWCA.

Although Ms. Calleton worked hard to make significant inroads on the area of women’s health care, she was also able to be a great mother and grandmother to her three children and her four grandchildren.

Today I ask my colleagues to join me in honoring this remarkable woman for her contributions in the area of women’s health care to the San Gabriel Valley community.

LET’S FIND A CURE FOR SCLERODERMA

HON. LUIS V. GUTIERREZ
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. GUTIERREZ. Mr. Speaker, on Thursday, February 7, I introduced H. Con. Res. 320, a bill to help the more than 300,000 Americans who suffer from Scleroderma. Scleroderma is a chronic, often progressive autoimmune disease in which the body’s immune system attacks its own tissues.

The disease manifests itself in two forms: localized Scleroderma, affecting the skin and underlying tissue, and systemic Scleroderma, also known as systemic sclerosis, a potentially life-threatening disease that attacks internal organs including the lungs, heart, kidneys, esophagus and gastrointestinal tract.

Scleroderma can vary a great deal in terms of severity. While for a few individuals it is merely a nuisance, for many it is a life-threatening illness. For most, it is a disease that affects how they live their daily lives.

The wide range of symptoms and localized and systemic variations of the disease make it especially hard to diagnose. The average diagnosis is made 5 years after the onset of symptoms. Once diagnosed, however, people with Scleroderma can only look forward to symptomatic relief, as there is no known cure. Symptoms may include swelling, hardening and thickening of the skin, blood vessel spasms with severe discomfort in the fingers and toes, weight loss, joint pain, swallowing difficulties, nonhealing ulcerations on the fingertips and extreme fatigue. In its more advanced forms, Scleroderma can prevent patients from performing even the simplest tasks.

Among the goals of my legislation is to help adequately fund research projects regarding Scleroderma; hold a Scleroderma symposium that would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in Scleroderma research and to establish a national epidemiological study to better track the incidence of this disease.

Mr. Speaker, I urge my colleagues to join me in bringing awareness and find a cure to this devastating disease.

HONORING SENATOR MITCH MCCONNELL ON THE OCCASION OF HIS 60TH BIRTHDAY

HON. ERNIE FLETCHER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. FLETCHER. Mr. Speaker, today I rise in the well of the United States House of Representatives to wish a Happy 60th Birthday to a statesman and one of my esteemed colleagues in the United States Senate. During his first 60 years, Senator MITCH McCONNELL has influenced thousands of people, in both Kentucky and throughout the United States.
Born on February 20, 1942, Senator McConnell demonstrated his leadership and political skills at an early age. He was elected student body president of his high school, student body president of the University of Louisville College of Arts and Sciences, and president of the Associated Students at the University of Kentucky College of Law. After graduating from law school, Senator McConnell quickly ascended Washington politics as an intern for U.S. Senator John Sherman Cooper, chief legislative assistant to U.S. Senator Marlow Cook, and deputy assistant general under President Gerald R. Ford.

After serving in Washington, Senator McConnell returned home to Kentucky to help build the Republican Party he loves so much. He was elected as County Judge-Executive in Jefferson County in 1978 and to the United States Senate in 1984. He is the only Republican in Kentucky history to be elected to three full terms in that esteemed body.

Since arriving in the Senate, Senator McConnell has achieved recognition as being one of Washington’s most influential people. He is the Ranking Member of the Senate Rules Committee, the Ranking Member of the Senate Foreign Operations Appropriations Subcommittee, a senior member of the Senate Agricultural Committee, and a member of the Senate Judiciary Committee. Senator McConnell’s committee assignments position him well to champion issues that matter to Kentuckians.

Perhaps one of the biggest honors of Senator McConnell’s political career came in January 2001. As the Chairman of the Joint Congressional Committee on Inaugural Ceremonies, he directed the planning and production of President George W. Bush’s Inauguration as the 43rd President of the United States. Not only did he serve as emcee of the 2001 Inauguration Ceremony and escort President Bush throughout the day’s historic events; he also helped coordinate the “Bluegrass Inaugural Ball.”

Along with the long list of accomplishments in his political and professional life, Senator McConnell is a committed husband to his wife, Secretary of Labor Elaine Chao, and a loving father to his three daughters: Elly, Claire, and Porter.

On Senator McConnell’s 60th Birthday, I think it is important to thank him for the guiding light he provides to other folks in Kentucky. I speak personally and on behalf of a number of Republican candidates who have been inspired and helped by Senator McConnell’s leadership. He taught us that Republicans can win in Kentucky.

Mr. Speaker I would ask my colleagues in the United States House of Representatives to join me in wishing him a very happy birthday and continued service for Kentucky and America.

TRIBUTE TO WALLACE E. GOODE, JR.

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize my constituent, Mr. Wallace E. Goode, Jr., who will be awarded the Franklin H. Williams Award by the U.S. Peace Corps this month.

Most Americans visualize the Peace Corps as groups of student volunteers working in the “developing world.” A far away world dogged by poverty and disadvantage, a place where we only visit through somber images of undernourished children and devastated villages on television.

However, the developing world is not necessarily that remote. In fact, it may reside within our own borders. Wallace Goode fully understands this, as Executive Director of the Chicago Empowerment Zone and an individual with a solid record of serving and helping in areas that need it most. Mr. Goode has a crucial role in the revitalization effort, as he manages the push for community self-sustainability for distressed neighborhoods in Chicago.

The Peace Corps mission pinpoints “to help; to learn; to teach” as core duties. Mr. Goode learned at a student from Elmhurst College in Elmhurst, IL, a grad student at the University of Vermont and as a doctoral candidate at Loyola University while studying Educational Leadership and Policy Studies. Early in his career of helping and giving, Mr. Goode served as Director of Rural Development in Central Africa, Community Development Field Officer in the Solomon Islands and Trainer for the U.S. Peace Corps.

Furthermore, he helped to teach others as a Dean at Allegheny College in Meadville, PA, Assistant Dean of Students at the Illinois Institute of Technology in Chicago, IL, and a Manager at International Orientation Resources (IOR) teaching fellow managers and executives how to approach business with other cultures and cross-cultural conflict resolution.

Today, he continues to advance the Peace Corps legacy of civic service by addressing Chicago’s Empowerment Zone revitalization initiatives, of economic empowerment, affordable housing, public safety, cultural diversity, Health and Human Services, and Youth futures.

Each year, the Franklin H. Williams Award honors the outstanding leadership contributions that Peace Corps volunteers of color have made in the area of community service. And I can’t think of a better or more deserving recipient, and that is most likely how the Chicago Area Peace Corps Association felt when they nominated him.

Mr. Speaker, seldom do we get to sing the praises of individuals whose hard work and positive deeds improve the world. Thanks to the Peace Corps. Mr. Wallace Goode’s inspiring example will not be unsung.

FARM BILL PAYMENT LIMITATIONS A NECESSARY STEP

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 12, 2001, Omaha World-Herald. The editorial emphasizes the importance of reviewing the purpose of farm programs. It also expresses support for limiting farm payments, which would benefit family farmers and restore public confidence in farm programs.

QUESTIONS

Mr. Speaker, seldom do we get to sing the praises of individuals whose hard work and positive deeds improve the world. Thanks to the Peace Corps. Mr. Wallace Goode’s inspiring example will not be unsung.

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Monetary Freedom and Accountability Act. This simple bill takes a step toward restoring

INTRODUCTION OF THE MONE-
Congress’ constitutional authority over the monetary policy of the United States by requiring Congressional approval before the President or the Treasury Secretary buys or sells gold.

Federal dealers in the gold market have the potential to seriously disrupt the free market by either artificially inflating or deflating the price of gold. Given gold’s importance to America’s (and the world’s) monetary system, any federal interference in the gold market will have ripple effects through the entire economy. For example, if the government were to intervene in the gold market, the result would be to hide the true effects of an inflationary policy until the damage was too severe to remain out of the public eye.

By artificially deflating the price of gold, federal actions in the gold market can reduce the value of private gold holdings, adversely affecting millions of investors. These investors rely on their gold holdings to protect them from the effects of our misguided fiat currency system. Federal dealings in gold can also adversely affect those countries with large gold mines, many of which are currently ravaged by extreme poverty. Mr. Speaker, restoring a vibrant gold market could do more than any foreign aid program to restore economic growth to these areas.

The official U.S. policy in dealing in gold, the Gold Anti-Trust Action Committee (GATA) has uncovered evidence suggesting that the Federal Reserve and the Treasury, operating through the Exchange-Stabilization Fund and in cooperation with major banks and the International Monetary Fund, have been interfering in the gold market with the goal of lowering the price of gold. The purpose of this policy has been to disguise the true effects of the monetary bubble responsible for the artificial prosperity of the 1990s and to protect the politically-powerful banks who are heavily invested in gold derivatives. GATA believes federal actions to drive down the price of gold help protect the profits of these banks at the expense of investors, consumers, and taxpayers around the world.

GATA has also produced evidence that American officials are involved in gold transactions. Alan Greenspan himself referred to the federal government’s power to manipulate the price of gold at a hearing before the House Banking Committee and the Senate Agricultural Committee in July, 1998: “Nor can private counterparties restrict supplies of gold, another commodity whose derivatives are often traded over-the-counter, where central banks stand ready to lease gold in increasing quantities should the price rise.” [Emphasis added].

Mr. Speaker, in order to allow my colleagues to learn more about this issue, I am enclosing a copy of GATA’s allegations of Federal involvement in the gold market.

Mr. Speaker, I certainly share GATA’s concerns over the effects of federal dealings in the gold market, my bill in no way interferes with the ability of the federal government to buy or sell gold. It simply requires that before the executive branch engages in such transactions, the Congress have the chance to review it, debate it, and approve it.

Given the tremendous effects on the American economy from the federal dealings in the gold market, it certainly is reasonable that the people’s representatives have a role in approving these transactions, especially since Congress has an all-too-neglected Constitutional role in overseeing monetary policy. Therefore, I urge all my colleagues to stand up for our Constitution, open government, and Congressional constitutionality in monetary policy by sponsoring the Monetary Freedom and Accountability Act.

[Insight Magazine, March 4, 2002] ALL THAT GLENNERS IS NOT GOLD
(By Kelly Patricia O’Meara)

Even though Enron employees and the company’s accounting firm, Arthur Andersen, have resisted documents—enough information remains in the ruins of the nation’s largest corporate bankruptcy to provide a clear picture of what happened to wreak what once was the seventh-largest U.S. corporation.

Obfuscation, secrecy, and accounting tricks appear to have catapulted the Houston-based trader of oil and gas to the top of the Fortune 100, only to be brought down by the same corporate chicanery. Meanwhile, Wall Street analysts and the federal government’s top bureaucrats were convinced the Enron crash is an isolated case, not in the least reflective of how business is done in corporate America. But there was a tide of high finance who weren’t buying the official line and warn that Enron is just the first to fall from a shaky house of cards.

Many analysts believe that this problem is nowhere more evident than at the nation’s biggest banks, particularly at the House of Morgan (J.P. Morgan Chase). One of the largest traders in gold and a major international bullion bank, Morgan Chase has received heavy media attention in recent weeks both for its financial relationships with bankrupt Enron and the Global Crossing Ltd. as well as the financial collapse of Argentina.

It is no secret that Morgan Chase was one of Enron’s biggest lenders, reportedly losing at least $600 million and, perhaps, billions. The banking giant’s stock has gone south, and management tried before its shareholders to explain substantial investments in highly speculative derivatives—hidden speculation of the sort that overheated and blew up on Wall Street.

In recent years Morgan Chase has invested much of its capital in derivatives, including gold and interest-rate derivatives, about which very little information is provided to shareholders. Among the information that has been made available, however, is that as of June 2000, J.P. Morgan reported nearly $30 billion in gold derivatives and Chase Manhattan Corp., although merged with J.P. Morgan, still reported separately in 2000 that it had $35 billion in gold derivatives. Analysts say all the derivatives have exploded at this bank and that both positions are enormous relative to the capital of the bank and the size of the gold market.

It gets worse. J.P. Morgan’s total derivatives position reportedly now stands at nearly $20 trillion, or three times the U.S. annual gross domestic product. Wall Street insiders have long speculated that $20 trillion gold market were to rise, Morgan Chase could be in serious financial difficulty because of its “short position” in gold. In other words, if the price of gold were to rise, Morgan Chase and other bullion banks that are highly leveraged in gold would have trouble covering their liabilities. One financial analyst, who asked not to be named, explained the situation this way: “Gold is borrowed by Morgan Chase from the Bank of England at 1 percent interest and then Morgan Chase sells the gold on the open market, then reinvests the proceeds into interest-bearing vehicles at maybe 6 percent.

Some point, though, Morgan Chase must return the borrowed gold to the Bank of England, and if the price of gold were significantly to increase during any period in this time, Morgan Chase would no longer have whatever gold and potentially ruinous to repaid the gold.”

Bill Murphy, chairman of the Gold Anti-Trust Action Committee, an organization that researches and studies what he calls the “gold cartel” (J.P. Morgan Chase, Deutsche Bank, Citigroup, Goldman Sachs, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (the World Bank), the U.S. Treasury, and the Federal Reserve), and owner of www.LeMetropoleCafe.com, tells Insight that: “Morgan Chase and other bullion banks are anarchic. I am praying they get caught.” Murphy says, “Enron occurred because the nature of their business was obscured, there was no oversight and someone was cooking the books. Enron was deceiving everyone about their business operations—and the same thing is happening with the gold and bullion banks.”

According to Murphy “The price of gold has always been a barometer used by many to determine the financial health of the United States. A steady gold price usually is accompanied by the publication of analysts as an indication of a reflection of the stability of the financial system. Steady gold, steady dollar. Enron structured a financial system that can’t risk or eventually took it down. The same structure now exists at Morgan Chase with their own interest-rate/gold derivatives position. There is very little information available about its position in the gold market and, as with the case of Enron, it could easily bring them down.

In December 2000, attorney Reginald H. Howe, a private investor and proprietor of the Website www.goldenexstant.com, which reports on gold, filed a lawsuit in the U.S. District Court in Boston. Named as defendants were J.P. Morgan & Co., Chase Manhattan Corp., Citigroup Inc., Goldman Sachs Group Inc., Deutsche Bank, Lawrence Summers (former secretary of the Treasury), William McDonough (president of the Federal Reserve Bank of New York), Alan Greenspan (chairman of the Board of Governors of the Federal Reserve System), and the BIS.

Howe’s claim contends that the price of gold has been manipulated since 1994 “by concerted action of public and private banks, with three objectives: 1) to prevent rising gold prices from sounding a warning on U.S. inflation; 2) to prevent rising gold prices from signaling weakness in the international value of the dollar; and 3) to prevent banks and others who have funded themselves through borrowing gold at low interest rates and selling physical gold from suffering huge losses as a consequence of rising gold prices.”

Murphy tells Howe that the price of gold has been manipulated since 1994 “by concerted action of public and private banks, with three objectives: 1) to prevent rising gold prices from sounding a warning on U.S. inflation; 2) to prevent rising gold prices from signaling weakness in the international value of the dollar; and 3) to prevent banks and others who have funded themselves through borrowing gold at low interest rates and selling physical gold from suffering huge losses as a consequence of rising gold prices.”

According to Howe, “There is a great deal of evidence, but this is a very complicated
issue. The key, though, is the short position of the banks and their gold derivatives. The central banks have ‘leased’ gold for low returns to the bullion banks for the purpose of keeping the gold price low. Greenspan remarks in 1998 explain how the price of gold has been suppressed at times when it looked like the price of gold was increasing.’

Furthermore, Howe’s complaint also cites remarks by Edward George, governor of the Bank of England and a director of the BIS, to Nicholas J. Morrell, chief executive of Lonmin Plc. “We looked into the affair if the gold price rose further. A further rise would have taken down one or several trading houses, which might have taken down all the rest in their wake. Therefore, at any price, at any cost, the central banks had to quell the gold price, manage it. It was very difficult to get the gold price under control, but we have now succeeded. The U.S. Fed was very active in getting the gold price down. So was the U.K. (United Kingdom).”

Whether the Fed and others in the alleged “gold cartel” have conspired to suppress the price of gold may, in the end, be secondary to the growing need for financial transparency. Wall Street insiders agree that as long as regulators, analysts, accountants, and politicians can be lobbied and “co-opted” to permit special privileges, there will be more Enron-size failures.

Securities and Exchange Commission Chairman Harvey L. Pitt, well aware of the seriousness of these problems, recently testified before the House Financial Services Committee that “it is my hope there are not other Enrons out there, but I’m not willing to rely on hope.”

Robert Maltbie, chief executive officer of www.stockjock.com and an independent analyst, long has followed Morgan Chase. He tells insight that “there are a lot of things going on in these companies, but we don’t know for sure because much of what they’re doing is off the balance sheet. The market is scared and crying out to see what’s under the hood. Like Enron, much of what the banks are doing is off the balance sheet, and it’s a time bomb ticking as we speak.”

Just as it would be difficult if a bank the size of Morgan Chase were unable to meet its financial obligations? “It’s tough to go there,” Maltbie says, “because it could shake the financial markets to the core.”

Don began his long tenure in public service in 1959 as an Administrative Assistant to California State Senator Richard Richards and served in the same capacity with Assembly Member and then State Senator Joseph M. Kennick, Assembly Member Bruce Young and State Senator Paul Carpenter. He has also served as a Consultant to the Assembly Committee on Oil, Mining, and Manufacturing, as a Deputy to Board of Equalization Member Paul Carpenter, and as an advisor in a volunteer capacity to Assembly Member Bob Eggle.

Don’s extensive experience in press and media relations, speech writing, and researching and drafting legislation serve him well as today he works as a political advisor to many candidates and office holders throughout Los Angeles County. I have counted on Don as an advisor and trusted confident throughout my first year in office and I thank him for offering his vast knowledge of experience to me.

So it is with great pleasure that I ask all Members to join me in thanking Don I. Foltz for his contributions to our American political system and his many years of service to the people of California and our Nation.

IN HONOR OF WILLIAM JEFFERSON JR.

HON. ADAM B. SCHIFF
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHIFF. Mr. Speaker, it is my honor to rise today and recognize Don I. Foltz, a proud citizen, honorable man, longtime public servant, and friend and trusted advisor. Don has dedicated his professional years to the service of countless California elected officials and communities and I am happy to honor his accomplishments today.

Don was born in Glendale, California but has spent most of his years in Long Beach, California, where he continues to reside today. He was the loving husband of Mary Lou—his lifetime personal and professional partner. He is also the proud father of two sons, David Foltz and Steven Foltz, and grandfather to Parker C. Foltz, the apple of his grandpa’s eye.


William worked for 38 years for an interior decorating company and retired at the age of 67. Nevertheless, William has continued to help his family members to this day, redesigning their apartments and houses. While living at Linden Plaza in Brooklyn, New York, he started the Garden Club and was still working there until a few years ago.

Mr. Speaker, William Jefferson Jr. has lived to see 19 different presidents, from President William McKinley to President George Walker Bush—two world wars, and countless inventions that would have been thought unimaginable at the time of his birth. I urge my colleagues to join me in honoring this man who has experienced so much.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.
OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained earlier today during the rollcall vote #19 on H.R. 2356. I ask that the record reflect that had I been here, I would have voted “aye” on this rollcall vote.

RECOGNIZING LUCIAN ADAMS

HON. NICK LAMPSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LAMPSON. Mr. Speaker, today I rise to honor and recognize an American hero, Lucien Adams, who risked his life for his country and went far beyond the call of duty. It is my honor to salute this valiant man in his heroic efforts and his exceptional community service in the 9th Congressional District of Texas.

On April 23, 1945, President Harry Truman awarded Mr. Lucian Adams with the Congressional Medal of Honor. Mr. Adams is the recipient of this prestigious award for his brave actions during World War II. He is also the recipient of a Purple Heart and a Bronze Star. Mr. Adams served as a Staff Sergeant in the 30th Infantry, 3rd Infantry Division, under the United States Army. On October 28, 1944, Sergeant Adams was responsible for saving the lives of his company near St. Die, France.

On that fateful day, Adams and his company were stopped by the enemy while trying to drive through the Mortagne Forest to reopen the supply line to the isolated 3rd Battalion. Sergeant Adams encountered the concentrated fire of machine guns in a lone attack on several German machine gun nests. He singlehandedly saved them with the use of armor piercing ammunition.

This and other actions allowed Sergeant Adams to personally kill nine soldiers, eliminate three enemy machine guns, dismantle a specialized force which was armed with heavy artillery, and clear the wood of hostile opponents. The course of actions that were taken by Sergeant Adams would seem to be a scene directly from a movie however, all of these courses took place in a time of unsettling war.

Throughout the years, Mr. Adams has exhibited an unyielding commitment to his community and city at large. In 1986, the city of Port Arthur changed the 61st Street to Staff Sgt. Lucian Adams at the request of the Port Arthur Mexican Heritage Society. For his efforts in reaching out to the youth of Port Arthur, a scholarship fund has been set up in his name.

Mr. Speaker, Mr. Adams’ life is rich with countless examples of self-sacrifice and extraordinary accomplishment in service to our great nation. His contributions to Southeast Texas are immeasurable. He has dedicated his life to the United States Army and this country and I ask my colleagues to join me in commending Mr. Lucien Adams in serving our great nation for over 50 years.

Congratulations, Mr. Adams on a job well done. God bless you, and God bless America.
IN HONOR OF BLACK LEADERSHIP AT KEYSPAN

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of an outstanding organization that has been developed at KeySpan, Black Leadership at KeySpan, or BLAK, as it is known and their Chairperson, Renee McClure and Vice-chair, Ron Thompson and the entire BLAK organization, in recognition of their promotion of professional training, networking and community commitment.

In 2000, BLAK was created by KeySpan’s Black employees with the support of Robert Catell—Chairman and CEO, Craig Mathews—Vice Chairman and COO, Colin Watson—Senior VP, Strategic Marketing and Elaine Weinstein, Senior VP of Human Resources, and senior management to establish an entity within the organization whose vision is: To be a resource for fostering leadership, excellence and community commitment among Black employees for the benefit of the corporation and its stakeholders.

In September of 2001, BLAK held its first “Executive Connection” day, providing BLAK members and the senior managers of KeySpan a forum to come together, exchange ideas, and establish relationships. BLAK recognizes that in order to be an effective organization it must develop communications throughout the corporation as a whole. As part of this effort, BLAK has taken part in one of KeySpan’s monthly breakfast meetings to inform management about BLAK and has established an internal website and quarterly newsletter to keep its members informed.

BLAK has also established a number of committees to address the concerns of its members. One committee is the Community Involvement Committee (CIC). While a number of options were discussed reflecting the wide interests of its members, CIC felt that one of the most effective ways would be to become actively involved in two community high schools, and hopefully, to expand their involvement with many other local schools in the future. BLAK’s professional development initiatives include a resume bank, a coaching program, and a mentoring program. The variety of programs and services offered by BLAK illustrates a talented and eager membership.

This membership also reflects the outstanding leadership of BLAK’s Chair Renee McClure and Vice-chair Ronald Thompson. These two individuals along with the executive board, committees, advisors, and senior management continue to develop an outstanding organization that promotes growth, development and the community commitment that makes KeySpan such a tremendous asset to the community. As such, I urge my colleagues to join me in honoring this truly remarkable organization and its leaders.

HONORING THE PEOPLE OF SAN GABRIEL

HON. ADAM B. SCHIFF
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the people of San Gabriel, California as they celebrate the 75th anniversary of their legendary and beautiful San Gabriel Civic Auditorium.

Throughout its rich history, the Auditorium has played host to hundreds of performances delighting audiences from the San Gabriel Valley and around the world. The Auditorium has also been admired for its beauty and historical character by hundreds of thousands of residents of nearby cities and visitors to Southern California. The San Gabriel Civic Auditorium was designed and built by John Steven McGroarty, from nearby Tujunga, and was opened on March 5, 1927. McGroarty went on to become the first poet laureate of California and a U.S. Congressman from 1935 to 1939 representing the region of Southern California that I am proud to serve. McGroarty built the theater specifically for his production, “Mission Play,” which told the story of the founding of the California missions by the Franciscans under the leadership of Father Junipero Serra. McGroarty designed the façade of the theatre to look much like his favorite California mission, San Antonio de Padua in Monterey County. The “Mission Play” ran for five years and gave a total of 3,198 performances.

The theatre was closed in 1932 during the height of the Great Depression. But a group of concerned San Gabriel residents formed a citizens’ committee with the goal of having the city purchase the theatre and reopen it. Thankfully, they were successful, and in 1945 the San Gabriel Civic Auditorium re-opened its doors again to the community. Since its reopening, the theatre has seen a wealth of America’s greatest performers. Notables such as Frank Sinatra, Tony Bennett, Ginger Rogers, Raymond Burr, Jo Anne Worley, and even Bob Hope have graced its fine stage.

This year, the same stage will play host to a number of culturally diverse performances and festivities. The first of these performances will be the music of the Orchestra of the Californias. This newly formed orchestra is a product of bi-national cooperation. Formed by the Commission of the Californias, under the auspices of Governor Gray Davis of California, Governor Leonel Cota-Montan of Baja California Sur, and Governor Eugenio Elorduy-Walther of Baja California, the Orchestra of the Californias has become the headline performer of a musical tour throughout California and Mexico. This is the first time that the governors of the three Californias have joined to present such a significant cultural achievement. On February 15, 2002, the San Gabriel Civic Auditorium will be the only theatre in Los Angeles County, and one of the Orchestra of the Californias. Under the direction of maestro David Atherton, the orchestra will play an assortment of classical favorites for what I am sure will be an appreciative audience.

I ask all Members of Congress to join Congresswoman Hilda Solis and me in congratulating the people of San Gabriel as they celebrate the 75th year of their beautiful San Gabriel Civic Auditorium.

IN HONOR OF SISTER IRENE SMITH STRICKLAND

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Sister Irene Smith Strickland in recognition of her one-hundredth birthday.

Irene was the first of eleven children born on February 9, 1902 in Hampton, South Carolina to Margaret and John Smith. She moved to New York City in 1937 and joined the Corner Stone Baptist Church, where she served as an Usher.

Sister Strickland was married to the late Troy Strickland who passed away in June 1988. She and Troy had one son who passed away in June of 1993. She also has one daughter in law, four granddaughters, and six great grandchildren.

In November of 1939 she joined Zion Baptist Church where she also served as an Usher. She also worked on the nurses unit as a personal nurse to the late Rev. B.J. Lowery.

In June of 1939, Irene was initiated into Omega Chapter #48 Order of Eastern Stars serving in all capacities. She is, a member of the 2nd Masonic District and will be celebrating her birthday on February 17 at the Ridged Masonic Temple.

Mr. Speaker, Sister Irene Smith Strickland has lived through more than most of us will ever know. It is my pleasure to join in the celebration of her one-hundredth birthday, a milestone that many of us hope to reach. As such she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

CONGRATULATIONS TO PASTOR AND MRS. W.C. SCALES, SR. ON THEIR 60TH WEDDING ANNIVERSARY

HON. DONALD M. PAYNE
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating a wonderful couple who have reached a magnificant milestone in their lives, Pastor and Mrs. W.C. Scales, Sr., who will celebrate their 60th wedding anniversary on March 7, 2002.

William C. Scales, Sr. and Myra E. Scales were united in holy matrimony on March 7, 1934, in the beautiful city of Charleston, West Virginia. Throughout their marriage, Pastor and Mrs. Scales have maintained a strong partnership, working together in ministry and giving so generously of themselves to their church and their community. After becoming a successful businessman in West Virginia, Pastor Scales moved his family to Cleveland, Ohio where there were even greater employment opportunities. As a faithful Seventh-Day Adventist, he refused to take Sabbaths but he was able to follow his trade with Sabbath privileges. Pastor Scales and his wife faithfully served the Cleveland, Ohio Glenville...
Church in practically every capacity of leadership. In 1943, Pastor Scales entered the organized work of the church as a literature evangelist in the Ohio Conference. He began conducting Bible study and was so successful that 17 of the 23 in attendance were baptized. Pastor and Mrs. Scales had many accomplishments over the years. Mrs. Scales shared her musical gift as a soloist, and her personal evangelism skills as a part time Bible Instructor. She is a fantastic cook and has a special gift of encouraging and nurturing those to whom she ministers. From 1945 to 1950, Pastor and Mrs. Scales became Associate Publishing Director, Allegheny Conference; from 1950 to 1966, he was a Singing Evangelist and Bible Instructor in summer evangelism; in the early 1950s, he became Lay Pastor of Bethel S.D.A. Church in Cleveland, Ohio; in 1964, he became the first full time male Bible Instructor for Allegheny Conference; from 1965 to 1971, he began working with his son, Elder W.C. Scales, Jr., as part of the Allegheny Conference Evangelistic Team and coauthored the Real Truth Bible Courses; from 1971 to 1973, he received his ministerial license, and became Assistant Pastor of Baltimore Berea Temple Church; from 1974 to 1976, he served as pastor of Asbury Park, New Jersey District; in 1976, he ordained to the gospel ministry at the Allegheny East Camp Meeting; from 1976 to 1980, he served as pastor of Portsmouth, Virginia District; in 1978, he assisted his son in conducting the Georgetown, Guyana, Crusade; in 1980, he officially retired from organized work and Mrs. Scales retired as a part time Bible Instructor. Pastor and Mrs. Scales have remained active in retirement. Among other things, Mrs. Scales has authored an autobiography entitled “Born to Win Souls,” and coauthored with his son a book entitled “Practical Evangelism Sermons and Soul-winning Techniques,” and conducts workshops and occasional preaching appointments.

A TRIBUTE TO THE FLINDERS UNIVERSITY INTERNSHIP PROGRAM

HON. SAM FARR
OP CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Mr. FARR of California. Mr. Speaker, today I rise to offer a tribute to Megan Wells and all the others who have contributed to the Flinders University Internship Program. The effects of the terrorist attacks on September 11th have resonated in the hearts and minds of every American from Maine to California. Half-way around the world in Adelaide, the capital of South Australia, five of Australia’s best and brightest young people were faced with a difficult decision. The question in Adelaide was simple enough. Would a group of five university students continue with their plans to travel to Washington, DC to work in four congressional offices and a news organization as part of their American Studies degree? Fortunately for us all, the students answered with a resounding yes.

Three years ago, the Flinders University of Australia inaugurated a Washington, DC internship program for top students within its American Studies Department. Most of the interns work in congressional offices—making this program unique certainly for Australian universities and quite possibly for any university system not based in the United States. The program is directed in Washington, DC on volunteer basis by former congressional staffer, Eric Federing.

Mr. Federing’s work reflects the understanding that it is in our national interest for the future leaders of the world to understand how our Congress operates. This program is based on the idea of creating lasting bonds by “putting good people with good people in good places” for serious, intensive internships. And, as the Australian saying may say, to help bridge the “tyranny of distance.”

Since the beginning of January, I’ve had the pleasure to host Megan, who is completing her degree in International Studies. She has exhibited an excellent comprehension of travel and tourism issues and has played an active role in maintaining a link between the United States and Australia. She boosted our morale long before she arrived simply by wanting to venture half-a-world away. I am extremely grateful to her parents, Kerry and Peter, for their active support of both American and Australian governments. I have not been the only member so fortunate to have participated in this program. Toulá Skiladas of Broken Hill in New South Wales has worked in the office of Senator CHRISTOPHER DOOD; Miranda Ramsay of Unley, South Australia has assisted Representative Louise Slaughter and her staff; Rachel Mules of Penola, South Australia has joined my California colleague LORETTA SANCHEZ; and Patrick Armitage of North Adelaide has helped explain Washington, DC to the school-aged audiences of Channel One News.

Mr. Speaker, I wish to thank everyone involved in creating and shepherding this internship program from its initial concept to the thriving institution it has become. They have done this nation and the Australian people numerous proud service, which I hope will continue for many years to come.

IN HONOR OF W. ROGER HAUGHTON

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Ms. PELOSI. Mr. Speaker, I rise to salute W. Roger Haughton for his longstanding commitment to the San Francisco community. Roger is the Chairman and CEO of The PMI Group, Inc., ed in San Francisco. Roger was honored at the Bay Area’s Junior Achievement Spirit of Achievement Gala, held on December 11, 2001, which was attended by over 500 executives of the Bay Area community. Roger was presented with the “Spirit of Achievement” Award, which recognizes individuals who have demonstrated exceptional entrepreneurial success, leadership and commitment to their community. The honor symbolizes the “spirit of achievement” that Junior Achievement instills in thousands of Bay Area youth each year through its economic education curriculum.

Roger Haughton and The PMI (Private Mortgage Insurance) Group, Inc. embody the community citizenship and spirit of philanthropy that Junior Achievement endeavors to instill in children across the Bay Area. PMI Group has also been an ardent supporter of the Bay Area community. Through its products and services, and working closely with mortgage lenders, PMI Group has developed many affordable mortgage programs to help families realize their dreams of home ownership. They believe that homeownership helps build strong families which helps build strong communities.

In addition to his role of Director, President and Chief Executive Officer of The PMI Group, Inc., Roger has a long history of active volunteerism with various affordable housing organizations including Habitat for Humanity, which has constructed affordable housing for families throughout the United States. Roger is also on the board as well as being former chairman of Social Compact, a Washington, D.C. organization dedicated to promoting, revitalization of America’s inner cities, and is also on the board of San Francisco’s Bay Area Council.

I am proud to join my constituents in thanking and praising Roger Haughton for his dedication to the Bay Area community. Roger’s dedication to the community through his involvement in nonprofit organizations makes him a worthy recipient of the Spirit of Achievement Award. Roger Haughton and PMI are pillars of the Bay Area community; they are servants of exemplary citizenship and spirited philanthropy. We are truly blessed for their generosity and commitment.

LEWIS AND CLARK AND GLOBAL WARMING

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002
Mr. BLUMENAUER. Mr. Speaker, I rise today to express my appreciation and admiration for the students of Lewis and Clark College, which is in my district and is my alma mater. Frustrated with the leadership of this country, these forward-looking students have decided to take the matter of climate change into their hands.

In order to fight global warming, the students have voted to raise their annual student fees by $10 per student per year. In fact, in a voter turnout that’s twice what we see for special local elections for local governments, 83.3 percent of the students voted yes. The fee increase will raise enough money to make Lewis and Clark College compliant with the Kyoto treaty through the purchase of “offsets” from the Climate Trust, a non-profit organization. That offsets projects that the new fee would support include a web-based commuter matching system that will reduce car traffic in Portland, investments in landfill gas recovery system, and helping to preserve forests on Native American lands in the Northwest.

Studies at Lewis and Clark College have shown that homeownership helps build strong communities, and a higher number of students living on campus have had a positive effect on the college’s green house gas emissions. In this way,
the college is far ahead of the rest of the country in realizing what we need to do to reduce our contribution to global warming. The United States is the single largest generator of greenhouse gases, contributing one quarter of the global total.

Although the college’s emissions are minimal, the students’ actions are significant. Lewis and Clark is the first of what will be many colleges across the country developing a climate strategy. It is the collection of these individual actions that will make a difference and eventually shape our nation’s policy. One can only hope President Bush represents the Administration’s position on global warming tomorrow, it will include tough mandatory green house gas reductions.

IN HONOR OF WILLIAM R. MILLS, JR. FOR A CAREER DEDICATED TO IMPROVING WATER CONDITIONS IN ORANGE COUNTY

HON. LORETTA SANCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to pay tribute to William R. Mills, Jr., upon his retirement after fifteen years with the Orange County Water District (OCWD).

Mr. Mills was born on April 19, 1937. He received a Bachelor’s Degree in Geological Engineering from the Colorado School of Mines in 1961. In 1983, he received a Master’s Degree in Civil and Environmental Engineering from Loyola University at Los Angeles.

Mr. Mills started his engineering career as a Second Lieutenant, Engineering Officer in the United States Marine Corps from 1959 to 1963. From there, he began a lifetime dedicated to water resource planning and development, and his efforts have proven invaluable to water supply systems in Southern California and throughout the world. From 1963 to 1966, he worked as a Civil Engineer for the Los Angeles Control District Water Conservation Division. In 1966, Mr. Mills went on to work as a Civil Engineer for the California Department of Water Resources, until he was offered a job as President of the Planning and Development Division of the Planning Research Corporation in 1967. There he spent seventeen years directing a staff of 400 as they worked to generate water resource and wastewater reclamation investigations and designs. In the three years prior to his employment with the OCWD, Mr. Mills owned his own water-consulting firm. He was named Water Leader of the Year by the Association of California Water Agencies in 1992, received the Engineer of the Year Award by the Orange County Engineering Council, and was given the Presidential Award for Distinguished Service by the American Desalting Association in 1996. Furthermore, in 1999, he was awarded the Leadership in Engineering and Water Resources Award from the Institute for the Advancement of Engineering. He currently serves as chair of the Association of Ground Water Agencies and is chair of the Association of California Water Agencies’ Water Quality Committee.

During his tenure at OCWD, Mr. Mills has been responsible for developing a long range plan for the district aimed at decreasing the agency’s dependence on imported supplies and improving the quality of surface and groundwater supplies. He was instrumental in promoting a program which uses recycled water for irrigation. To date more than $200 million has been spent on the construction of water recycling plants, groundwater rejuvenation projects, OCWD’s extensive groundwater recharge system. OCWD is currently in final design of the Ground Water Replenishment System, an innovative system that will use high-tech filtration to purify waste water, then pump it back into the county’s groundwater. The groundwater reservoir provides about 75 percent of the water needs for two million residents. Thanks to the hard work, dedication, and skill of Mr. Mills, OCWD is known internationally for its innovative groundwater management programs and for promoting advanced waste water treatment technologies.

Colleagues, please join me in praise of William R. Mills’ career as a globally-renowned, innovative, and forward thinking water expert dedicated to the improvement of water recycling and water storage systems for Southern California. He has dedicated his life to improving the well-being of Southern California’s water and of water systems throughout the entire world. Mr. Mills is an asset to his community and to our country, and I am proud to recognize him for his contributions to the well-being of our nation’s water.

AUTHORIZING A STUDY ON THE FEASIBILITY OF DESIGNATING EAST MAUI AS A NATIONAL HERITAGE AREA

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mrs. MINK. Mr. Speaker, today I am introducing a bill directing the Secretary of the Interior to study the suitability and feasibility of establishing the East Maui National Heritage Area in the Hana district of East Maui in the State of Hawaii.

National Heritage Areas contain land and properties that reflect the history of their people and may include natural, scenic, historic, cultural, or recreation resources. Conservation and interpretation of these resources are handled by partnerships among federal, state, and local governments and nonprofit organizations. East Maui is certainly an appropriate candidate for such designation. The Alliance for the Heritage of East Maui (AHEM), with assistance from the U.S. Park Service’s Rivers, Trails, and Conservation Assistance Program and the Trust for Public Land, have been working for many years to explore ways to protect and interpret the extraordinary historic and natural resources of East Maui. They have already compiled a Resource Inventory that describes East Maui’s extensive archaeological sites (ancient trails, burial sites, heiau (temples), petroglyphs, canoe landings, villages, traditional agricultural complexes); historical sites (battle sites, churches, courthouses, irrigation works, bridges, fish ponds, ground-water projects); and OCWD’s groundwater reservoirs that include Haleakala National Park and numerous native forests, endangered species, wildlife preserves, streams, unique beaches including a green sand beach and red cinder beach; and recreational resources that include several beach parks, recreation areas, trails, and natural area reserves.

Anyone who has taken the drive along the coast of East Maui to Hana knows that this list does not begin to describe the extraordinary beauty and richness of the area. In addition to the physical attributes that make East Maui an excellent candidate for designation as a National Heritage Area, you can add a dedicated cadre of citizens who are committed to ensuring that the people of East Maui be involved in determining the future of the area. They want to be sure that local values and input are reflected in any management plan for a National Heritage Area for East Maui. Indeed, much of the research for the study has already been completed due to the dedication of the Alliance for the Heritage of East Maui. I especially want to recognize Elizabeth Russell, who has been a driving force behind this effort. The Maui County Council has also been very supportive of this initiative.

At present, most of the nation’s National Heritage Areas are located east of the Mississippi River. An East Maui National Heritage Area would be a marvelous addition to this program.

HONORING DAVID DONNELLY AND CINDY BISHOP DONNELLY

HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of two friends and constituents, David and Cindy Bishop Donnelly. The Donnellys will be honored by DiverseWorks, Inc., one of the nation’s leading contemporary art centers, at the annual Illumination Gala on February 16, 2002. David and Cindy have been selected for their commitment to the arts in the greater Houston area.

DiverseWorks, Inc., is a non-profit art center dedicated to presenting new visual performing, and literary art. The organization’s unique artistic educational and financial stability serve as a model for others across the nation. The staff members and volunteers of DiverseWorks, Inc. provide a tremendous service to young, aspiring artists throughout Houston. The talented people at DiverseWorks are leaders within our community and, this weekend, they recognize some of their most loyal supporters.

David and Cindy have been longtime champions of many civic programs in our community including the Lamar High School Parent Teacher Association. Both have served on the board of DiverseWorks, Inc. for a number of years, with David having served as treasurer for many of those years. The contributions of time and effort by David and Cindy have been instrumental in development of DiverseWorks as a mainstay in the Houston Arts Community.

Mr. Speaker, it is with great honor that I congratulate my constituents, David Donnelly and Cindy Bishop Donnelly on their recognition by DiverseWorks and I thank them for their unyielding commitment to the arts in Houston and Texas.
Mr. PASCARELL. Mr. Speaker, a few years ago, I learned first-hand about the importance of preventative care for cardiovascular disease. My wife, Elsie, had a heart attack. It was a very difficult time period for her, and for our family. I am pleased to report that she is in good health today. And I can still celebrate this holiday with her. Unfortunately, not many women are as lucky as my wife. Heart disease is the number one killer of American women.

In fact, cardiovascular diseases kill more females each year than the next 9 causes of death combined. The seriousness of this disease doesn't stop there. Heart disease is our nation's number one killer and leading cause of long-term disability. We need to raise awareness to fight this disease. Preventive health care is the key to lowering the number of victims of heart disease.

Risk factors of heart disease are high cholesterol, high blood pressure, tobacco, lack of activity, and obesity. The majority of these risks can be prevented. And we can only accomplish this through education to raise awareness. February is American Heart Month. I ask my colleagues to take advantage of this to spread awareness about heart disease and encourage healthy life styles.

COMMENDING NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REGARDING NATIONAL CHILD PASSENGER SAFETY WEEK

Mr. OBERT. Mr. Speaker, I rise in support of the resolution to commend the National Highway Traffic Safety Administration for sponsoring National Child Passenger Safety Week. I also want to commend the sponsor of the legislation, Mr. CAMP, the Ranking Democratic Member of the Subcommittee on Highways and Transit, Mr. BORSKI, the Chairman of the Subcommittee, Mr. PETRI, and the Chairman of the full Committee, Mr. YOUNG, for their support of the legislation.

In 2000, motor vehicle crashes killed more than 2,900 children under the age of 15 and injured another 291,000. Six out of ten children killed in these crashes were completely unrestrained. In 2000, only nine percent of all children under the age of five rode unrestrained, but they accounted for more than one half of all child occupant fatalities. This is not acceptable.

To increase seat belt use nationwide, the previous Administration established goals to reduce the number of child occupant fatalities 15 percent by 2000 and 25 percent by 2005. Education programs, such as TEA 21's Child Passenger Protection Education Grant program, and other programs, played important roles in helping the Department meet the first of these goals. In each of fiscal years 2000, 2001, and 2002, Congress provided $7.5 million to finance the Child Passenger Protection Education Grant program in the Transportation Appropriations Act and pursuant to TEA 21. Forty-eight states, the District of Columbia, and the Territories have received grants under this program. Since 1997, the number of child fatalities resulting from traffic crashes has declined 17 percent, exceeding the previous Administration's goal of a 15 percent decline by the end of 2000. Restraint use for infants has risen to 95 percent from 85 percent in 1996, and has climbed to 91 percent for children aged one to four, from 83 percent in 1996. The proper use of child restraint systems can save lives, Mr. Speaker. It is essential that we continue to remind parents that all children should use restraint systems properly and to continue providing funding for grant programs to ensure that we continue to make progress in preventing deaths and injuries to children on our nation's highways. These efforts will help us achieve our goal of a 25-percent reduction in child occupant fatalities by 2005.

Again, I want to commend the National Highway Traffic Safety Administration and its Administrator, Dr. Jeff Runge, for sponsoring National Child Passenger Safety Week. I strongly support the concurrent resolution and urge its approval.

IN RECOGNITION OF FEBRUARY AS AMERICAN HEART MONTH

Mr. BENSEN. Mr. Speaker, I rise to recognize February as the American Heart Association Month to demonstrate the seriousness of cardiovascular diseases, including heart and stroke.

Founded by six doctors in 1924, the American Heart Association is a national voluntary health agency whose mission is to reduce disability and death from cardiovascular diseases and stroke. The American Heart Association serves as a key resource of information for heart patients, advocates, and survivors. Heart disease and stroke are two of the nation's top three leading causes of death, claiming the lives of more than 960,000 Americans each year.

The American Heart Association has titled this year's theme "Be Prepared for Cardiac Emergencies. Know the signs of cardiac arrest. Call 9–1–1 immediately. Give CPR." Promoting the importance of knowing signs and symptoms of a cardiac emergency can literally be the difference between life and death. Every minute that passes without defibrillation and CPR, the chance of survival for a cardiac arrest victim decreases by 7 to 10 percent. According to the Archives of Internal Medicine, most heart attack patients wait more than two hours before seeking emergency care, initially because they do not recognize the symptoms of a heart attack. In my home state of Texas, heart disease is the leading killer, as well as nationally among women, with more than 370,000 deaths a year.

In observance of this special month, we acknowledge researchers, physicians, health care professionals, public education professionals, and volunteers for their commitment to prevention, awareness, research, and treatment of this disease. Thanks to these workers and their unwavering resolve, the American Heart Association has established a chain of survival for victims of sudden cardiac arrest. The four links in the chain of survival involve, early access to phones and emergency exits, early CPR, early defibrillation and early advanced life support. These important tools are critical in saving a person's life when they cardiac arrest.

No one understands that better than Joel Ruby, of West University in my district, who suffered his first heart attack in his early forties. He has since undergone several angioplasty surgeries and continues to battle congestive heart failure. Although he continues his ongoing battle with heart disease, Joel has also become an active board member of the Houston Chapter of the American Heart Association. Joel's involvement is a testament to his commitment and the dedication of countless others to the American Heart Association and the lives of people inspired by it.

Again, I wish the American Heart Association continued success on their "American Heart Month" and to continue their mission to reduce disability and death from cardiovascular diseases and stroke.
OF LABOR UNREST IN CHINA

STRIKING WORKERS RISK ARREST TO PROTEST

A SECRET BANKRUPTCY

The Shuangfeng Textile Factory lies on the outskirts of Dafeng, a quick drive from the city’s glittering downtown into a dreary neighborhood of run-down buildings and dirt alleyways. Off the main roadway, past a row of ramshackle shops, a large crowd of workers gathered in front of the factory’s creaky metal gate.

There is no picket line, just a group of men and women in heavy coats milling about in the relentless drizzle, stamping their feet to keep warm under a pale yellow street lamp. Their faces are lined from years of squinting while operating spinning machines and, more recently, from lack of sleep. Some of the workers are smoking; others have been drinking. Every time a car drives by, the crowd gets jittery.

Past the gate is the factory itself, a deteriorating complex built in 1931, before the Communist revolution. It is the city’s oldest and largest factory, situated in this cotton-growing region that produces yarn and cloth for the nation’s garment factories.

In the mid-1990s, Beijing began pushing out bad actors, and two companies, including the factory, secretly filed for bankruptcy. The factory’s new owners claimed they had been cheated in a disorderly process in which the government and workers and local officials, seeking to make an example of two outspoken employees in northeastern China, promptly suspected they had been duped. They immediately suspected they had been victim of a “fake bankruptcy.”

The Chicory was a workers establishment hosting only 30 guests. Today, it serves as one of the most prominent contemporary art centers in the United States. Diverse Works is a non-profit art center dedicated to presenting new visual, performing, and literary art. Known for its ground-breaking artistic education programs, Diverse Works is one of the most prominent contemporary art centers in the United States. Diverse Works serves as a venue for artistic exploration and audience development.

Mr. BENTSEN. Mr. Speaker, I rise today to honor Dan Tidwell and Jamie Mize. On February 16, 2002, Diverse Works Artspace, will host its Illumination Gala which will honor Dan Tidwell and Jamie Mize as two of Houston’s most enlight-ened contemporary art champions. Diverse Works Artspace is a non-profit art center dedicated to presenting new visual, performing, and literary art. Known for its groundbreaking artistic education programs, Diverse Works is one of the most prominent contemporary art centers in the United States. Diverse Works serves as a venue for artistic exploration and audience development.

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Treebeards has grown to four locations in both downtown Houston and Dallas and in 1999 was named “Best Downtown Restaurant” by the readers of the Houston Press. The rebuilding of the Treebeards’ Market Square location marked one of the many restoration endeavors taken on by the pair. In 1999, they reconstructed the Scholibo building, rebuilt the canopy and restored the facade of the 1861 Baker-Myer Building.

Dan and Jamie have both served as Chair of the Downtown Historic District Board. In an effort to rejuvenate downtown Houston, they have provided direction to neighboring businesses on issues ranging from building design to parking management. Jamie currently serves as a member of the Design Review/Grants Committee, which awards facade rehabilitation matching grants to property owners and tenants. Additionally, he chaired the committee on Parking Management, as a result of their work, the City of Houston has adopted a Valet Ordinance. In collaboration with Diverse Works, Dan and Jamie designed Market Square Park, which features historic photographs and fragments of long demolished buildings.

In addition to serving as Chair of the Downtown Historic District Board and managing an establishment, Dan and Jamie have been actively involved in humanitarian efforts. Their exceptional leadership in the community has earned the respect of many in both the business and civic communities. They have contributed to the improvement of our community by providing countless meals for charity events, volunteering for Diverse Works Galas, and feeding the hungry through the End Hunger Network.

No one has done more to improve Houston’s Historic Market Square District than Dan and Jamie. Through their exemplary model of community activism, they were named “Downtowners” of the Year 1999,” awarded two “Gold Brick Awards” from the Greater Houston Preservation Alliance and received the highest honor for historic preservation from the American Planning Association, Houston Affiliation.

Mr. Speaker, it is with great honor that I congratulate my friends, Dan Tidwell and Jamie Mize, on the occasion of their being recognized for their significant commitment to the Arts.

CENTRAL NEW JERSEY HONORS
CENTENNARY JEANETTE GIUNCO
HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize Central New Jersey centenarian, Ms. Jeanette Giunco, a resident of Freehold, NJ celebrating her one-hundredth birthday on Sunday, February 17, 2002.

Born to Elizabeth Seckler and Joseph Schmidt in Mulhouse, in the Province of Alsace-Lorraine, Germany, Ms. Giunco was one of eight children. Throughout the late 1800s and early 1900s, Alsace-Lorraine was a disputed region between France and Germany. As a result of the Versailles Peace Treaty in 1918, the region returned to France. It is interesting to note that during World War II, her brother August repaired General Eisenhower’s automobile and shook his hand during the European Conflict.

Ms. Giunco came to the United States in 1926 where she lived in New York City and took her first—and according to her, her best—job, as a companion speaking French to a businessman’s family as she was fluent in German, French, Alsation and English. Another job as a companion and housekeeper moved her to Belmar, New Jersey in 1927 to work for the Strauss family.

During that same year, Jeanette married a local Belmar merchant, Mr. Albert P. Giunco. Albert’s family had operated various businesses in Belmar since the 1870s and by 1927, Albert and his brothers ran a series of food markets, liquor stores and butcher shops in the Monmouth County shore area. Jeanette and Albert had two children, John and Richard. Currently, Ms. Giunco is the proud grandmother of eight and great-grandmother of nine.

Ms. Giunco was involved with many civic organizations such as the Belmar Women’s Club and Fitkin Hospital—now know as the Jersey Shore Medical Center. Fitkin Hospital recognized her for over 2,000 hours of volunteer service.

Ms. Giunco has traveled extensively, visiting Europe as well as travels throughout the United States, Canada and South America. As a proud citizen of the United States, Ms. Giunco has exercised her rights throughout the years, particularly carrying out her right to vote. She reflects that the World Wars and particularly the attack on Pearl Harbor were significant events and has found particular fascination with the fact that when she was born, airplanes and rockets were but a dream and yet less than 70 years later there was a man walking on the moon. Ms. Giunco regrets the recent terrorist attacks against the United States and has prayed for peace throughout the world.

Mr. Speaker, again, I rise to celebrate and honor this Central New Jersey centenarian and I ask my colleagues to join me in recognizing Ms. Jeanette Giunco and celebrating her one hundredth birthday on Sunday, February 17, 2002.

TRIBUTE TO JOHNNIE THOMPSON
HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Johnnie Thompson of South Carolina, a decorated combat veteran of the Korean War who, after retiring from the Army, served for twenty-two years as an elected official on the City Council of Walterboro, South Carolina.

Over the years he has maintained a commitment to veterans of the armed forces. In 1989, he co-chaired a committee that established a Colleton County Veterans Monument to honor all of Colleton County’s fallen veterans from World War I, World War II, the Korean War, and the Vietnam War.

In 1993 he was instrumental in bringing back the renowned Tuskegee Airmen who trained for combat in Walterboro, South Carolina, and the Governor awarded the Order of the Palmetto to each of the Tuskegee Airmen who attended. These events brought worldwide attention to Walterboro and to the State of South Carolina. Under Mr. Thompson’s leadership a World War II Memorial Park was dedicated and the Tuskegee Airmen Monument was unveiled at the Walterboro Airport in 1997.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Johnnie Thompson for his outstanding service he has provided the U.S. Army, the state of South Carolina, and his beloved Walterboro Community. I sincerely thank Mr. Thompson for his contributions and wish him the best in all of his future endeavors.
HIGHLIGHTS

House agreed to the Senate amendments to H.R. 622, Economic Security and Worker Assistance Act, with amendments.

Senate

Chamber Action

Routine Proceedings, pages S793–S878

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 1945–1956, and S. Res. 210.

Measures Reported:

S. 980, to provide for the improvement of the safety of child restraints in passenger motor vehicles, with an amendment in the nature of a substitute. (S. Rept. No. 107–137)

Measures Passed:

Economic Recovery/Unemployment Compensation: Senate passed H.R. 3090, to provide tax incentives for economic recovery, after agreeing to the following amendment proposed thereto: Pages S841–42

Daschle Amendment No. 2896, in the nature of a substitute, to provide for a program of temporary extended unemployment compensation.

National Donor Day: Senate agreed to S. Res. 210, designating February 14, 2002, as “National Donor Day”.

Measure Rejected:

Budget and Deficit Control: Senate rejected S.J. Res. 31, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Election Reform: Senate continued consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto:

Adopted:

McConnell Amendment No. 2892 (to Amendment No. 2891), to permit the use of social security numbers for the purposes of voter registration and election administration.

Kyl Amendment No. 2891, to permit the use of social security numbers for the purposes of voter registration and election administration.

McConnell (for Chafee/Reed) Amendment No. 2899, to clarify that States and localities with multi-year contracts are eligible to apply for grants under the Act.

McConnell (for Gregg) Amendment No. 2890, to ensure that States that are exempt from the National Voter Registration Act of 1993 continue to remain exempt from such Act.

McConnell (for McCain/Harkin) Amendment No. 2890, modifying certain provisions with respect to the Architectural and Transportation Barriers Compliance Board.

Rejected:

By 31 yeas to 63 nays (Vote No. 31), Reid/Specter Amendment No. 2879, to secure the Federal voting rights of certain qualified persons who have served their sentences.

By 44 yeas to 50 nays (Vote No. 32), Durbin Amendment No. 2895, to eliminate the special treatment of punchcard voting systems under the voting system standards.

By 46 yeas to 49 nays (Vote No. 33), Lieberman Modified Amendment No. 2890, to authorize administrative leave for Federal employees to perform poll worker service in Federal elections.
By 40 yeas to 55 nays (Vote No. 34), Burns Amendment No. 2887, to clarify the ability of election officials to remove registrants from official list of voters on grounds of change of residence. Pages S821, S826–27, S833–34

Withdrawn:
Lieberman/Feingold Amendment No. 2889, to provide for full voting representation in Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect. Pages S821–22

Nelson (FL)/Graham Amendment No. 2904, to require the Attorney General to submit to Congress reports on the investigation of the Department of Justice regarding violations of voting rights in the 2000 elections for Federal office. Pages S827–29

Pending:
Clinton Amendment No. 2906, to establish a residual ballot performance benchmark. Pages S834–35
Dayton Amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office. Pages S836–37
Dodd (for Harkin) Amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities. Pages S837–38
Dodd (for Harkin/McCain) Amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters. Pages S838–39
Dodd (for Schumer) Modified Amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail. Pages S838–39

A unanimous-consent agreement was reached providing for consideration of certain first degree amendments, subject to second degree amendments which are relevant to the amendment to which it is offered, that upon the disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill, that upon passage, the title amendment be agreed to. Page S839

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Friday, February 15, 2002. Pages S877–78

Farm Bill—Agreement: A unanimous-consent agreement was reached providing that H.R. 2646, Farm Bill, be printed as passed by the Senate on Wednesday, February 13, 2002. Page S877

National Laboratories Partnership Improvement Act—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, at a time to be determined by the Majority and Republican Leaders. Page S877

Nominations Confirmed: Senate confirmed the following nominations:
David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.
James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.
Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.
Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget. Pages S841, S878

Messages From the House: Page S852
Additional Cosponsors: Pages S853–54
Statements on Introduced Bills/Resolutions: Pages S854–64
Additional Statements: Pages S850–52
Amendments Submitted: Pages S864–76
Authority for Committees to Meet: Pages S876–77

Privilege of the Floor: Page S877
Record Votes: Four record votes were taken today. (Total—34) Pages S809, S820, S833, S834

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:52 p.m., until 10 a.m., on Friday, February 15, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S878).

Committee Meetings

(Committees not listed did not meet)

U.S. COAST GUARD

Committee on Appropriations: Subcommittee on Transportation concluded hearings on proposed budget estimates for fiscal year 2003 for the U.S. Coast Guard, after receiving testimony from Admiral James M. Loy, USCG, Commandant, U.S. Coast Guard, and Kenneth M. Mead, Inspector General, both of the Department of Transportation.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded open and closed hearings to examine proposed legislation authorizing funds for fiscal year 2003 for the
Department of Defense, focusing on the results of the Nuclear Posture Review, after receiving testimony from Douglas J. Feith, Under Secretary of Defense for Policy; John A. Gordon, USAF (Ret.), Under Secretary of Energy for Nuclear Security and Administrator, National Nuclear Security Administration; and Adm. James O. Ellis, Jr., USN, Commander in Chief, United States Strategic Command.

ACCOUNTING AND INVESTOR PROTECTION

Committee on Banking, Housing, and Urban Affairs: Committee resumed oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies, focusing on the relevance of the work of the International Accounting Standards Committee and its associated bodies to the evident problems besetting the accounting and auditing profession, after receiving testimony from Paul A Volcker, Arthur Andersen Independent Oversight Board, New York, New York, former Chairman, Federal Reserve, and Sir David Tweedie, London, England, former Chairman of the United Kingdom’s Accounting Standards Board, both on behalf of the International Accounting Standards Board.

Hearings recessed subject to call.

2003 BUDGET

Committee on the Budget: Committee continued hearings on the President’s proposed budget request for fiscal year 2003 and revenue proposals, focusing on the Department of Health and Human Services, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services.

Hearings recessed subject to call.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings on S. 202 and H.R. 2440, to rename Wolf Trap Farm Park for the Performing Arts as “Wolf Trap National Park for the Performing Arts”; S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument; 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 Historic Park; 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 preservation of Vancouver Barracks; S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park; and H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona, after receiving testimony from Senator Warner; Durand Jones, Deputy Director, National Park Service, Department of the Interior; Terrence D. Jones, Wolf Trap Foundation for the Performing Arts, Vienna, Virginia; and Karla Lutz Bowling, Bell County Chamber of Commerce, Middlesboro, Kentucky.

FEDERAL DEBT LIMIT

Committee on Finance: Subcommittee on Long-term Growth and Debt Reduction concluded hearings to examine the Administration’s request to increase the federal debt limit, after receiving testimony from Paul O’Neill, Secretary of the Treasury; Bruce R. Bartlett, National Center for Policy Analysis, Robert L. Bixby, The Concord Coalition, and Gene B. Sperling, Brookings Institution, all of Washington, D.C.

AFRICA AIDS/HIV CRISIS

Committee on Foreign Relations: Committee concluded hearings to examine the prevention and treatment of the HIV/AIDS crisis in Africa, after receiving testimony from Eugene McCray, Director, Global AIDS Program, Centers for Disease Control and Prevention, Department of Health and Human Services; Anne Peterson, Assistant Administrator for Global Health, U.S. Agency for International Development; Jeffrey D. Sachs, Harvard University Center for International Development, Cambridge, Massachusetts; on behalf of the World Health Organization Commission on Macroeconomics and Health; Jim Yong Kim, Harvard Medical School Program in Infectious Disease and Social Change, Boston, Massachusetts; and Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

WORKING POOR

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine needs of the working poor and helping welfare recipients find work and balance the needs of their families, after receiving testimony from Heather Boushey, Economic Policy Institute, and Peter Edelman, Georgetown University Law Center, both of Washington, D.C.; Ellen Bravo, 9 to 5, National Association of Working Women, Milwaukee, Wisconsin; Debra A. Greenwood, New York, New York, on behalf of the Welfare Made a Difference Campaign; Sharon Johnson, Key Bridge Marriott, Rosslyn, Virginia, on behalf of the Welfare to Work Partnership; and Barbara Ehrenreich, Key West, Florida.
IDENTITY THEFT AND PRIVACY PROTECTION

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held hearings to examine identity theft, and privacy and protection of personal information, and the need for legislation to deter and protect against the misuse of this information, including S. 1055, to require the consent of an individual prior to the sale and marketing of such individual’s personally identifiable information, receiving testimony from Senator Gregg; Richard M. Stana, Director, Justice Issues, General Accounting Office; Susan Fisher, Doris Tate Crime Victims Bureau, Carlsbad, California; Douglas B. Comer, Intel Corporation, and Frank Torres, Consumers Union, both of Washington, D.C.; and Jonathan D. Avila, Walt Disney Company, Burbank, California.

VETERANS AFFAIRS AUTHORIZATION

Committee on Veterans’ Affairs: Committee concluded hearings to examine the President’s proposed budget request for fiscal year 2003 for veterans’ programs, after receiving testimony from Anthony J. Principi, Secretary, Frances M. Murphy, Acting Under Secretary for Health, and Guy H. McMichael III, Acting Under Secretary for Benefits, all of the Department of Veterans Affairs; Bob Jones and Richard Jones, both of AMVETS, Lanham, Maryland; Richard Fuller, Paralyzed Veterans of America, Rick Surratt, Disabled American Veterans, Paul A. Hayden, Veterans of Foreign Wars of the United States, and James R. Fischl, American Legion, all of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 23 public bills, H.R. 3761–3783; and 3 resolutions, H. Con. Res. 331–332, and H. Res. 348, were introduced.

Reports Filed: Reports were filed today as follows: H.R. 3208, to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection (H. Rept. 107–360, Part I)

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today.

Journal: The House agreed to the Speaker’s approval of the Journal of Feb. 14 by a yea and nay vote of 342 yeas to 51 nays with 1 voting “present,” Roll No. 35.

Economic Security and Worker Assistance Act: By a yea and nay vote of 225 yeas to 199 nays, Roll No. 38, the House agreed to the Senate amendments to H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, with amendments that insert, in lieu of the matter to be inserted by the amendment of the Senate to the text of the bill, provisions of the Economic Security and Worker Assistance Act; and

President’s Day District Work Period: The House agreed to S. Con. Res. 97, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until February 26, 2002, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and make appointments authorized by law or by the House.

George Washington’s Birthday Observance: Agreed that it shall be in order for the Speaker to appoint two members of the House, one upon the recommendation of the Minority Leader, to represent
the House of Representatives at appropriate ceremonies for the observance of George Washington’s Birthday to be held on Friday, February 22, 2002.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 27.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions.

Senate Message: Messages received from the Senate today appear on pages H468 and H521.

Referrals: S. Con. Res. 96 was held at the desk.

Quorum Calls—Votes: Three yea and nay votes and one recorded vote developed during the proceedings of the House today and appears on pages H467–68, H476–77, H477, and H508–09. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 4:06 p.m., pursuant to the provisions of S. Con. Res. 97, the House stands adjourned until 2 p.m. on Tuesday, February 26, 2002.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on the Office of Inspector General. Testimony was heard from Joyce Fleischman, Acting Inspector General, USDA.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Fiscal Year 2002 Department of Defense Budget Overview. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; and Gen. Richard J. Myers, USAF, Chairman, Joint Chiefs of Staff.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on the Department of Labor-Worker Protection Agencies Panel. Testimony was heard from the following officials of the Department of Labor, Worker Protection Agencies: Tammy McCutchen, Administrator, Wage and Hour Division, Employment Standards Administration; Ann Combs, Assistant Secretary, Pension and Welfare Benefits Administration; John Henshaw, Assistant Secretary, Occupational Safety and Health Administration; Dave Lauriski, Assistant Secretary, Mine Safety and Health Administration; and Thomas Moorhead, Deputy Under Secretary, Bureau of International Labor Affairs.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on European Command. Testimony was heard from Gen. Joseph W. Ralston, USAF, Commander in Chief, European Command, Department of Defense.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Office of the Secretary. Testimony was heard from Michael Jackson, Deputy Secretary, Department of Transportation.

MEMBERS DAY

Committee on the Budget: Held a hearing on Members Day. Testimony was heard from Representatives Skelton, Hoyer, McDermott, Frank, Allen, Udall of New Mexico, Osborne, Kucinich, Pence, Pascrell, Gekas, Kennedy of Minnesota, George Miller of California, Ehlers, Bilirakis, Christensen and Hunter.

21ST CENTURY—EQUIPPING MUSEUMS AND LIBRARIES

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing on “Equipping Museums and Libraries for the 21st Century.” Testimony was heard from Robert S. Martin, Director, Institute of Museum and Library Services; and public witnesses.

ARE CURRENT FINANCIAL ACCOUNTING STANDARDS PROTECTING INVESTORS


MEDICARE PAYMENT POLICY

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Medicare Payment Policy: Ensuring Stability and Access Through Physician Payments.” Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and
Human Services; William J. Scanlon, Director, Health Care Issues, GAO; Martha McSteen, President, National Committee to Preserve Social Security and Medicare; and public witnesses.

ENRON FINANCIAL COLLAPSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings on the Financial Collapse of Enron Corp. Testimony was heard from Sherron Watkins, Vice President, Corporate Development, Enron Corporation.

JOE BARBOZA MURDER TRIAL

Committee on Government Reform: Continued hearings entitled “The California Murder Trial of Joe ‘The Animal’ Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?” Testimony was heard from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Department of Justice; and Edward J. Harrington, former Assistant U.S. Attorney.

In refusing to give testimony, H. Paul Rico, former Special Agent, FBI, Department of Justice, invoked Fifth Amendment privileges.

EAST ASIA AND THE PACIFIC—U.S. INTERESTS

Committee on International Relations: Subcommittee on East Asia and the Pacific held a hearing on U.S. Interests in East Asia and the Pacific: Problems and Prospects in the Year of the Horse. Testimony was heard from James A. Kelly, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

OVERSIGHT—FEDERAL TRADEMARK DILUTION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on the “Federal Trademark Dilution Act.” Testimony was heard from public witnesses.

BUDGETS—BUREAU OF LAND MANAGEMENT AND FOREST SERVICE ENERGY AND MINERALS

Committee on Resources: Subcommittee on Energy and Mineral Research held an oversight hearing on the “Fiscal Year 2003 Bureau of Land Management and Forest Service Energy and Minerals Program Budgets.” Testimony was heard from Kathleen Clarke, Director, Bureau of Land Management, Department of the Interior; and Tom Thompson, Deputy Chief, Forest Service, USDA.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1712, to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park; and H.R. 2937, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range. Testimony was heard from Senator Reid; from the following officials of the Department of the Interior: John Reynolds, Regional Director, Pacific West Region, National Park Service; and Carson Culp, Assistant Director, Minerals, Realty, and Resource Protection, Bureau of Land Management; and John J. Lee, Legislator, State of Nevada.

MISCELLANEOUS MEASURES—OVERSIGHT—CALIFORNIA WATER DELIVERY SYSTEM

Committee on Resources: Subcommittee on Water and Power approved for full Committee action, as amended, the following bills: H.R. 1870, Fallon Rail Freight Loading Facility Transfer Act; and H.R. 706, Lease Lot Conveyance Act of 2001.

The Subcommittee also held an oversight hearing on the “Operations of the Water Delivery System in California: the CALFED Record of Decision—and Anticipated Water Deliveries for 2002.” Testimony was heard from Bennett W. Raley, Assistant Secretary, Water and Science, Department of the Interior; Steve Macaulay, Chief Deputy Director, Department of Water Resources, State of California; and public witnesses.

AMTRAK REFORM COUNCIL’S RESTRUCTURING PLAN

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on the Amtrak Reform Council’s Restructuring Plan. Testimony was heard from the following officials of the Amtrak Reform Council: Gilbert Carmichael, Chairman; Nancy Rutledge Connery, James E. Coston, Wendell Cox, Charles Moneypenny, all members; and Tom Till, Executive Director.

AGENCY BUDGETS AND PRIORITIES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Agency Budgets and Priorities for Fiscal Year 2003. Testimony was heard from the following officials of the EPA: Marianne Lamont Horinko, Assistant Administrator, Solid Waste and Emergency Response; and Benjamin H. Grumbles, Deputy Assistant Administrator, Water; Janet C. Herrin, Senior Vice President, River Operation, TVA; Margaret A. Davidson, Acting Assistant Administrator, National Ocean Service, NOAA, Department of Commerce; and Thomas A. Weber,
Deputy Chief, Natural Resources Conservation Programs, National Resources Conservation Service, USDA.

BALLISTIC AND CRUISE MISSILE THREATS

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a hearing on Ballistic and Cruise Missile Threats. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 15, 2002

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, hearing on "The President's Management Agenda: Getting Agencies from Red to Green," 10:30 a.m., 2154 Rayburn.
Next Meeting of the SENATE
10 a.m., Friday, February 15

Senate Chamber

Program for Friday: Senate will continue consideration of S. 565, Election Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, February 26

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

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